

CHAPTER 112

DEVELOPMENT STANDARDS

LOT AREA, YARDS, HEIGHT RESTRICTIONS, AND ACCESS

- 112.010. New Buildings to be on a Lot
- 112.020. Lots Not to be Reduced below Minimum
- 112.030. Lot or Yard Areas Not to be Separated from the Lot Containing the Building
- 112.040. Yard Areas Not to be Reduced
- 112.050. Yards Apply Only to One Building
- 112.060. Yards to be Unobstructed
- 112.070. No Parking in Front Yard or Landscaped Areas
- 112.080. Average Yard Setback Adjacent to a Street
- 112.090. Stream Setback
- 112.100. Front Yard Projections
- 112.110. Side Yard Projections
- 112.120. Rear Yard Projections
- 112.125. Fences and Signs
- 112.130. Height and Other Exceptions
- 112.135. Tower Standards
- 112.137. Non-Commercial Wind Energy Systems and Meteorological Towers
- 112.138. Non-Commercial Photovoltaic Systems
- 112.140. Vision Clearance Area
- 112.150. Lots Abutting a Partial Street
- 112.160. Dwellings to be Accessible
- 112.170. Minimum Street Width
- 112.175. Access Onto Arterials

FUTURE RIGHT-OF-WAY LINES

- 112.180. Establishment, Alterations, or Elimination of Future Right-of-Way Lines
- 112.190. Setback Distances
- 112.200. Amendment by Resolution

OFF-STREET PARKING AND LOADING

- 112.210. New and Existing Facilities to Provide Parking and Loading
- 112.220. Diminution of Parking Area Prohibited
- 112.230. Location
- 112.240. Joint Use
- 112.250. Off-Street Automobile Parking Requirements
- 112.260. Off-Street Loading Requirements
- 112.270. Parking and Loading Area Development Requirements

ACCESSORY STRUCTURES IN THE SR ZONE

- 112.280. Application of Regulations Regarding Accessory Structures
- 112.290. Lot Coverage by All Accessory Structures
- 112.300. Height Standards for Accessory Structures Except Fences and Signs
- 112.310. Front Yards and Yards Adjacent to Streets With Accessory Structures
- 112.320. Side Yards, Interior With Accessory Structures
- 112.330. Rear Yards With Accessory Structures

- 112.340. Accessory Structures Attached to the Main Building
- 112.350. Fences and Signs -Location, Height and Density
- 112.360. Measurement of Height of Fences and Signs
- 112.370. Fences-Use of Hazardous Materials

ZONE-SPECIFIC DEVELOPMENT STANDARDS

- 112.390. Residential Zone Development Standards
- 112.400. Commercial Zone Development Standards
- 112.410. Industrial Zone Development Standards
- 112.420. Public Zone Development Standards
- 112.430. Resource Zone Development Standards

112.010. NEW BUILDINGS TO BE ON A LOT. Every building erected shall be located on a lot as herein defined.

112.020. LOTS NOT TO BE REDUCED BELOW MINIMUM. No lot or parcel of land held under separate ownership at the effective date of this ordinance (November 13, 1970) shall be separated in ownership or reduced in size below the minimum lot width or lot areas required by this ordinance, nor shall any lot or parcel of land held under separate ownership at the effective date of this ordinance, which has a width or an area less than required by this ordinance, be further reduced unless approved in accordance with this ordinance, including provisions and standards for the creation of new parcels in the zone. [Amended by Ordinance 91-8]

112.030. LOT OR YARD AREAS NOT TO BE SEPARATED FROM THE LOT CONTAINING THE BUILDING. No portion of a lot necessary to provide the required area per dwelling unit shall be separated in ownership from the portion of the lot on which the building containing dwelling units is located. No required yard or other open space around an existing building shall be separated in ownership from the portion of the lot upon which the building is located.

112.040. YARD AREAS NOT TO BE REDUCED. No lot area shall be so reduced or diminished that the yards or other open space shall be smaller than prescribed by this ordinance, nor shall the number of dwelling units be increased in any manner except in conformity with the regulations herein established.

112.050. YARDS APPLY ONLY TO ONE BUILDING. No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, or shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected.

112.060. YARDS TO BE UNOBSTRUCTED. Every required front, side and rear yard shall be open and unobstructed by buildings or structures from the ground to the sky, except for those projections and accessory structures permitted by this ordinance.

112.070. NO PARKING IN FRONT YARD, YARDS ADJACENT TO A STREET, OR LANDSCAPED AREAS. No parking shall be allowed exclusive of driveways within the required front yard area. The side yard and rear yard areas may be used for parking of vehicles unless otherwise prohibited by this ordinance.

The yard areas and driveways adjacent to a street shall not be used for the permanent storage of utility trailers, house or vacation trailers, boats or other similar vehicles.

112.080. AVERAGE YARD SETBACK ADJACENT TO A STREET (FRONT AND EXTERIOR SIDE YARDS). Every building shall set back from the front lot line at least 20 feet, except in the instance where the average depth of the other buildings on the same side of the street are between ten (10) and 20 feet, then the average depth may be used. The average depth is the average of the distance from the closest part of the foundation of the existing buildings to the front property line where the existing buildings are within 200 feet of the center of the proposed building, on the same side of the street, within the same block.

If existing buildings are within ten (10) feet of the property line, then no less than 10 feet shall be used in figuring the average, or if existing buildings are more than 20 feet from the property line then the minimum requirement of 20 feet shall be used in figuring the average.

When, by this ordinance or any other ordinance, a greater setback or a front yard of greater depth is required than specified in this section, then such greater setback line or front yard depth shall apply.

112.090 STREAM SETBACK. To permit or afford better light, air, vision, stream pollution control, and to preserve the natural scenic amenities and vistas along the streams in all zones, the following setbacks shall apply:

- (A) All septic tank, septic tank drainfield, cesspool and pit privy disposal facilities shall be set back from the highwater line or mark along all streams a minimum of 100 feet measured at right angles to the highwater line or mark. In those cases where practical difficulties preclude the location of these facilities at a distance of 100 feet and the County Environmental Health Department finds that a closer location will not endanger health by pollution of the stream, the Environmental Health Department may permit the location of these facilities closer to the stream, but in no event, may such facility be located closer to the stream than 50 feet.
- (B) All structures, buildings, or similar permanent fixtures shall be set back from the mean highwater line or mark along all streams a minimum of 15 feet measured at right angles to the highwater line or mark excluding decks, patios, fences, and covered porches. Where a stream represents a lot or parcel line the applicable setback shall be either this standard or the applicable setback for the zoning district as described in this chapter, whichever is greater. For waterways identified on the Polk County Significant Resources Map, additional development setback standards pursuant to Chapter 182 of the PCZO are also applicable. Additional setbacks may also be required, as determined by the State Department of Forestry, along riparian management areas subject to the provisions of the Oregon Forest Practices Act.

112.100 FRONT YARD PROJECTIONS. Planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels and other ornamental features of not more than 24 inches from main buildings, wind energy systems, uncovered porches, covered but unenclosed porches when not more than one story high and which do not extend more than 10 feet beyond the front walls of the building, but in no case shall such projection come closer than ten (10) feet from the property line and the floor which are not more than four (4) feet above grade, are exempt from the front yard setback provisions and need not be included when determining the average setback. [Amended by Ordinance 09-06]

112.110 SIDE YARD PROJECTIONS.

- (A) Cornices, eaves, gutters, and fire escapes when not prohibited by any other code or ordinance, may project into a required side yard not more than one-third (1/3) of the width of the side yard, nor more than three (3) feet in any case.
- (B) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, wind energy systems, and ornamental features may project not more than one and one-half (1-1/2) feet into a required side yard, provided, however, chimneys and flues shall not exceed six (6) feet in width. [Amended by Ordinance 09-06]
- (C) Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the side yard property line when they are three (3) feet or less in height from ground level.

112.120. REAR YARD PROJECTIONS.

- (A) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters, wind energy systems, and other ornamental features, may project not more than one and one-half

(1-1/2) feet into a required rear yard, provided, however, chimneys and flues shall not exceed six (6) feet in width. [Amended by Ordinance 09-06]

- (B) A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than five (5) feet into a required rear yard and set back at least six (6) feet from any property line.
- (C) Planter boxes, steps, uncovered porches, covered but unenclosed porches including covered patios when not more than one (1) story high and the floor, which are not more than four (4) feet above grade and which shall not come closer than 14 feet from the rear lot line, are exempt from the minimum rear yard depth requirement. (See Accessory structures - Section 112.350.)
- (D) No permitted projection into a required rear yard shall extend within ten (10) feet of the centerline of an alley, or of a rear lot line if no alley exists, or within six (6) feet of an accessory building.
- (E) Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the rear yard property line when they are three (3) feet or less in height from ground level.

112.125. FENCES AND SIGNS. This section applies to all zones, except the SR zone. The setback and height standards for fences and signs in the SR zone are listed in Sections 112.310 through 112.370.

- (A) Fences may be placed within the setbacks of a zone, up to a property line, subject to the following requirements:
 - (1) The maximum height (as defined by Section 110.260) of any fence shall be six (6) feet when the fence is located at the property line. Within properties that are not located within an adopted urban growth boundary, the maximum height of a fence within a setback may be increased one (1) foot for each one (1) foot of distance from the property line.
 - (2) The fence shall not project across a property line.
 - (3) Fences in public zones are subject to the vision clearance requirements listed in Section 112.140.
 - (4) Fences are subject to all other applicable development standards of the zone.
- (B) Free-standing signs permitted under this ordinance may be placed within the setbacks of a zone, up to a property line, subject to the following requirements. This section does not apply to road signs and other signs designed for public safety.
 - (1) The maximum height (as defined by Section 110.260) of any sign within a setback shall be six (6) feet when the foundation of the sign is located at the property line. For properties which are not located within an adopted urban growth boundary, the maximum height for a sign within a setback may be increased one (1) foot for each one (1) foot of distance from the property line.
 - (2) A sign shall not project across a property line.
 - (3) Signs in public zones are subject to the vision clearance requirements of Section 112.140.
 - (4) Illumination of signs employing lighting from outside of the sign shall be directional, and not direct light off of the subject property. The illumination of signs shall conform with all state and federal requirements.

- (5) Signs are subject to all other applicable development standards of the zone.
- (C) Signs affixed to a building or structure shall be considered a part of the building or structure, and shall be subject to the setbacks for the building or structure to which it is affixed.
- (D) Fences and signs that comply with the normal building setbacks of a zone shall be subject to height and all other applicable development standards of the zone. [Amended by Ordinance 12-01]

112.130. HEIGHT AND OTHER EXCEPTIONS.

- (A) Chimneys may exceed the maximum height of the zone in which they are located.
- (B) Communication towers, non-commercial wind energy systems utilizing a tower, and meteorological towers, may exceed the height limits of the zone, but must meet provisions regulating such installation as provided in Section 112.135, and applicable provisions from the zoning district. [Amended by Ordinance 09-06]
- (B) Ham (non-commercial) radio transmitting towers and antennas are not subject to the provisions of Section 112.135 and may exceed the height requirements for structures as required by the zone, and must meet all state and federal provisions regulating such facilities and comply with manufacturers installation requirements.
- (D) Steeples may exceed the maximum height of the zone in which they are located provided:
 - (1) That they do not contain any habitable space
 - (2) That they do not exceed 185 feet in height
 - (3) That the Planning Director permits a greater height, as a conditional use, when they are within 185 feet of or are located within the SR zone. [Amended by Ordinance 89-17]
- (E) Replacement of an existing utility pole along or within the right-of-way used for electric, cable, telephone, etc., that is located along a right-of-way is permitted without land use review including the establishment of a pole that is suitable for use for wireless communication. The multi-purpose monopole must not exceed the height of other existing poles along the adjacent utility corridor by more than twenty-five (25) feet.
- (F) Co-location of a communications utility on an existing tower, with the exception of wind and meteorological towers, is not subject to the land use provisions of Section 112.135 below, however, the applicant shall submit engineering documentation that the proposed facility complies with the emission standards for maximum permissible exposure as identified in 47 C.F.R. Section 1.1307(b), or as amended or replaced in Federal Register. The applicant shall obtain any other required local permit (electrical, building, etc.). [Amended by Ordinances 01-3 and 09-06]

112.135. TOWER STANDARDS. The following standards apply to all new or replacement communication towers and all new or replacement non-commercial wind energy systems utilizing a tower and meteorological towers. The standards of this section are not applicable to roof-mounted, building-integrated, building-mounted and architectural wind energy systems that extend no more than an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, and do not exceed the height limitation of the zone. The standards of this section are also not applicable to commercial power generating facilities.

- (A) All new or replacement communication towers shall be reviewed through the administrative review process as a land use determination, unless otherwise provided for in the zoning district for the proposed location. A utility provider shall be the applicant or co-

applicant for any communication tower that is proposed in unincorporated Polk County, or a condition of approval shall be that the tower may not be constructed until such time as a utility provider is identified, and all other conditions have been met. Public agencies are also subject to the standards of this section. It is the intent of this section to provide for maximum compatibility between communication towers and the surrounding land uses.

- (B) All new or replacement non-commercial wind energy systems utilizing a tower and meteorological towers are subject to the standards of this section and require a land use application only when required by the zoning district in which the tower would be located and as required in Section 112.135(C).
- (C) All new or replacement communication towers, non-commercial wind energy systems utilizing a tower, and meteorological towers shall comply with the following standards:
 - (1) All communication towers shall be less than 180 feet in height. Wind energy systems utilizing a tower and meteorological towers outside of a UGB shall be 150 feet or less in height. Communication towers shall be a monopole type of construction unless otherwise provided. Wind and meteorological towers shall be a monopole, monopole with guy wires, lattice, or lattice with guy wires type of construction. An applicant may request modification of these height limitations or types of construction (e.g. a lattice communication tower) through a Land Use Determination review process. Such height modification or type of construction shall include a demonstration for any modification requested. Such justification shall include documentation showing:
 - (a) Coverage limitations,
 - (b) Type of system (e.g. broadcast, FM radio, television),
 - (c) Technical and engineering feasibility;
 - (d) Public safety; or
 - (e) Other requirements of local, state, and federal agencies.
 - (2) Within an Urban Growth Boundary (UGB) the following standards apply:
 - (a) A communication tower shall be 40-feet or less in height. An applicant may request a modification of this height limitation. Such height modification shall include a demonstration for any modification requested. Such justification shall include documentation showing:
 - 1) Coverage limitations demonstrating that the proposed height of the tower is needed in order to meet the service type and area coverage needs. Propagation maps stamped by a professional engineer that demonstrate service type and area coverage shall be provided for the 40-foot height, and each 20-foot interval to the proposed tower height;
 - 2) Type of system (e.g. broadcast, FM radio, television);
 - 3) Other requirements of local, state, and federal agencies; and
 - 4) The location, size, design and functional characteristics of the tower are reasonably compatible with the existing conditions and vegetation at the proposed site. The tower must be designed and constructed with material to reduce visibility of the tower by:
 - i. A site-specific study of the tower site identifying a proposed stealth (i.e. camouflage) construction type that may include but is not limited to a tree, or flagpole (no external antennas).

- ii. The proposed color and surfacing of the tower and associated fixtures.
- (b) Wind energy systems utilizing a tower and meteorological towers that do not exceed 100 feet in height may be authorized under the procedure for and in accordance with the criteria provided for conditional uses in Chapter 119 of this ordinance.
- (3) No lighting of towers and associated facilities is allowed, except as required by the Federal Aviation Administration or other federal or state agency. In coordination with the applicable federal or state agency, the applicant shall determine the maximum height of the tower that would not require lighting. If a proposed tower would require lighting, the applicant shall demonstrate that a tower height that requires lighting is necessary. Such justification shall include documentation showing:
 - (a) Coverage limitations,
 - (b) Type of system (e.g. broadcast, FM radio, television),
 - (c) Technical and engineering feasibility; and
 - (d) Other requirements of local, state, and federal agencies.

If a tower height that requires lighting is justified, the applicant shall demonstrate how the lighting will be shielded from the ground. Shielding of tower lighting onto nearby properties shall be installed as part of construction of the tower.
- (4) The setbacks for a communication, wind, or meteorological tower shall be the setback otherwise allowed for all other structures in the zone; however, greater setbacks shall be required as follows:
 - (a) A communication tower shall be setback at least the height of the tower from an existing dwelling on adjacent property.
 - (b) A wind tower base shall be setback the height of the wind energy system from all property lines. A meteorological tower base shall be setback the height of the tower from all property lines.
 - (c) A tract (contiguous property under the same ownership) may be considered as a single parcel for purposes of setbacks.
- (5) Equipment areas may be enclosed by a chain link fence or equivalent with or without slats for screening.
- (6) Warning and safety signs, up to three square feet in area, are allowed. All other signs are prohibited.
- (7) If a tower is discontinued from operating as a communication, wind, or meteorological tower for a period of one year, the tower shall be removed. The operator shall be responsible for removal of the tower and equipment facilities within six (6) months; however, equipment facilities accessory to wind energy systems or meteorological towers may be converted to accommodate an approved on-site use within six (6) months. The property owner shall bear the ultimate responsibility for removal of facilities. The property owner is responsible for removal of the tower and shall sign a document that is recorded in the deed history of the subject property with the Polk County Clerk recognizing such responsibility. Nothing in this subsection shall prevent the owner of the property or Polk County from requiring a bond or

other security from a communication tower operator or otherwise imposing on a communication tower operator the responsibility for removal and restoration.

- (8) Upon receipt of an application for a tower, the Planning Director shall mail notification to the Independence State Airport and the Oregon Department of Aviation and provide at least ten (10) days to comment on the application.

(D) Additional Communication Tower Standards

- (1) Whip antennae shall not exceed the height of the tower by more than twenty (20) feet.
- (2) Directional / parabolic antennae shall not exceed seven (7) feet in diameter or width and a rectangular type antenna shall not exceed seven (7) feet in width and fifteen (15) feet in height when attached to a tower.
- (3) The applicant shall identify all existing structures, or properties that have obtained approval for a tower or currently contain a communications antenna within two miles of the proposed tower location. The applicant shall provide evidence that co-location at all existing or approved towers and structures within two miles is not feasible, and provide documentation for locating a new tower, based on either of the following:
 - (a) Lack of available co-location space; or
 - (b) Inability to meet service coverage area needs.
- (4) The tower shall comply with all required State of Oregon and Federal licenses for communication tower facilities. The application shall include a certification that the completed installation will comply with all Federal standards. The applicant shall submit documentation demonstrating compliance with the radio frequency emission standards as set forth by the Federal Communications Commission (FCC). If the calculated radio frequency emission level at any point is calculated at more than one-third the maximum radio frequency emission level permitted by the FCC, then the documentation shall be prepared by an Oregon registered professional engineer qualified to conduct radio frequency analyses.
- (5) The applicant shall submit a site-specific study of the tower site identifying the proposed color and surfacing of the tower and associated fixtures. Based on the existing conditions and vegetation at the proposed site, the tower must be constructed with material to reduce visibility of the tower by:
 - (a) Use of non-reflective materials that minimize glare and are colored similar to the sky or adjacent background. A light gray shade is appropriate for blending the tower into the sky background. Nothing in this subsection preempts the coloring requirements of the Federal Aviation Administration or the Oregon Department of Aviation.
 - (b) Use of non-reflective materials painted to match the existing or attached structure to blend into the surrounding environment, and
 - (c) Antenna and associated equipment shall be surfaced in a non-reflective material color to match the structure on which it is located.
- (6) If access is obtained from a private road, the applicant shall be responsible as required by Oregon law for providing for improvements and maintenance to the private road that provides access to the subject property. In general, the applicant is responsible for impacts to the private road as a result of activities conducted by the applicant. The applicant shall maintain all necessary access easements and maintenance agreements for the private road as required by State law.

- (7) An Oregon registered professional engineer shall certify that the construction of the tower complies with building code structural standards.
 - (8) Prior to submission of an application, the applicant must notify and hold a meeting with area property owners as outlined in (a) and (b) below. The applicant shall submit evidence of the notification and meeting with the application. The applicant must provide evidence of the following:
 - (a) The applicant has mailed notification of the proposed tower to property owners that would otherwise be notified pursuant to Polk County Zoning Ordinance Section 111.350. The notification shall state that the topic has been scheduled for discussion at a community meeting as described in (b) below. The notification shall state the date, time, and location of the meeting.
 - (b) The applicant shall post the subject property as described in Polk County Zoning Ordinance Section 111.360 and hold a meeting with the community to allow for concerns regarding the proposed tower to be addressed. Nothing in this subsection limits the applicant from providing additional opportunity for input from area property owners and residents.
 - (9) All new or replacement tower facilities under 100 feet in height shall provide for a minimum of two (2) users (the primary user and one co-location site).
 - (10) A Communication tower over 100 feet shall comply with the following:
 - (a) All new tower facilities shall provide space for a minimum of three (3) users (the primary user and 2 co-location sites),
 - (b) Prior to issuance of building permits for the tower, the applicant shall submit to the Building Official documentation from the Federal Aviation Administration and local or state agency with jurisdiction that the tower has been reviewed and is not determined to be a hazard if constructed as proposed. [Amended by Ordinances 01-3 and 04-09]
- (E) Additional Wind and Meteorological Tower Standards
- (1) All new or replacement wind towers and meteorological towers shall be grey unless another color is required by state or federal law.
 - (2) All wind energy system components mounted to a wind tower and all meteorological tower components attached to the meteorological tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.
[Amended by Ordinance 09-06]

112.137. NON-COMMERCIAL WIND ENERGY SYSTEMS AND METEOROLOGICAL TOWERS.

- (A) Roof-mounted, building-integrated, building-mounted or architectural wind energy systems may extend an additional 5 feet above the highest ridge of the building's roof or 15 feet above the highest eave, whichever is higher, but may not exceed the height limitation of the zone. Roof-mounted, building-integrated, building-mounted or architectural wind energy systems that exceed these standards may be permitted as allowed in the zone and in accordance with this section and Section 112.135.
- (B) Wind energy systems and meteorological towers shall comply with all applicable state construction and electrical codes, and the National Electrical Code. The applicant shall obtain all necessary building and electrical permits from the Polk County Building Division prior to installation or alteration of the wind energy system. [Amended by Ordinance 09-06]

112.138. NON-COMMERCIAL PHOTOVOLTAIC SYSTEMS. All new or replacement photovoltaic systems, that are not commercial power generating facilities, shall be a permitted use in all zones. A land use application is not required to site a photovoltaic system. All new or replacement photovoltaic systems, that are not commercial power generating facilities, shall be subject to the following standards:

- (A) Photovoltaic systems are subject to the setback requirements of the zone.
- (B) All components of a photovoltaic system shall comply with the height restrictions of the zone. For installations mounted flush with a pitched roof, the height of the panels will not be calculated unless the panels will extend above the highest ridge of the roof.
- (C) Photovoltaic systems may be mounted to an approved on-site structure or established as a free standing structure provided that the other requirements of this section are met.
- (D) Photovoltaic systems shall comply with all applicable state construction and electrical codes, and the National Electrical Code. The applicant shall obtain all necessary building and electrical permits from the Polk County Building Division prior to installation or alteration of the photovoltaic system. [Amended by Ordinance 09-06]

112.140. VISION CLEARANCE AREA. In the SR Zone or any public zone, the vision clearance area for corner lots at street intersections shall have a minimum of 30-foot legs along each street and for alley-street intersections in said zones, the vision clearance area shall have legs of a minimum of ten (10) feet along both alley and street. The vision clearance area shall not contain any plantings, walls, structures, or temporary or permanent obstructions to vision exceeding 30 inches in height above the curb level, or street shoulder where there is no curb, except a supporting pillar or post not greater than 12 inches in diameter or 12 inches on the diagonal of a rectangular pillar or post; and further, excepting those posts or supporting members of street signs, street lights, and traffic control signs installed as directed by the department of public works, or any other sign erected for public safety.

Vision clearance shall not be required at a height of seven (7) feet or more above the curb level, or seven (7) feet, six (6) inches above the shoulder of a street that does not have a curb.

This section shall not be construed as waiving or altering any yard requirements or setback requirements that may be required by this or any other ordinance.

112.150. LOTS ABUTTING A PARTIAL STREET. No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and is located on that side which has not yet been dedicated or condemned, unless the yards provided on such lot include both that portion of the lot lying within the required street and the required yards. This provision shall not be construed as being in lieu of or waiving any subdivision or partitioning requirement of this or any other ordinance.

112.160. DWELLINGS TO BE ACCESSIBLE. Every dwelling shall have access to a public road or to an easement.

- (A) An easement that is designated as a future route of a preferred alternative public road in the Polk County Transportation Systems Plan providing access to a parcel created after July 10, 1998, shall be sixty (60) feet wide, unless an exception to the easement width has been granted pursuant to PCSO 91.800.
- (B) An easement that is not designated as a future route of a preferred alternative public road in the Polk County Transportation Systems Plan that would provide access to two (2) or more parcels or to two (2) or more dwellings on parcels established after May 29, 2002 shall be at least 40 feet wide, unless an exception to the easement width has been granted pursuant to PCSO 91.800. [Amended by Ordinance 02-01]

112.170. MINIMUM STREET WIDTH. All street rights-of-way shall be not less than as set forth in the most recently adopted version of the Polk County Transportation Systems Plan.

[Amended by Ordinance 09-08]

112.175. ACCESS ONTO ARTERIALS.

- (A) The number of access points onto arterial roads from any development shall be minimized whenever possible through the use of driveways common to more than one development, and interior circulation design, including frontage or marginal access roads, which further this requirement. Generally, no private or public road access will be permitted onto the rural portions of State Highways 18, 22, 51, 99W, 221, and 223 unless the standards in Tables 9A-9D below are met:
- (B) Access onto arterials will require the approval, through the permit process, from the Oregon Department of Transportation. The applicant(s) will need to follow ODOT's construction requirements for that portion of the access within state-owned right-of-way.
- (C) Where property, such as a reverse frontage lot, is located abutting a county or public use road, and a state highway, the preferred access will be onto the county or public use road. [Amended by Ordinance 07-06]

Table 9A
Access Management Spacing Standards for ⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾
Private and Public Approaches on Statewide Highways
(OAR 734-051-0115)

(Measurement is in Feet)*

Posted Speed ⁽⁵⁾	Rural Expressway **	Rural	Urban Expressway ** ***	Urban ***	STA
≥55	5280	1320	2640	1320	
50	5280	1100	2640	1100	
40 & 45	5280	990	2640	990	
30 & 35		770		720	⁽⁶⁾
≤25		550		520	⁽⁶⁾

NOTE: The numbers in superscript ⁽¹⁾ refer to explanatory notes that follow Table 9C.

* Measurement of the approach road spacing is from center to center on the same side of the roadway.

** Spacing for Expressway at-grade intersections only. See the OHP for interchange spacing guidelines.

***These standards also apply to Commercial Centers.

Table 9B
Access Management Spacing Standards for ⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾
Private and Public Approaches on Regional Highways
(OAR 734-051-0115)

(Measurement is in Feet)*

Posted Speed ⁽⁵⁾	Rural Expressway **	Rural	Urban Expressway ** ***	Urban ***	STA
≥55	5280	990	2640	990	
50	5280	830	2640	830	
40 & 45	5280	750	2640	750	
30 & 35		600		425	⁽⁶⁾
≤25		450		350	⁽⁶⁾

⁽¹⁾

NOTE: The numbers in superscript ⁽¹⁾ refer to explanatory notes that follow Table 9C.

* Measurement of the approach road spacing is from center to center on the same side of the roadway.

** Spacing for Expressway at-grade intersections only. See the OHP for interchange spacing guidelines.

***These standards also apply to Commercial Centers.

Table 9C
Access Management Spacing Standards for ⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾
Private and Public Approaches on District Highways
(OAR 734-051-0115)

(Measurement is in Feet)*

Posted Speed ⁽⁵⁾	Rural Expressway **	Rural	Urban Expressway ** ***	Urban ***	STA
≥55	5280	700	2640	700	
50	5280	550	2640	550	
40 & 45	5280	500	2640	500	
30 & 35		400		350	⁽⁶⁾
≤25		400		350	⁽⁶⁾

⁽¹⁾

NOTE: The numbers in superscript ⁽¹⁾ refer to explanatory notes that follow Table 9C.

* Measurement of the approach road spacing is from center to center on the same side of the roadway.

** Spacing for Expressway at-grade intersections only. See the OHP for interchange spacing guidelines.

***These standards also apply to Commercial Centers.

Notes on Tables 9A, 9B, and 9C:

⁽¹⁾

These access management spacing standards are for unsignalized approaches only. Signal spacing standards supersede access management spacing standards for approaches.

(2) These access management spacing standards do not apply to approaches in existence prior to April 1, 2000 except as provided in OAR 734-051-0115(1)(c) and 734-051-0125(1)(c).

(3) For infill and redevelopment, see OAR 734-051-0135(4).

(4) For deviations to the designated access management spacing standards see OAR 734-051-0135.

(5) Posted (or Desirable) Speed: Posted speed can only be adjusted (up or down) after a speed study is conducted and that study determines the correct posted speed to be different than the current posted speed. In cases where actual speeds are suspected to be much higher than posted speeds, the Department reserves the right to adjust the access management spacing accordingly. A determination can be made to go to longer access management spacing standards as appropriate for a higher speed. A speed study will need to be conducted to determine the correct speed.

(6) Minimum access management spacing for public road approaches is the existing city block spacing or the city block spacing as identified in the local comprehensive plan. Public road connections are preferred over private driveways and in STAs driveways are discouraged. However, where driveways are allowed and where land use patterns permit, the minimum access management spacing for driveways is 175 feet (55 meters) or mid-block if the current city block spacing is less than 350 feet (110 meters).

Table 9D
Minimum Spacing Standards Applicable to Non-Freeway Interchanges
with Two-Lane Crossroads
(OAR 734-051-0125)

Category of Mainline	Type of Area	Speed of Mainline	Spacing Dimension				
			B	C	X	Y	Z
Expressways, Statewide, Regional and District Highways	Fully Developed Urban*	45 mph (70 kph)	2640 ft (800 m)	1 mile (1.6 km)	750 feet (230 m)	1320 feet (400 m)	750 feet (230 m)
	Urban	45 mph (70 kph)	2640 ft (800 m)	1 mile (1.6 km)	1320 feet (400 m)	1320 feet (400 m)	990 feet (300 m)
	Rural	55 mph (90 kph)	1 mile (1.6 km)	2 miles (3.2 km)	1320 feet (400 m)	1320 feet (400 m)	1320 feet (400 m)

Notes:

- 1) If the crossroad is a state highway, these distances may be superseded by the Access Management Spacing Standards, providing the distances are greater than the distances listed in the above table.
 - 2) No four-legged intersections may be placed between ramp terminals and the first major intersection.
 - 3) No application shall be accepted where an approach would be aligned opposite a freeway or expressway ramp terminal (OAR 734-051-0070(4)(a)).
 - 4) Use four-lane crossroad standards for urban and suburban locations that are documented to be widened in a Transportation System Plan or corridor plan.
 - 5) No at-grade intersections are allowed between interchanges less than 5 miles apart.
- B = Distance between the start and end of tapers
C = Distance between nearest at-grade and ramp terminal intersections or the end/start of the taper section
X = Distance to the first approach on the right; right in/right out only
Y = Distance to first intersections where left turns are allowed
Z = Distance between the last right in/right out approach road and the start of the taper for the on-ramp
- * Fully Developed Urban Interchange Management Area: Occurs when 85% or more of the parcels along the influence area are developed at urban densities and many have driveways connecting to the crossroad. See the definition in the 1999 Oregon Highway Plan.

Highway Classification for State Highways in Polk County

Classification	Highway	Segment
Statewide Expressways	OR-22 Willamina-Salem Highway	MP 12.72 - 25.96 (Marion/Polk County line)
	OR-18 Salmon River Highway	MP 18.78 - 29.76 (Polk/Yamhill County line)
Statewide Freight Routes	OR-22 Willamina-Salem Highway	MP 0.00 to 12.72
	OR-18--Salmon River Highway--	MP 14.90 to MP 18.78 (Tillamook/Polk County Line)
Freight Route on a Regional or District	OR-99W	Entire segment within Polk County

Highway		
Regional Highways	OR-22 Three Rivers Highway	Entire segment within Polk County
	OR-221 Salem-Dayton Highway	MP 9.26 to 10.98 (Polk/Yamhill County Line)
District Highways	OR-221 Salem-Dayton Highway	MP 0.00 to 9.26
	OR-223 Dallas-Rickreall Highway	Entire segment within Polk County
	OR-223 Kings Valley Highway	Entire segment within Polk County
	OR-51 Independence Highway	Entire segment within Polk County
	OR-194 Monmouth Highway	Entire segment within Polk County
	OR-18B Willamina-Sheridan Highway	Entire segment within Polk County

112.180 ESTABLISHMENT, ALTERATIONS, OR ELIMINATION OF FUTURE RIGHT-OF-WAY LINES. The governing body may establish, vary, modify, alter, or eliminate any future right-of-way line for any reason or purpose by resolution. Polk County will require dedication or reservation for future dedication of right-of-way for transportation improvements, as identified in an adopted Corridor Refinement Plan in the adopted Polk County Transportation Systems Plan.

- (A) The dedication or reservation will be required at the time that a partition or subdivision is proposed on a particular property. The dedication or reservation shall be for the property subject to the development proposal.
- (B) For development activity other than in (a) above, the property owner shall sign a Waiver of Remonstrance document for other development activity. Polk County will require setbacks for new structures or additions to existing structures from the future road right-of-way identified in the adopted Transportation Systems Plan. [Amended by Ordinance 01-10]

112.190. SETBACK DISTANCES. An existing building or part thereof that extends into the front yard, side yard, or rear yard, shall be treated as a non-conforming building. [Amended by Ordinance 93]

- (A) To permit or afford better light, air and vision on the more heavily traveled streets and roads; to protect the arterial streets and highways and to permit the expansion of street areas for traveling purposes, or eventual widening of streets or roads; every building, or structure, exclusive of fences, signs, floodlight standards, and their supporting members shall set back from the streets or parts of streets or roads hereafter named, the number of feet set forth below, measured at right angles to the property line adjacent to the street or road right-of-way. [Amended by Ordinance 12-01]

PRINCIPAL
ARTERIAL (STATE
18,22)

MINOR ARTERIAL
(STATE 51,99,221,223)

MAJOR & MINOR
COLLECTOR
(COUNTY)

LOCAL ROADS
(COUNTY)

30 feet from existing R.O.W. for all <u>commercial & industrial</u>	30 feet *(measured from 80 foot R.O.W.)	30 feet *(measured from 60 foot R.O.W.)	See zone listing
---	---	---	------------------

30 feet from a 120 foot
R.O.W. for all non-
commercial & industrial

* Indicates additional right of way may be required where existing is deficient.

The above setback provisions are minimum requirements, and are to be considered as supplementary and additional to any such requirements contained in any other part of this ordinance; provided, however, should a greater setback line or front yard be required along any portion of any street herein before named by any other section or provision of this ordinance, then such greater setback line or front yard area shall be the minimum permitted by this ordinance.

- (B) Required yard areas adjacent to a street shall be measured from the proposed future right-of-way line as set forth in this section. [Amended by Ordinance 90-14]

112.200. AMENDMENT BY RESOLUTION. Future amendments to the road classification map shall be accomplished by resolution of the Board of Commissioners. [Amended by Ordinance 90-14]

112.210. NEW AND EXISTING FACILITIES TO PROVIDE PARKING AND LOADING. Off-street automobile parking areas and off-street loading areas as hereinafter set forth shall be provided and maintained.

- (A) For any new building or structure erected.
- (B) For additional seating capacity, floor area, guest rooms, or dwelling units added to any existing building or structure.
- (C) When the use of the building or structure as set forth in Section 112.250 is changed, which changed use would require additional parking areas and off-street loading areas under the provisions of this ordinance.

112.220. DIMINUTION OF PARKING AREA PROHIBITED. Off-street parking and loading areas which existed on the effective date of this ordinance (November 13, 1970) or which subsequent thereto are provided for the purpose of complying with the provisions of this code shall be retained and maintained or the equivalent parking and loading areas provided.

112.230. LOCATION. Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that:

- (A) In the SR zone, automobile parking areas for dwellings and other uses permitted in that zone may be located on another lot if such lot is within 200 feet of the lot containing the main building, structure or use;
- (B) In any other zone the parking area may be located off the site of the main building, structure or use if it is within 500 feet of such site.

112.240. JOINT USE. A parking area may be used for a loading area during those times when the parking area is not needed or used. The automobile parking space provided by churches and schools may be made available as a public or private parking lot when the use thereof is not required by the church or school for which such parking was provided, regardless of the zone wherein located, provided the lot is developed as prescribed in this ordinance.

112.250. OFF-STREET AUTOMOBILE PARKING REQUIREMENTS. Off-street automobile parking shall be provided as required by Section 112.270 and approved by the Planning Director in the amounts not less than those listed below:

<u>USE</u>	<u>AMOUNT REQUIRED</u>
(A) 1, 2 and 3 family dwellings	1 space per dwelling unit
(B) Multi-family dwelling containing 4 or more dwelling units located on the same lot	3 spaces per 2 dwelling units (equal to 1.5 the number of units)
(C) Residential hotel; rooming or boarding house	4 spaces per 5 guest accommodations (equal to 8 percent of the number of guest accommodations, plus 1 additional space for the owner or manager)
(D) Fraternities, sororities, dormitories (off campus)	1 space for every 4 student houses or beds
(E) High rise apartments (3 stories or more)	1 space per unit
(F) Hotel	1 space per guest room or suite
(G) Motel	1 space per guest room or suite, plus 1 additional space for the owner or manager
(H) Club; lodge	Spaces sufficient to meet the combined minimum requirements of the daytime uses being conducted, such as hotel, restaurant, auditorium, etc.
(I) Welfare or correctional	1 space per 5 beds for institution patients or inmates
(J) Convalescent hospital, nursing home, sanitarium, rest home, home for aged, group care facility	1 space per 2 beds for patients or residents
(K) Hospital	3 spaces per 2 beds (equal to 1.5 times the number of beds)
(L) Church	1 space per 4 seats or every 8 feet of bench length in the main auditorium

(M)	Library; reading room	1 space per 400 sq. ft. of floor area, plus 1 space per 2 employees
(N)	Pre-school nursery; kindergarten	2 spaces per teacher, plus off-street student loading and unloading facility
(O)	Elementary or Junior High School	2 spaces per classroom, plus off-street student loading and unloading facility
(P)	High School	1 space per classroom, plus 1 space per administrative employee, plus 1 space for each 6 students, plus off-street student loading and unloading facility
(Q)	College, commercial school for adults	1 space for each 4 students enrolled in school
(R)	Other auditorium; meeting	1 space per 4 seats or 8 feet room of bench length
(S)	Parks - other than neighborhood parks or playgrounds, where a use is specifically listed herein, then the off-street parking requirements for that use shall apply	1 space per 3 picnic tables, plus 5 spaces sufficient parking for all activities within the park shall be provided when sufficient on-street parking is not available
(T)	Stadium; arena; theater	1 space per 4 seats or 8 feet of bench length
(U)	Bowling alley	5 spaces per alley, plus 1 space per 2 employees
(V)	Dance hall; skating rink	1 space per 100 sq. ft. of gross floor area, plus 1 space per 2 employees
(W)	Golf Course	4 spaces for each tee, plus 1 space per 200 sq. ft. of gross floor area of each building, plus 1 space per every 2 employees
(X)	Retail store, except as provided in paragraph (Y) of this subsection	1 space per 200 sq. ft. of gross floor area, plus 1 space per every 2 employees
(Y)	Service or repair shop store handling exclusively bulky merchandise such as automobiles and furniture	1 space per 600 sq. ft. of gross floor area, plus 1 space per every 2 employees
(Z)	Bank; office buildings (except medical and dental)	1 space per 300 sq. ft. of gross floor area, plus 1 space per 2 employees

- | | |
|---|--|
| (AA) Medical and dental clinic | 1 space per 300 sq. ft. of gross floor area, plus 1 space per 2 employees |
| (BB) Eating or drinking establishments | 1 space per 200 sq. ft. of gross floor area |
| (CC) Mortuaries | 1 space per 4 seats or 8 feet of bench length in chapels |
| (DD) Storage Warehouse; manufacturing establishment; rail or trucking freight terminal | <p><u>0-49,999 sq. ft. of floor area:</u> 1 space per 5,000 sq. ft. or 1 space per employee, whichever is greater</p> <p><u>50,000-99,999 sq. ft. of floor area:</u> 1 space per 10,000 sq. ft. or 1 space per employee, whichever is greater</p> <p><u>100,000 sq. ft. and over of floor area:</u> 1 space per 15,000 sq. ft. or 1 space per employee, whichever is greater</p> |
| (EE) Wholesale establishment | 1 space per employee or 1,000 sq. ft. of gross floor area, whichever is greater, plus 1 space per 700sq. Ft. of patron-serving area |
| (FF) Governmental Office Buildings | 1 space per 600 sq. ft. of gross floor area, plus 1 space per 2 employees |
| (GG) When a parking requirement is stated in terms of employees, it means the maximum number of employees who will be at the site at one time, either on a single shift or an overlap of shifts | |

112.260. OFF-STREET LOADING AREA DEVELOPMENT REQUIREMENTS. Off-street loading space shall be provided in the amounts listed below except that, in appropriate cases, the Hearings Officer or Planning Director may waive the requirements for loading space, after proceedings are had as for a conditional use as provided in Chapter 119, and when the Hearings Officer or Planning Director has determined that the use to which the building is to be put is of a kind not requiring the loading or unloading or delivery of merchandise or other property by commercial trucks or delivery vehicles; provided, however, whenever the use of such building is changed to another use, then such loading space as is required by this ordinance shall be provided.

- (A) A minimum loading space size of 12 feet wide, 20 feet long, and 14 feet high shall be required as follows:
- (1) For multi-family dwellings with ten (10) or more dwelling units, 1 space;
 - (2) For buildings used entirely for office occupancy, up to 2,000 square feet gross floor area, one (1) space; for each additional 40,000 square feet of gross floor area, or any portion thereof, one (1) space;

- (B) A minimum loading space size of 12 feet wide, 30 feet long and 14 feet high shall be required as follows:
 - (1) For all buildings except residential and those used entirely for office use: Up to 2,000 square feet gross floor area, one (1) space;
 - (2) For each additional 40,000 square feet of floor area or any portion thereof, one (1) space.

112.270. PARKING AND LOADING AREA DEVELOPMENT REQUIREMENTS. All parking and loading areas except those for single family dwellings shall be developed and maintained as follows:

- (A) Location or site: The required yard areas adjacent to a street shall not be used for parking or loading areas and the yards shall be the same as is required for the main building in the district in which the parking area is to be located and such yard area adjacent to a street shall be landscaped with trees, shrubs, grass or evergreen ground cover and other complementary materials and maintained in a neat and well appearing manner. The side and rear yards, other than those adjacent to a street, may be used for parking and loading areas when such areas have been developed and are maintained as required by this ordinance.
- (B) Surfacing: Inside an adopted urban growth boundary all driveways, parking and loading areas shall be paved with asphalt or concrete surfacing and shall be adequately designed, graded and drained as required by the director of public works except where existing. When existing gravel lots inside the UGB are expanded in excess of 50 percent above the existing lot size they shall be paved. Outside of urban growth boundaries, gravel, asphalt or concrete may be used for surfacing based on the standard of: six (6) inches of one (1) inch minus gravel to three (3) inch minus; if three (3) inch minus is used the top two (2) inches shall be one (1) inch minus or an alternative as approved by the Director of Public Works. A paved access apron to any paved access road is required regardless of the parking lot surface. [Amended by Ordinance 90-19]
- (C) Bumper guards or wheel barriers: Bumper guards or wheel barriers shall be so installed that no portion of a vehicle will project into a public right-of-way or over adjoining property. The area beyond the wheel barriers or bumper guards shall be paved or covered with evergreen ground cover.
- (D) Size of parking spaces and driveways: The parking area, each parking space and all driveways shall be of sufficient size and all curves and corner of sufficient radius to permit the safe operation of a standard size automobile, to wit:
 - (1) Parking space (See Appendix 1);
 - (2) Maximum 12 percent grade for driveways;
 - (3) Directional signs and pavement marking shall be used to control vehicle movement in the parking lot;
 - (4) One-way drives shall have an improved width of at least 12 feet, and the inside radius at the curb shall be 25 feet for any curves or corners and signs shall be erected indicating the one-way direction;
 - (5) Two-way driveways shall have an improved width of at least 20 feet and the inside radius at the curb shall be 25 feet for any curves or corners.
- (E) Access: All parking or loading areas shall be served with either separate ingress and egress driveways or with an adequate turn-around, which is always available and

useable. All entrances and exits onto a public right-of-way shall first have the approval of the Director of Public Works or County Engineer.

- (F) Fences, walls and hedges:
 - (1) When the parking or loading area is within the SR zone such parking or loading area shall be screened from all obscuring ornamental fence, wall or compact evergreen hedge, except along an alley;
 - (2) When the parking or loading area is adjacent to the SR zone, there shall be a sight obscuring ornamental fence, wall, or compact evergreen hedge between the parking or loading area and the SR zone, except along an alley;
 - (3) The ornamental fence or wall shall be erected and maintained at a height of at least four (4) feet but not more than seven (7) feet; a compact evergreen hedge shall be not less than three (3) feet at planting and capable of reaching a height of six (6) feet. Fences, walls or hedges shall have the same setback requirements from all streets and the same vision clearance areas as required for a one (1) story building in the zone in which such parking or loading area is located. In yard areas other those adjacent to a street, the fence wall or hedge may be located on the property line.
- (G) Lighting: Any light used to illuminate a parking or loading area shall be so arranged as to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public right-of-way.
- (H) Landscaping: In every residential, commercial, and industrial zone other than the SR zone, there shall be provided a landscaped yard as set forth in the appropriate development standards sections of this chapter. In addition to other landscape requirements every newly developed automobile off-street parking area or if any graveled or unimproved lot is paved, such lot shall have at least one (1) percent of the gross parking lot area devoted to landscaping. The gross parking lot area, as used in this instance, is the outer boundaries of the specific area devoted to parking of automobiles exclusive of any buildings and/or other landscaping areas otherwise provided.
- (I) Plans and Permits: Plans at a workable scale shall be referred to the Director of Public Works or County Engineer for a recommendation prior to the issuance of a permit by the Building Official.
- (J) Loading spaces shall be marked for loading only.

112.280. APPLICATION OF REGULATIONS REGARDING ACCESSORY

STRUCTURES. The regulations regarding accessory structures set forth in Sections 112.290 through 112.370 shall apply to customary residential accessory buildings for private use, fences, or signs, in the Suburban Residential Zoning District. These regulations do not apply to accessory structures in the Acreage Residential Five Acre (AR-5) and Ten Acre (AR-10) Zones, or Agriculture and Forestry Ten Acre (AF-10) zone. The standards for fences and signs in all zones, except the SR zone, are listed in Section 112.125. [Amended by Ordinance 12-01]

112.290. LOT COVERAGE BY ALL ACCESSORY STRUCTURES. The lot coverage by all accessory structures shall not be more than 25 percent of rear yard area.

112.300. HEIGHT STANDARDS FOR DETACHED ACCESSORY STRUCTURES EXCEPT FENCES AND SIGNS. The maximum height (as defined by Section 110.260) of any accessory structure, except fences and signs, shall be eight (8) feet plus the distance that the

accessory structure is setback from the nearest property line. For the purposes of this section, the setback distance shall be rounded down to the nearest one foot increment. The maximum height for an accessory structure shall not exceed 35 feet. This section does not alter the required setbacks listed in Sections 112.310 through 112.330. [Amended by Ordinance 12-01]

112.310. FRONT YARDS AND YARDS ADJACENT TO STREETS WITH ACCESSORY STRUCTURES. Any accessory structure, except fences and signs, which has any portion extending above grade shall observe the yard requirements the same as the main building, otherwise all such structures shall be at or below grade. Fences and signs may be placed on the property line. [Amended by Ordinance 12-01]

112.320. SIDE YARDS, INTERIOR WITH ACCESSORY STRUCTURES. Accessory structures, except fences, not attached to the main building located in an interior side yard shall be set back at least five (5) feet from any lot line. Fences may be placed on the property line. [Amended by Ordinance 12-01]

112.330. REAR YARDS WITH ACCESSORY STRUCTURES. Within interior rear yards and portions of rear yards not abutting a street, an accessory structure may be placed on the property line except along an alley; all structures except fences shall be at least one (1) foot from the alley. Note: The Building Code may require a setback from the property line.

112.340. ACCESSORY STRUCTURES ATTACHED TO THE MAIN BUILDING. Covered or enclosed accessory buildings which are attached to the main building shall be considered as a portion of the main building and shall observe the same requirements as the main building except for certain projections, as provided in Sections 112.100, 112.110, and 112.120. Accessory structures shall be considered as being attached to the main building when any portion of the accessory structure is located within four (4) feet of the main building.

112.350. FENCES AND SIGNS-LOCATION, HEIGHT AND DENSITY. In any yard adjacent to a street and within ten (10) feet from the property line adjacent to such street, fences, walls, hedges, and signs may be up to 48 inches in height. That portion of a fence above 24 inches shall be at least 75 percent open when measured at 90 degrees to the fence. Fences and signs located in a yard area other than above described may be up to seven (7) feet in height. [Amended by Ordinance 12-01]

112.360. MEASUREMENT OF HEIGHT OF FENCES AND SIGNS. All fences and signs along a public right-of-way will be measured from and along the sidewalk, or if no sidewalk exists, from and along the curb, or if no curb exists, from and along the finished shoulder grade of the right-of-way. All other fences and signs will be measured from and along the finished grade of the property along the fence. [Amended by Ordinance 12-01]

112.370. FENCES-USE OF HAZARDOUS MATERIALS. Fences shall not be constructed of or contain any material which will do bodily harm, such as barbed wire, electric wire, (other than stock fences), broken glass, spikes, and any other hazardous or dangerous materials.

112.390. RESIDENTIAL ZONE DEVELOPMENT STANDARDS

(A) Suburban Residential Zoning District (SR)

- (1) LOT AREA COVERAGE AND WIDTH.** The front building line of every lot in an SR Zone shall have a minimum width of 60 feet. Total lot coverage by a dwelling, main building and accessory building in combination shall not exceed 40 percent of the lot area.

- (2) **FRONT YARD.** Every building erected, constructed, or altered in an SR Zone shall set back from the front lot line at least 20 feet, except in the instance where the average depth of the other buildings on the same side of the street are between ten (10) and 20 feet, then the average depth may be used. The average depth is the average of the distance from the closest part of the foundation of the existing buildings to the front property line where the existing buildings are within 200 feet of the center of the proposed building, on the same side of the street, within the same block.

If existing buildings are within ten (10) feet of the property line, then no less than 10 feet shall be used in figuring the average, or if existing building are more than 20 feet from the property line then the minimum requirement of 20 feet shall be used in figuring the average.

When by this ordinance or any other ordinance a greater setback or a front yard of greater depth is required than specified in this section, then such greater setback line or front yard depth shall apply.

- (3) **SIDE YARDS.** There shall be a side yard on each side of the main building on every lot in an SR Zone in width not less than five (5) feet for a one-story building; not less than six (6) feet for a two and one-half (2-1/2) story building; provided, however, any side yard adjacent to a street shall conform to the setback set forth in Section 112.080.
- (4) **REAR YARDS.** There shall be a rear yard on every lot in an SR Zone, which rear yard shall have a minimum depth of 24 feet for a one (1) story building, 30 feet for a two (2) story building and 36 feet for a two and one-half (2-1/2) story building. In the case of a corner lot, the minimum depth shall be 14 feet for a one (1) story building, 20 feet for a two (2) story building adjacent to either interior lot line; provided, however, any rear yard provided adjacent to a street shall conform to the setback set forth in Section 112.080.
- (5) **HEIGHT.** In the SR Zone, no buildings or structure shall exceed 35 feet or two and one-half (2-1/2) stories in height, except churches and public and semi-public buildings, where permitted, may be built to a height of 70 feet or six (6) stories, provided any such buildings set back from every street and lot line one (1) foot for each foot of height of the building in excess of 35 feet, in addition to other yard and setback requirements herein specified.
- (6) **MINIMUM SIZE FOR THE CREATION OF NEW PARCELS OR LOTS.** The minimum size for newly created lots or parcels in the Suburban Residential Zone shall be as follows:
- (a) 1.00 acre within unincorporated communities, or
 - (b) 2.00 acres outside urban growth boundaries and outside unincorporated community boundaries, or
 - (c) Within an urban growth boundary, the minimum size for newly created parcels or lots shall conform to the lot area requirements identified in the urban growth management agreement between Polk County and the affected City.

Note: Nothing in this section provides for an exemption from compliance with Polk County Subdivision Ordinance Section 91.350 which requires that each lot or parcel be of proper size to provide for adequate sub-surface sewage disposal facilities.

(B) Acreage Residential and Agriculture and Forestry Zoning Districts (AR-5, AR-10, and AF-10)

(1) LOT AREA.

- (a) The minimum lot size in the AR-5 Zone shall be five (5) acres.
- (b) The minimum lot size in the AR-10 and AF-10 Zones shall be ten (10) acres.

(2) YARDS.

- (a) There shall be front, side, and rear yards of the following depths for lots in the AR-5, AR-10, and AF-10 Zoning Districts:

All buildings and structures

Front	Side	Rear
30 feet	20 feet	20 feet

- (b) Any side or rear yard adjacent to a street shall meet the yard requirement for a front yard.
 - (c) When by this ordinance or any other ordinance, a greater setback or front yard of greater depth is required by this section, the greater setback line or front yard depth shall apply. If a lesser setback or yard is required, the provisions of this ordinance shall apply.
 - (d) All structures are subject to any special setback lines, where specified on designated arterials or collectors, in addition to the above setbacks.
- (3) HEIGHT. In the AR-5, AR-10, and AF-10 Zones, no buildings or structure shall exceed 35 feet or two and one-half (2-1/2) stories in height, except churches and public and semi-public buildings, where permitted, may be built to a height of 70 feet or six (6) stories, provided any such buildings set back from every street and lot line one (1) foot for each foot of height of the building in excess of 35 feet, in addition to other yard and setback requirements herein specified. [Amended by Ordinance 04-01]

(C) Residential Multi-Family Zoning District (RM)

- (1) LOT AREA AND WIDTH. In the RM zone the minimum requirements for lot area shall be 6,000 square feet for a single-family dwelling. The minimum lot area requirements for other residential uses shall be 5,000 square feet additional lot area computed as follows:
 - (a) For the 1st through the 5th unit:
 - (i) For each dwelling unit with one (1) or less bedrooms - 750 square feet;
 - (ii) For each dwelling with two (2) bedrooms - 1,000 square feet;
 - (iii) For each dwelling with three (3) or more bedrooms - 1,200 square feet.
 - (b) For the 6th dwelling unit and each succeeding dwelling unit the following additional lot area shall be required:
 - (i) For each dwelling unit with one (1) or less bedrooms:
 - (A) One (1) story - 1,250 square feet

- (B) Two (2) story - 1,000 square feet
- (ii) For each dwelling with two (2) bedrooms:
 - (A) One (1) story - 1,675 square feet
 - (B) Two (2) story - 1,300 square feet
- (iii) For each dwelling with three (3) or more bedrooms:
 - (A) One (1) story - 2,150 square feet
 - (B) Two (2) story - 1,700 square feet
- (c) No main building or group of buildings shall occupy more than 40 percent of the lot area, and no detached accessory structure may occupy more than 25 percent of any side or rear yard, except that covered or enclosed parking structure limited to one story in height shall be excluded from these coverage provisions;
- (d) Every lot in the RM zone shall have a minimum width of 50 feet at the front building line. The minimum lot area requirements for buildings other than dwellings shall be of an area not less than the sum of the area occupied by the building or buildings, and the area required for yards herein, or 5,000 square feet, whichever is greater.
- (e) Subdivision or partition proposals for property located within an adopted Urban Growth Boundary shall conform to the lot area requirements of all urban growth management agreements adopted between Polk County and the participating city prior to granting of final approval.
- (2) **FRONT YARDS.** In the RM zone, there shall be a minimum front yard of 20 feet. No parking shall be allowed in the required minimum front yard.
- (3) **SIDE AND REAR YARD.**
 - (a) There shall be a side yard and a rear yard on every lot in the RM zone, which yards shall have a minimum depth as follows:
 - (i) One story - six (6) feet
 - (ii) Two story - seven (7) feet
 - (iii) Two and one-half (2 1/2) story - eight (8) feet

There shall be added to these minimum side yard and the rear yard requirements, one (1) foot for each multiple of 15 feet or portion thereof, that the length of the side of the building measures over 30 feet. Notwithstanding Section 110.610, the rear yard in the RM zone shall be measured from the property line.

- (b) In lieu of subsection (a) of this section, side and rear yards may be provided which will allow placement of portions of a main building with offsets and jogs at varying yard depths, provided the said yards shall conform to the following conditions:
 - (i) The minimum yard depth for any continuous wall between offsets and jogs shall be computed and provided as in subsection (a) of this section for that portion of the wall between offsets and jogs, provided the total yard area equals that which would have been otherwise provided in said subsection (a) which area shall be

determined by multiplying the length of the yard times the depth of the yard.

- (ii) The minimum yard depth for any portion of a building shall be six (6) feet for a one (1) story, seven (7) feet for a two (2) story, and eight (8) feet for a two and one-half (2 1/2) story building.

(4) LANDSCAPED YARDS.

- (a) In the RM zone, the following landscaped yard shall be provided for residential uses other than single and two (2) family dwellings:
 - (i) For each dwelling unit with one (1) or less bedrooms - 300 square feet;
 - (ii) For each dwelling with two (2) bedrooms - 400 square feet;
 - (iii) For each dwelling with three (3) bedrooms - 500 square feet;
 - (iv) For each dwelling with more than three (3) bedrooms - 500 square feet, plus 100 square feet for each additional bedroom in each unit.
- (b) In the RM zone all required yards adjacent to a street shall be landscaped, save that portion devoted to off-street parking. Such landscaping may be counted in fulfilling the requirements of subsection (a).

- (5) HEIGHT. In the RM zone, no building or structure shall exceed 35 feet or two and one-half (2 1/2) stories in height, except churches and public and semi-public buildings, where permitted, may be built to a height not to exceed 70 feet or six stories, provided any such building sets back from every street and lot line one foot for each foot of height of the building in excess of 35 feet, in addition to other yard and setback requirements herein specified.

(D) Limited Multi-Family Residential Zone (RL)

- (1) LOT AREA AND WIDTH. In the RL zone the minimum requirements for lot area shall be 6,000 square feet for a single-family dwelling. The minimum lot area requirements for other residential uses shall be 5,000 square feet additional lot area computed as follows:
 - (a) For the 1st through the 5th unit:
 - (i) For each dwelling unit with one (1) or less bedrooms - 750 square feet;
 - (ii) For each dwelling with two (2) bedrooms - 1,000 square feet;
 - (iii) For each dwelling with three (3) or more bedrooms - 1,200 square feet.
 - (b) For the 6th dwelling unit and each succeeding dwelling unit the following additional lot area shall be required:
 - (i) For each dwelling unit with one (1) or less bedrooms, one (1) story - 1,250 square feet;
 - (ii) For each dwelling unit with two (2) bedrooms, one (1) story - 1,675 square feet;
 - (iii) For each dwelling with three (3) or more bedrooms, one (1) story - 2,150 square feet;

- (c) No main building or group of buildings shall occupy more than 40 percent of the lot area, and no detached accessory structure may occupy more than 25 percent of any side or rear yard, except that covered or enclosed parking structure limited to one story in height shall be excluded from these coverage provisions;
 - (d) Every lot in the RL zone shall have a minimum width of 50 feet at the front building line. The minimum lot area requirements for buildings other than dwellings shall be of an area not less than the sum of the area occupied by the building or buildings, and the area required for yards herein, or 5,000 square feet, whichever is greater.
 - (e) Subdivision or partition proposals for property located within an adopted Urban Growth Boundary shall conform to the lot area requirements of all urban growth management agreements adopted between Polk County and the participating city prior to granting of final approval.
- (2) **FRONT YARDS.** In an RL zone, there shall be a minimum front yard of 20 feet. No parking shall be allowed in the required minimum front yard.
- (3) **SIDE AND REAR YARD.**
- (a) There shall be a side yard and a rear yard on every lot in the RL zone, which yards shall have a minimum depth of six (6) feet; provided there shall be added to the minimum side yard and rear yard requirements, one (1) foot for each multiple of 15 feet or portion thereof, that the length of the side of the building measures over 30 feet. Notwithstanding Section 110.610, the rear yard in an RL zone shall be measured from the property line.
 - (b) In lieu of subsection (a) above, side and rear yards may be provided which allow placement of portions of a main building with offsets and jogs at varying yard depths, provided the said yards shall conform to the following conditions:
 - (i) The minimum yard depth for any continuous wall between offsets and jogs shall be computed and provided as in (a) above for that portion of the wall between offsets and jogs; provided the total yard area equals that which would have otherwise been provided in (a) above, which area shall be determined by multiplying the length of the yard times the depth of the yard.
 - (ii) The minimum yard depth for any portion of a building shall be 6 feet.
 - (c) Notwithstanding the provisions of subsections (a) and (b) of this section, any side yard or rear yard adjacent to a street shall have a minimum yard depth of 20 feet. No parking shall be allowed within ten (10) feet of the street property line; provided, however, in no case shall parking be allowed in a required rear yard abutting the parallel or approximately parallel street or a through lot. For the purposes of this subsection, through lot shall be defined as a lot having frontage on two (2) parallel or approximately parallel street.
 - (d) The yard depth between two (2) or more main buildings on the same lot shall be equal to that side yard depth measured to an assumed property line drawn between the buildings. The yard depth between the assumed

property line and the building shall not be less than as provided in (a) above.

(4) LANDSCAPED YARDS.

- (a) In the RL zone, the following landscaped yard shall be provided for residential uses other than single and two (2) family dwellings:
- (i) For each dwelling unit with one (1) or less bedrooms - 300 square feet;
 - (ii) For each dwelling with two (2) bedrooms - 400 square feet;
 - (iii) For each dwelling with three (3) bedrooms - 500 square feet;
 - (iv) For each dwelling with more than three (3) bedrooms - 500 square feet, plus 100 square feet for each additional bedroom in each unit.
- (b) In the RL zone all required yards adjacent to a street shall be landscaped, save that portion devoted to off-street parking. Such landscaping may be counted in fulfilling the requirements of subsection (a) above.

- (5) HEIGHT. In the RL zone, no building or structure except a single-family dwelling on a separate deeded lot shall exceed one (1) story or 20 feet in height. Single-family dwellings shall not exceed 35 feet or two and one-half (2-1/2) stories. When approved by the Planning Director or Hearings Officer as a conditional use, churches and public and semi-public buildings, where permitted, may be built to a height not to exceed 70 feet or six (6) stories, provided any such building sets back from every street and lot line one (1) foot for each foot of height of the building in excess of 35 feet, in addition to other yard and setback requirements herein specified.

(E) High Rise Apartment Residential Zone (RH)

- (1) LOT AREA AND WIDTH. Where the building or structure or portion thereof to be erected, altered or enlarged is not to exceed 35 feet or two and one-half (2-1/2) stories, then the requirements for lot area and width in the RM zone set forth in the RM zone (Section 112.380) shall apply. For buildings or structures exceeding 35 feet or two and one-half (2-1/2) stories the lot shall have a minimum lot area of 10,000 square feet.

Subdivision or partition proposals for property located within an adopted Urban Growth Boundary shall conform to the lot area requirements of all urban growth management agreements adopted between Polk County and the participating city prior to granting of final approval.

- (2) FRONT YARDS. In the RH zone, there shall be a minimum front yard of 20 feet. No parking shall be allowed in the required minimum front yard.
- (3) SIDE YARDS. When the building or structure or portion thereof to be erected, altered, or enlarged is not to exceed 35 feet or two and one-half (2-1/2) stories, then the requirements for side yards set forth in the RM zone (Section 112.380 (C)(3) shall apply. For buildings and structures exceeding 35 feet or two and one-half (2-1/2) stories, each main building on each side shall have side yards, the minimum width of each shall be five (5) feet, which width shall be increased by 3 feet for each additional story above the first, but need not exceed 20 feet; provided, however, any side yard provided adjacent to a street shall have a minimum width of 20 feet, and there shall be no parking allowed with ten (10) feet of the street.

- (4) **REAR YARDS.** Where the building or structure or portion thereof to be erected, altered, or enlarged is not to exceed 35 feet or two and one-half (2-1/2) stories, then the requirements for rear yards set forth in the RM zone (Section 112.380 (C)(3)) shall apply. For buildings and structures exceeding 35 feet or two and one-half (2-1/2) stories, there shall be a rear yard on every lot in an RH zone, which rear yard shall have a minimum depth of 20 feet for a one (1) story building, plus four (4) for each additional story above the first. Where the rear yard abuts a street no parking shall be allowed in the area within ten (10) of the said street.
- (5) **LANDSCAPED YARDS.** Where the building or structure or portion thereof to be erected, altered, or enlarged is not to exceed 35 feet or two and one-half (2-1/2) stories, then the requirements for landscaped yards in the RM zone (Section 112.380 (C)(3)) shall apply. For buildings and structures exceeding 35 feet or two and one-half stories (2-1/2) stories all required yards therefore adjacent to a street shall be landscaped, save that portion devoted to offstreet parking.
- (6) **HEIGHT.** There shall be no restrictions on height in an RH zone. [Amended by Ordinance 00-12]

112.400. COMMERCIAL ZONE DEVELOPMENT STANDARDS

- (A) **Commercial Office Zoning District (CO) & Unincorporated Community Office Zoning District (UC-CO)**
 - (1) **LOT AREA AND WIDTH.** Where the structure or building to be erected, altered or enlarged is to be used for purposes enumerated in the RM Zone, then the restrictions for lot area and width in the RM Zone shall govern (Section 112.380 (C)(1)). All other types of main building or accessory buildings shall occupy no more than 60 percent of the lot area.
 - (2) **FRONT YARDS.** In the CO and UC-CO Zones there shall be a minimum front yard of 20 feet, and no parking shall be allowed.
 - (3) **SIDE YARDS.** Where the structure or building or portion thereof to be erected, altered or enlarged is to be used for purposes enumerated in the RM Zone, then the restrictions for side yards in the RM Zone (Section 112.380 (C)(3)) shall govern. For buildings and structures erected, altered, or enlarged for other than RM Zone purposes, side yards shall be provided as follows:
 - (a) **Main building:**
 - (i) One (1) story - five (5) feet
 - (ii) Two (2) story - ten (10) feet
 - (b) **Between main building on one (1) lot:**
 - (i) One (1) story - ten (10) feet
 - (ii) Two (2) story - fifteen (15) feet

Provided, however, any side yard provided adjacent to a street shall have a minimum width of 20 feet, and no parking shall be within 10 feet of said street.

In the UC-CO Zone, side yards adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to

a showing that the proposed variance will not adversely affect adjacent farm or forest uses.

- (4) **REAR YARD.** Where the structure or building or portion thereof to be erected, altered or enlarged is to be used for purposes enumerated in the RM Zone, then the restrictions for rear yards in the RM Zone (Section 112.380 (C)(3)) shall govern. For buildings and structures erected, altered, or enlarged for other than RM Zone purposes, there shall be a rear yard provided on every lot of a minimum of 10 feet for one (1) story buildings and 14 feet for two (2) story buildings. In case the rear yard provided for is adjacent to a street, the minimum depth shall be 20 feet and no parking shall be allowed within 10 feet of said street. When a lot is used for other than residential purposes, and the rear yard abuts upon or is adjacent to premises used for residential purposes, then the rear yard shall be enclosed with an ornamental fence or wall not less than six (6) feet in height or an ornamental compact evergreen hedge not less than three (3) feet and capable of attaining a height of six (6) feet, but this provision shall not apply to a lot bordered upon an alley.

In the UC-CO Zone, a rear yard adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. In the UC-CO Zone, side yards adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses

HEIGHT. Where the building or structure or portion thereof to be erected, altered or enlarged is to be used for purposes enumerated in the RM Zone, then the restrictions for height in the RM Zone shall govern. For buildings and structures erected, altered or enlarged for other than said purposes shall not exceed two (2) stories or 35 feet in height.

- (B) **Commercial Retail Zoning District (CR), Unincorporated Community Commercial Retail Zoning District (UC-CR), Eola Unincorporated Community Commercial Zoning District, and Rickreall Unincorporated Community Commercial Zoning District (Rickreall UC-C).**
 - (1) **LOT AREA AND WIDTH.** Buildings or structures hereafter erected, altered, or enlarged and used wholly or partly for residential purposes in the CR, UC-CR, Eola UC-C, & Rickreall UC-C Zones shall comply with the lot area and width requirements of the RM Zone (Section 112.380 (C)(1)), otherwise no other lot area requirements exist.
 - (2) **FRONT YARD.** A landscaped yard three (3) feet in depth shall be provided in the CR, UC-CR, Eola UC-C, and Rickreall UC-C Zones on every lot adjacent to a street, except that building or structures or any portion thereof used for residential purposes shall provide the front yard and landscaped yard as set forth in the RM Zone (Section 112.380 (C)(2)).
 - (3) **SIDE AND REAR YARDS.** In the CR, UC-CR, Eola UC-C, and Rickreall UC-C Zones, no side or rear yard is required except as herein provided, but if one is provided it shall be not less than three (3) feet in depth exclusive only of any alley. A side or rear yard shall be provided in the CR, UC-CR, Eola UC-C, and Rickreall UC-C Zones when:

- (a) The lot abuts or is adjacent to a premises used or is zoned for residential purposes. The yard shall be not less than three (3) feet in depth.
- (b) The buildings or structures or portions thereof on a lot are used for residential purposes in which circumstances side and rear yard restrictions in RM Zones shall apply. In the case of subsection (a) of this section, the side and rear yard shall be contained by a wall or fence or ornamental compact evergreen hedge not less than three (3) feet high and capable of attaining a height of six (6) feet.
- (c) A landscaped yard three (3) feet in depth shall be provided in all side and rear yards adjacent to a street.

In the UC-CR, Eola UC-C, and Rickreall UC-C Zones, side and rear yards adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses.

- (4) **LANDSCAPED YARDS.** All yards shall be landscaped exclusive of through direct driveways, adjacent to every street, on every lot upon which a new non-residential structure is erected, or a graveled or unimproved lot is paved or a lot is newly developed for the outdoor sale or display of merchandise, goods or services.
- (5) **HEIGHT.** Where the building or structure or portion thereof to be erected, altered, or enlarged is to be used for residential purposes in the CR, UC-CR, Eola UC-C, or Rickreall UC-C Zones, the restrictions for height in the RM Zone (Section 112.380 (C)(5)) shall govern. Buildings and structures erected, altered or enlarged for other than residential purposes shall not exceed three (3) stories or 45 feet in height.
- (6) **CONDITIONS IMPOSED WHERE ZONE CHANGES TO CR, UC-CR, Eola UC-C, or Rickreall UC-C ZONE ABUTS RESIDENTIAL ZONE.** In any zone change or reclassification of property to the CR, UC-CR, Eola UC-C, or Rickreall UC-C Zones where the territory proposed to be changed abuts upon a residential zone, or abuts upon a street or alley which would be the boundary line between the proposed CR, UC-CR, Eola UC-C, and Rickreall UC-C Zones and the residential zone, conditions to preserve neighborhood qualities may be imposed by the Board of Commissioners relating to:
 - (a) Size and location of signs;
 - (b) Size, type and location of outdoor lighting;
 - (c) Landscaped areas;
 - (d) Screening;
 - (e) Building setbacks; and
 - (f) Ingress and egress for commercial uses.

If any of the above conditions are imposed, they shall be placed in the deed records of the County.

- (C) **Commercial General Zoning District (CG) & Unincorporated Community Commercial General Zoning District (UC-CG)**
 - (1) **LOT AREA AND WIDTH.** Buildings or structures hereafter erected, altered or enlarged and used wholly or partly for residential purposes in the CG and

UC-CG Zones shall comply with the lot area requirements in the RM Zone (Section 112.380 (C)(1)), otherwise no other lot area requirements exist.

- (2) **FRONT YARD.** A landscaped yard three (3) feet in depth shall be provided in the CG and UC-CG Zones on every lot adjacent to a street, except that buildings or structures or any portion thereof used for residential purposes shall provide the front yard and landscaped yard as set forth in the RM Zone (Section 112.380 (C)(2)).
- (3) **SIDE AND REAR YARDS.** In the CG and UC-CG Zones, no side or rear yard is required, except as herein provided, but if one is provided it shall be not less than three (3) feet in depth exclusive of any alley. A side or rear yard shall be provided in the CG and UC-CG Zones when:
 - (a) The lot abuts or is adjacent to a premises used or is zoned for residential purposes. The yard shall be not less than three (3) feet in depth.
 - (b) The buildings or structures or portions thereof on a lot are used for residential purposes, in which circumstances, side and rear yard restrictions in the RM Zone (Section 112.380 (C)(3)) shall apply. In the case of subsection (a) of this section, the side and rear yard shall be contained by a wall or fence or ornamental compact evergreen hedge not less than three (3) feet high and capable of attaining a height of six (6) feet.
 - (c) A landscaped yard three (3) feet in depth shall be provided in all side and rear yards adjacent to a street.

In the UC-CG Zone, side and rear yards adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses.

- (4) **LANDSCAPED YARDS.** All yards shall be landscaped exclusive of through direct driveways, adjacent to every street, on every lot upon which a new non-residential structure is erected, or a graveled or unimproved lot is paved or a lot is newly developed for the outdoor sale or display of merchandise, goods or services.
- (5) **HEIGHT.** Where the building or structure or portion thereof to be erected, altered, or enlarged is to be used for residential purposes in the CG and UC-CG Zones, the restrictions for height in the RM Zone (Section 112.380 (C)(5)) shall govern. Buildings and structures erected, altered or enlarged for other than residential purposes shall not exceed six (6) stories or 70 feet in height.
- (6) **CONDITIONS IMPOSED WHERE ZONE CHANGE TO CG OR UC-CG ZONE ABUTS RESIDENTIAL ZONE.** In any zone change or reclassification of property to the CG and UC-CG Zones where the territory proposed to be changed abuts upon a residential zone, or abuts upon a street or alley which would be the boundary line between the proposed CG and UC-CG Zones and the residential zone conditions to preserve neighborhood qualities may be imposed by the Board of Commissioners relating to:
 - (a) Size and location of signs;
 - (b) Size, type and location of outdoor lighting;

- (c) Landscaped areas;
- (d) Screening;
- (e) Building setbacks; and
- (f) Ingress and egress for commercial uses.

If any of the above conditions are imposed they shall be placed in the deed records of the County. [Amended by Ordinance 00-03]

(D) Rural Commercial Zoning District (R-COM)

- (1) LOT AREA The minimum lot area shall be adequate to provide for an approved on site septic system, a potable water source, parking and other applicable development standards of this Chapter and other general provisions and exceptions set forth by this ordinance.
- (2) LOT WIDTH. The minimum average lot width shall be 100 feet. The minimum lot width at the street shall be 50 feet.
- (3) FRONT YARD. A landscaped yard three (3) feet in depth shall be provided in the R-COM Zone on every lot adjacent to a street. Buildings or structures or any portion thereof used for residential purposes are exempt from these provisions.
- (4) REAR AND SIDE YARDS. No side or rear yard is required except where a lot abuts a residential use or district, there shall be a yard not less than the rear yard required by the abutting residential district.
 - (a) Corner lots shall have no sight obstruction between three (3) feet and ten (10) feet in height measured from street grade within 30 feet in either direction from the street corner, as measured from the property line.
 - (b) The minimum yards shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The right-of-way shall be determined according to the applicable transportation plan.
 - (d) A landscaped yard three (3) feet in depth shall be provided in all side and rear yards adjacent to a street.

112.410 INDUSTRIAL ZONE DEVELOPMENT STANDARDS

- (A) Industrial Commercial Zoning District (IC), Unincorporated Community Industrial Commercial Zoning District (UC-IC), Eola Unincorporated Community Industrial Commercial Zoning District (Eola UC-IC), and Rickreall Unincorporated Community Industrial Commercial Zoning District (Rickreall UC-IC).
 - (1) LOT AREA AND WIDTH. Buildings or structures hereafter erected, altered or enlarged and used wholly or partly for residential purposes in the IC, UC-IC, Eola UC-IC, and Rickreall UC-IC Zones shall comply with the lot area requirements in the RM Zone (Section 112.380 (C)(1) otherwise no other lot area requirements exist.
 - (2) FRONT YARD. A landscaped yard three (3) feet in depth shall be provided in the IC, UC-IC, Eola UC-IC, and Rickreall UC-IC Zones on every lot adjacent to a street, except that buildings or structures or any portion thereof used for residential purposes shall provide the front yard and landscaped yard as set forth in the RM Zone (Section 112.380 (C)(2)).

- (3) **SIDE AND REAR YARDS.** In the IC, UC-IC, Eola UC-IC, and Rickreall UC-IC zones, no side or rear yard is required, except as herein provided, but if one is provided it shall be not less than three (3) feet in depth exclusive of any alley. A side or rear yard shall be provided in the IC, UC-IC, Eola UC-IC, and Rickreall UC-IC Zones when:
- (a) The lot abuts or is adjacent to a premises used or is zoned for residential purposes. The yard shall be not less than three (3) feet in depth.
 - (b) The buildings or structures or portions thereof on a lot are used for residential purposes, in which circumstances, side and rear yard restrictions in the RM Zone (Section 112.380 (C)(3)) shall apply. In the case of subsection (a) of this section, the side and rear yard shall be contained by a wall or fence or ornamental compact evergreen hedge not less than three (3) feet high and capable of attaining a height of six (6) feet.
 - (c) A landscaped yard three (3) feet in depth shall be provided in all side and rear yards adjacent to a street.

In the UC-IC, Eola UC-IC, and Rickreall UC-IC Zones, side and rear yards adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses.

- (4) **LANDSCAPED YARD.** All yards shall be landscaped exclusive of through direct driveways, adjacent to every street, on every lot upon which a new non-residential structure is erected, or a graveled or unimproved lot is paved or a lot is newly developed for the outdoor sale or display of merchandise, goods or services.
- (5) **HEIGHT.** Where the building or structure or portion thereof to be erected, altered, or enlarged is to be used for residential purposes in the IC, UC-IC, Eola UC-IC, and Rickreall UC-IC Zones, the restrictions for height in the RM Zone (Section 112.380 (C)(5)) shall govern. Buildings and structures erected, altered or enlarged for other than residential purposes shall not exceed six (6) stories or 70 feet in height.
- (6) **INDUSTRIAL PERFORMANCE STANDARDS.** The discharge into the air of solids, liquids or gases in such quantities as to be detrimental to the public health, safety and welfare causing injury to human, plant or animal life or to property is prohibited in this industrial zone. In the IC, UC-IC, Eola UC-IC, and Rickreall UC-IC Zones, no land or structure shall be used or occupied unless there is continuing compliance with the following standards:
 - (a) Heat, glare and light:
 - (i) Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building and shall not be discernible at or beyond the property line.
 - (ii) Exterior lighting shall be directed away from and shall not reflect on adjacent properties.
 - (b) Noise:

- (i) The standards for noise emissions from industrial and commercial noise sources are as follows:

Allowable Statistical Noise Levels at Any One Hour

	<u>7:00 a.m. to 10:00 p.m</u>	<u>10:00 p.m. to 7:00 a.m</u>
L ₅₀	55 Dba	50 Dba
L ₁₀	60 Dba	55 Dba
L ₀₁	75 Dba	60 Dba

Notes:

L₅₀ is the level that may be exceeded 50 percent of the time; cumulative 30 minutes/hour

L₁₀ is the level that may be exceeded 10 percent of the time; cumulative 10 minutes/hour

L₀₁ is the level that may be exceeded 1 percent of the time; cumulative 36 seconds/hour

Dba means A-weighted decibels (decibels measured at the frequency where the human ear is most sensitive.

- (ii) If the noise is not smooth and continuous, the following corrections in decibels shall be added to or subtracted from the above items:

- (A) When in each one hour period, the noise source operates less than a total of (use only one factor):

12 minutes add 5 decibels

3 minutes add 10 decibels

20 seconds add 15 decibels

- (B) Noise of an impulsive character (such as hammering, etc.) less 5 decibels.

- (C) Noise of periodic character (such as humming, screech, etc.) less 5 decibels.

- (iii) Noise made by devices which are maintained and utilized solely to serve as warning devices is excluded from these regulations.

- (iv) Noise created by highway vehicles, trains, watercraft and aircraft is excluded from these regulations.

- (v) Measurements:

- (A) Sound levels shall be measured with a sound level meter and octave band analyzer approved by the Department of Environmental Quality.

- (B) Measurements shall be made from at least three points along the property line or along a residential, commercial, or public zone boundary when such boundary is closer to the source than the property line.

(C) Measurements for alleged violations shall be made on at least three (3) non-consecutive days.

(c) Sewage:

Adequate provisions shall be provided for the disposal of sewage and waste materials and such provisions shall meet the requirements of the Department of Environmental Quality.

(d) Vibration:

No vibration, other than that caused by highway vehicles and trains, shall be permitted which shall endanger the health, welfare or safety of the public or so as to constitute a public nuisance.

(B) Industrial Park Zoning District (IP) & Unincorporated Community Industrial Park Zoning District (UC-IP)

- (1) FRONT YARD. There shall be a front yard on every lot in the IP and UC-IP Zones, which front yard shall have a minimum depth of 20 feet. Any front yard provided adjacent to a street shall not be used for off-street parking or loading areas, except ingress and egress lanes.
- (2) REAR AND SIDE YARDS. There shall be a rear and side yard on every lot in the IP and UC-IP Zones, which rear and side yard shall have a minimum depth of 10 feet. The minimum depth shall be increased one (1) foot for each additional foot of building height above 10 feet, except a rear or side yard is not required adjacent to a railroad right-of-way, siding or spur track; provided, however, any rear or side yard provided adjacent to a street shall have a minimum depth of 20 feet.

In the UC-IP Zone, side and rear yards adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses.

(3) OPEN STORAGE YARDS.

- (a) All yard areas, exclusive of those required to be landscaped as provided in Section 112.400 (B)(4), may be used for materials and equipment storage yards or areas and may be used for the purposes permitted in the IP and UC-IP Zones, provided such yard area is enclosed with an ornamental, sight-obscuring fence or wall placed at a height of six (6) feet or a compact evergreen hedge planted at three (3) feet and capable of obtaining a minimum height of six (6) feet. Any fence, wall or hedge shall be located on the property at the required setback line in the same manner as if said fence or wall were a building.
- (b) If any material or equipment projects above the six (6) feet screen, then a screen plan will be submitted to the Planning Director for approval.
- (c) The surface of such area shall be paved or graveled and maintained at all times in a dust-free condition; except, that all automobile and truck parking and loading areas shall be paved, as provided in Section 112.220 through 112.280.

- (d) Any lighting maintained in conjunction with material and equipment storage areas shall be so oriented as to not shine on or reflect into abutting properties or streets.
 - (4) **LANDSCAPED YARDS.** All required yard areas and all other yards not used for open storage as provided in Section 112.400 (B)(3), or paved parking and loading areas, shall be landscaped.
 - (5) **HEIGHT.** In the IP and UC-IP Zones, no building or structure shall exceed 45 feet in height.
 - (6) **VEHICLE ACCESS.** Access points to property from a street shall be located to minimize traffic congestion, and maximum effort shall be made to avoid directing traffic into residential areas. Before a street, other than an arterial, which is a boundary between a residential zone and the IP or UC-IP Zones, or a street which is within a residential zone, is used for any vehicular access to the IP or UC-IP Zone, such use of those streets must first have been approved by the Planning Director as a conditional use. Access roads and access points will be used to the maximum extent possible to serve the greatest number of uses. All access roads and driveways shall be surfaced with asphalt concrete or comparable permanent surfacing.
 - (7) **INDUSTRIAL PERFORMANCE STANDARDS.** The industrial performance standards for the IP and UC-IP Zones shall be the same as set forth in Section 112.400 (A)(6).
- (C) Light Industrial Zoning District (IL), Unincorporated Community Light Industrial Zoning District (UC-IL), Eola Unincorporated Community Industrial Zoning District (Eola UC-I), and Rickreall Unincorporated Community Industrial Zoning District (Rickreall UC-I).
- (1) **LOT AREA.** There are no minimum lot area requirements for buildings in the IL, UC-IL, Eola UC-I, or Rickreall UC-I Zones.
 - (2) **FRONT YARD.** There shall be no front yard required in the IL, UC-IL, Eola UC-I, or Rickreall UC-I Zones.
 - (3) **SIDE YARDS.** No side yard shall be required in the IL, UC-IL, Eola UC-I, or Rickreall UC-I Zones, but if one is provided, it shall be at least three (3) feet provided, however, where the side of a lot in the IL, UC-IL, Eola UC-I, or Rickreall UC-I Zone abuts upon or is adjacent to the side of a lot in any residential zone, then there shall be a side yard the same as is required in such abutting residential zone, and said yard shall be contained by a wall or fence not less than six (6) feet in height or compact evergreen hedge not less than three (3) feet and capable of obtaining a height of six (6) feet.

In the UC-IL, Eola UC-I, and Rickreall UC-I Zones, side yards adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses.
 - (4) **REAR YARD.** In the IL, UC-IL, Eola UC-I, or Rickreall UC-I Zones, no rear yard is required, except as herein provided, but if one is provided it shall be not less than three (3) feet in depth exclusive of any alley. A rear yard shall be provided in the IL, UC-IL, Eola UC-I, and Rickreall UC-I Zones when:

- (a) The lot abuts or is adjacent to a premises used or is zoned for residential purposes. The yard shall be not less than three (3) feet in depth.
- (b) The buildings or structures or portions thereof on a lot are used for residential purposes, in which circumstances, side and rear yard restrictions in the RM Zone (Section 112.380 (C)(3)) shall apply. In the case of subsection (a) of this section, the rear yard shall be contained by a wall or fence or ornamental compact evergreen hedge not less than three (3) feet high and capable of attaining a height of six (6) feet.
- (c) A landscaped yard three (3) feet in depth shall be provided in all side and rear yards adjacent to a street.

In the UC-IL, Eola UC-I, and Rickreall UC-I Zones, a rear yard adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses.

- (5) **LANDSCAPED YARD.** All yards shall be landscaped exclusive of through direct driveways, adjacent to every street, on every lot upon which a new non-residential structure is erected, or a graveled or unimproved lot is paved or a lot is newly developed for the outdoor sale or display of merchandise, goods or services.
- (6) **HEIGHT.** In the IL, UC-IL, Eola UC-I, and Rickreall UC-I Zones, no building or structure shall exceed 70 feet or six (6) stories in height.
- (7) **INDUSTRIAL PERFORMANCE STANDARDS.** The discharge into the air of solids, liquids or gases which are detrimental to the public health, safety and welfare by causing injury to human, plant or animal life or to property is prohibited in the IL, UC-IL, Eola UC-I, and Rickreall UC-I Zones. In the IL, UC-IL, Eola UC-I, and Rickreall UC-I Zones no land or structure shall be used or occupied unless there is continuing compliance with the following standards:
 - (a) **Heat, glare and light:**
All operations and facilities producing heat, glare or light, including exterior lighting, shall be so directed or shielded by walls, fences, or evergreen plantings that such heat, glare or light is not reflected or directed onto adjacent properties or streets.
 - (b) **Noise:**
No noise or sound in the IL, UC-IL, Eola UC-I, and Rickreall UC-I Zones shall be of a nature which will constitute a nuisance and all uses in the IL, UC-IL, Eola UC-I, and Rickreall UC-I Zones within 150 feet of an IP or UC-IP Zone shall not exceed the limits prescribed for the IP or UC-IP Zone.
 - (c) **Sewage:**
Adequate provisions shall be provided for the disposal of sewage and waste materials and such provisions shall meet the requirements of the Department of Environmental Quality.
 - (d) **Vibration:**

No vibration, other than that caused by highway vehicles and trains, shall be permitted which is discernible without instruments at or beyond the property line for the use concerned.

(D) Heavy Industrial Zoning District (IH) & Unincorporated Community Heavy Industrial Zoning District (UC-IH)

- (1) LOT AREA. There are no minimum lot area requirements for buildings in the IH or UC-IH Zones.
- (2) FRONT YARD. There shall be no front yard required in the IH or UC-IH Zones.
- (3) SIDE YARDS. No side yard shall be required in the IH or UC-IH Zones, but if one is provided, it shall be at least three (3) feet; provided, however, where the side of a lot in the IH or UC-IH Zone abuts upon or is adjacent to the side of a lot in any residential zone, then there shall be a side yard the same as is required in such abutting residential zone, and said yard shall be contained by a wall or fence not less than six (6) feet in height or compact evergreen hedge not less than three (3) feet and capable of obtaining a height of six (6) feet.

In the UC-IH Zone, side yards adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses.

- (4) REAR YARD. In the IH or UC-IH Zones, no rear yard is required, except as herein provided, but if one is provided it shall be not less than three (3) feet in depth exclusive of any alley. A rear yard shall be provided in the IH and UC-IH Zones when:
 - (a) The lot abuts or is adjacent to a premises used or is zoned for residential purposes. The yard shall be not less than three (3) feet in depth.
 - (b) The buildings or structures or portions thereof on a lot are used for residential purposes, in which circumstances, side and rear yard restrictions in the RM Zone (Section 112.380 (C)(3)) shall apply. In the case of subsection (a) of this section, the rear yard shall be contained by a wall or fence or ornamental compact evergreen hedge not less than three (3) feet high and capable of attaining a height of six (6) feet.
 - (c) A landscaped yard three (3) feet in depth shall be provided in all side and rear yards adjacent to a street.

In the UC-IH Zone, a rear yard adjacent to an Exclusive Farm Use Zone, Farm Forest Zone, Farm Forest Overlay Zone, or Timber Conservation Zone shall be a minimum of 20 feet. A variance to this standard may be granted, subject to the provisions of Chapter 122 (Variances) of the Zoning Ordinance, subject to a showing that the proposed variance will not adversely affect adjacent farm or forest uses.

- (5) LANDSCAPED YARD. All yards shall be landscaped exclusive of through direct driveways, adjacent to every street, on every lot upon which a new non-residential structure is erected, or a graveled or unimproved lot is paved or a lot is newly developed for the outdoor sale or display of merchandise, goods or services.

- (6) **HEIGHT.** In the IH and UC-IH Zones, no building or structure shall exceed 70 feet or six (6) stories in height.
 - (7) **INDUSTRIAL PERFORMANCE STANDARDS.** The discharge into the air of solids, liquids or gases which are detrimental to the public health, safety and welfare causing injury to human, plant or animal life or to property is prohibited in this industrial zone. In the IH and UC-IH Zones, no land or structure shall be used or occupied unless their in continuing compliance with the following standards:
 - (a) **Heat, glare and light:**
All operations and facilities producing heat, glare or light, including exterior lighting, shall be so directed or shielded by walls, fences, evergreen plantings, that such heat, glare or light is not reflected or directed onto adjacent properties or streets.
 - (b) **Noise:**
No noise or sound in the IH and UC-IH Zones shall be of a nature which will constitute a nuisance and all uses in the IH and UC-IH Zones within 150 feet of an IP or UC-IP Zone shall not exceed the limits prescribed for the IP or UC-IP Zone.
 - (c) **Sewage:**
Adequate provisions shall be provided for the disposal of sewage and waste materials and such provisions shall meet the requirements of the Department of Environmental Quality.
 - (d) **Vibration:**
No vibration other than that caused by highway vehicles and trains shall be permitted which is discernible without instruments at or beyond the property line for the use concerned.
- (E) **Rural Industrial Zoning District (R-IND)**
- (1) **LOT AREA.** The minimum lot area shall be adequate to provide for an approved on site septic system, a potable water source, parking and other applicable development standards of this Chapter and other general provisions and exceptions set forth by this ordinance.
 - (2) **LOT WIDTH.** The minimum average lot width shall be 100 feet. The minimum average lot width at the street shall be 50 feet.
 - (3) **LOT DEPTH.** The minimum average lot depth shall be 100 feet.
 - (4) **FRONT YARD.** The minimum front yard shall be twenty (20) feet for all structures. A ten (10) foot wide landscaped area parallel to the front yard setback, excluding access/egress shall be established within the required front yard setback. Vehicle maneuvering is permitted within the balance of the front yard setback, however, required off-street parking is expressly prohibited.
 - (5) **REAR AND SIDE YARDS.** No side or rear yard shall be required, except where a lot abuts a residential use or district, there shall be a yard not less than the rear yard required by the abutting residential district.

Corner lots shall have no sight obstruction between three (3) feet and ten (10) feet in height measured from street grade within 30 feet in either direction from the street corner, as measured from the property line.

The minimum yards shall be increased where such yard or setback abuts a street having insufficient right-of-way width to serve the area. The right-of-way shall be determined according to the applicable transportation plan.

The side or rear yard may be eliminated where a railroad service to the site is obtained at the edge of the lot.

- (6) **HEIGHT.** No building or structure shall exceed seventy (70) feet in height unless authorized through a Variance.
- (7) **LOT COVERAGE.** No lot shall be covered with structures in excess of sixty (60) percent of the total lot area.
- (8) **ACCESS.** To facilitate access and egress, all lots in this District shall abut or be within 250 feet of a public street, road or highway; or be located on a private road constructed to applicable private road standards.
- (9) **OPEN STORAGE YARDS.**
 - (a) All yard areas, exclusive of those required to be landscaped may be used for materials and equipment storage yards or areas and may be used for the purposes permitted in the R-IND Zone, provided such yard area is enclosed with an ornamental, sight-obscuring fence or wall placed at a height of six (6) feet or a compact evergreen hedge planted at three (3) feet and capable of obtaining a minimum height of six (6) feet. Any fence, wall or hedge shall be located on the property at the required setback line in the same manner as if said fence or wall were a building.
 - (b) No material or equipment shall project above the six (6) feet screen, unless authorized by a variance.
 - (c) The surface of such area shall be paved or graveled and maintained at all times in a dust-free condition; except, that all automobile and truck parking and loading areas shall be paved, as provided in Section 112.220 through 112.280.
 - (d) Any lighting maintained in conjunction with material and equipment storage areas shall be so oriented as to not shine on or reflect into abutting properties or streets.
- (10) **INDUSTRIAL PERFORMANCE STANDARDS.** The discharge into the air of solids, liquids or gases which are detrimental to the public health, safety and welfare causing injury to human, plant or animal life or to property is prohibited in this industrial zone. In the R-IND Zone, no land or structure shall be used or occupied unless their in continuing compliance with the following standards:
 - (a) **Heat, glare and light:**

All operations and facilities producing heat, glare or light, including exterior lighting, shall be so directed or shielded by walls, fences, evergreen plantings, that such heat, glare or light is not reflected or directed onto adjacent properties or streets.
 - (b) **Noise:**

No noise or sound in the R-IND Zone shall be of a nature which will constitute a nuisance and all uses in the R-IND Zone within 150 feet of a residential Zone shall not exceed the limits prescribed for the IP Zone.

- (c) Sewage:
Adequate provisions shall be provided for the disposal of sewage and waste materials and such provisions shall meet the requirements of the Department of Environmental Quality.
- (d) Vibration:
No vibration other than that caused by highway vehicles and trains shall be permitted which is discernible without instruments at or beyond the property line for the use concerned. [Amended by Ordinance 00-03]

112.420. PUBLIC ZONE DEVELOPMENT STANDARDS

- (A) LOT AREA. The minimum requirements in PC, PE and PP Zones for dwellings shall be the same lot area prescribed for dwellings in the RM Zone, and in PA, PH and PS Zones, the same lot area prescribed for dwellings in the PH Zone. No main building, including dwellings, shall occupy more than 30 percent of the lot area in the PC, PE and PP Zones.
- (B) FRONT YARD. There shall be a front yard on every lot in all Public Zones, which front yard shall have a minimum depth of 20 feet, except the front yard for signs shall be three (3) feet. Signs may be placed within the three (3) foot setback subject to Section 112.125. No parking shall be permitted within the minimum front yard area. [Amended by Ordinance 12-01]
- (C) SIDE YARDS. Where the side of a lot in any Public Zone abuts upon the side of a lot in the SR, AR-5, AR-10, or AF-10 Zones, there shall be a minimum side yard of five (5) feet. There shall be added to these minimum requirements, one (1) foot for each multiple of 15 feet or portion thereof, that the length of that side of the building measures over 30 feet; in addition, any side yard adjacent to a street shall be a minimum of 20 feet and no parking shall be permitted within 10 feet of the street property line. [Amended by Ordinance 04-01]
- (D) REAR YARD. In any Public Zone, there shall be a rear yard which shall have a minimum depth of 20 feet, which depth shall be increased by four (4) feet for each additional story above the first.
- (E) HEIGHT. No building or structure in a PC Zone shall exceed two and one-half stories or 35 feet. No building or structure in all other Public Zones shall exceed six (6) stories or seventy feet, provided that in PE and PP Zones the buildings or structures shall set back from every street and lot line one (1) foot for each foot of height of the building in excess of 35 feet in addition to all other yard and setback requirements herein specified.

112.430. RESOURCE ZONE DEVELOPMENT STANDARDS

- (A) Exclusive Farm Use Zoning District (EFU)
 - (1) YARDS
 - (a) There shall be front, side and rear yards of the following depths for lots in the Exclusive Farm Use Zoning District:

All buildings and structures

Front	Side	Rear
30 feet	20 feet	20 feet

- (b) Any side or rear yard adjacent to a street shall meet the yard requirement for a front yard.
 - (c) When by this ordinance or any other ordinance, a greater setback or front yard of greater depth is required than is required by this section, the greater setback line or front yard depth shall apply. If a lesser setback or yard is required, the provisions of this ordinance shall apply.
 - (d) All structures are subject to any special setback lines, where specified on designated arterials or collectors, in addition to the above setbacks.
- (2) **HEIGHT.** There shall be a height limitation of 100 feet in the Exclusive Farm Use Zoning District, except for those lands subject to the Airport Overlay zone or any structure which has received a conditional approval which limits the height of said structure.

(B) Farm Forest Zoning District (FF)

(1) YARDS

- (a) There shall be front, side and rear yards of the following depths for lots in the Farm Forest Zoning District:

All buildings and structures

Front	Side	Rear
30 feet	20 feet	20 feet

- (b) Any side or rear yard adjacent to a street shall meet the yard requirement for a front yard.
 - (c) When by this ordinance or any other ordinance, a greater setback or front yard of greater depth is required than is required by this section, the greater setback line or front yard depth shall apply. If a lesser setback or yard is required, the provisions of this ordinance shall apply.
 - (d) All structures are subject to any special setback lines, where specified on designated arterials or collectors, in addition to the above setbacks.
- (2) **HEIGHT.** There shall be a height limitation of 100 feet in the F/F zone, except for those lands subject to the Airport Overlay zone or any structure which has received a conditional use approval which limits the height of said structure.

(C) Timber Conservation Zoning District (TC)

(1) SETBACK REQUIREMENTS.

- (a) No structure or use shall be established in a manner likely to cause contamination of a stream, lake or other body of water.
- (b) **Front Yard.** Every building shall have a setback from the front property line or any lot line adjacent to a street or road, of at least 30 feet.
- (c) **Side Yard.** The minimum side yard requirements in the TC Zoning District shall be 80 feet.
- (d) **Rear Yard.** The minimum rear yard requirements in the TC Zoning District shall be 80 feet.

Note: When land divisions create parcels of less than 40 acres for conditional uses listed in Sections 177.030 (H) and (L) and 177.040 (A) through (P), provided that those uses have been approved pursuant to Section 177.050 of

this Ordinance, required building setbacks for these parcels will be determined on a case-by-case basis through the conditional use process and may vary from those required under Section 177.050 based upon the specific use authorized by the Conditional Use Permit.

(D) Mineral Extraction Zone (ME)

- (1) FRONT YARD. The minimum front yard setback for all structures in an ME Zone shall be 20 feet, unless by this ordinance or some other ordinance a greater setback is required.
- (2) SIDE YARD. The minimum side yard requirement in an ME Zone shall be ten (10) feet.
- (3) REAR YARD. The minimum rear yard required for any structure in the ME Zone shall be 24 feet.

Table No. 31-A – Number of Accessible Parking Spaces (Handicap)

Minimum Required Number of Total Parking Spaces	Accessible Space
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-999	2% of total spaces
over 1,000	20 spaces plus 1 for every 100 spaces or fraction thereof, over 1000

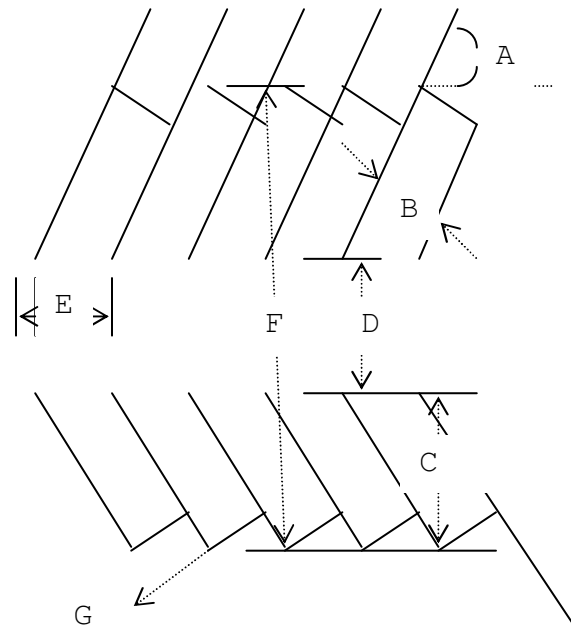
One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated van accessible. The vertical clearance at such van spaces shall be 98 inches. All such spaces may be grouped on one level of a parking structure.

Table No. 31-B – Wheelchair Spaces Required in Assembly Areas

Capacity of Seating in Assembly Area	Number of Required Wheelchair Spaces
4 to 25	1
26 to 50	2
51 to 300	4
301 to 500	6
over 500	6, plus 1 for each 100 over 500

Appendix 1.

A	B	C	D	E	F	G
45	8.5	17.5	13.0	12.0	48.0	2.0
	9.0	17.5	12.0	12.7	47.2	2.0
	9.5	17.5	11.0	13.4	46.0	2.0
	10.0	17.5	11.0	14.1	46.0	2.0
60	8.5	19.0	18.0	9.8	56.0	2.5
	9.0	19.0	16.0	10.4	54.0	2.5
	9.5	19.0	15.0	11.0	53.0	2.5
	10.0	19.0	14.0	11.6	52.0	2.5
75	8.5	19.5	25.5	8.8	64.0	2.5
	9.0	19.5	23.0	9.3	62.0	2.5
	9.5	19.5	22.0	9.8	61.0	2.5
	10.0	19.5	21.0	10.3	60.0	2.5
90	8.5	18.5	28.0	8.5	65.0	3.0
	9.0	18.5	26.0	9.0	63.0	3.0
	9.5	18.5	25.0	9.5	62.0	3.0
	10.0	18.5	24.0	10.0	61.0	3.0



A	Parking Angle
B	Stall Width
C	Stall Depth (no bumper overhang)
D	Aisle Width Between Stall Lines (5)
E	Stall Width Parallel to Aisle
F	Module Width (no bumper overhang)
G	Bumper Overhang

NOTE:

A.

- 1) For one (1) row of stalls use “C” plus “D” as minimum bay width.
- 2) Public alley width may be included as part of dimension “D”, but all parking stalls must be on private property, off the public right-of-way.
- 3) For estimating available parking area, use 350 sq. ft. per vehicle for stall, aisle and access areas.
- 4) The stall width for self-parking of long duration is 8.6’; for higher turnover self-parking is 9.0’; and for supermarkets and similar facilities (shoppers with packages) is 9.5 – 10.0’.
- 5) The minimum aisle width for two-way traffic and for emergency vehicle operations area is 24’. The minimum aisle width for emergency vehicle access (one way traffic) is 20’.
- 6) Where appropriate bumper overhang area is provided (extruded curbs), “G” can be subtracted from “C” to determine stall depth.
- 7) Dimensions of required recreational vehicle spaces are 10’ x 25’.

B. Areas used for required parking or maneuvering of vehicles shall have a durable, hard surface. In all residential areas, a minimum of 2 ½ inches asphalt over 4 inches of aggregate base will be provided or 4 inches of Portland cement concrete. In commercial and industrial areas, either 3 inches asphalt over 4 inches aggregate base or a single pavement of 5 inches of Portland cement concrete is required. All required parking spaces shall be striped.