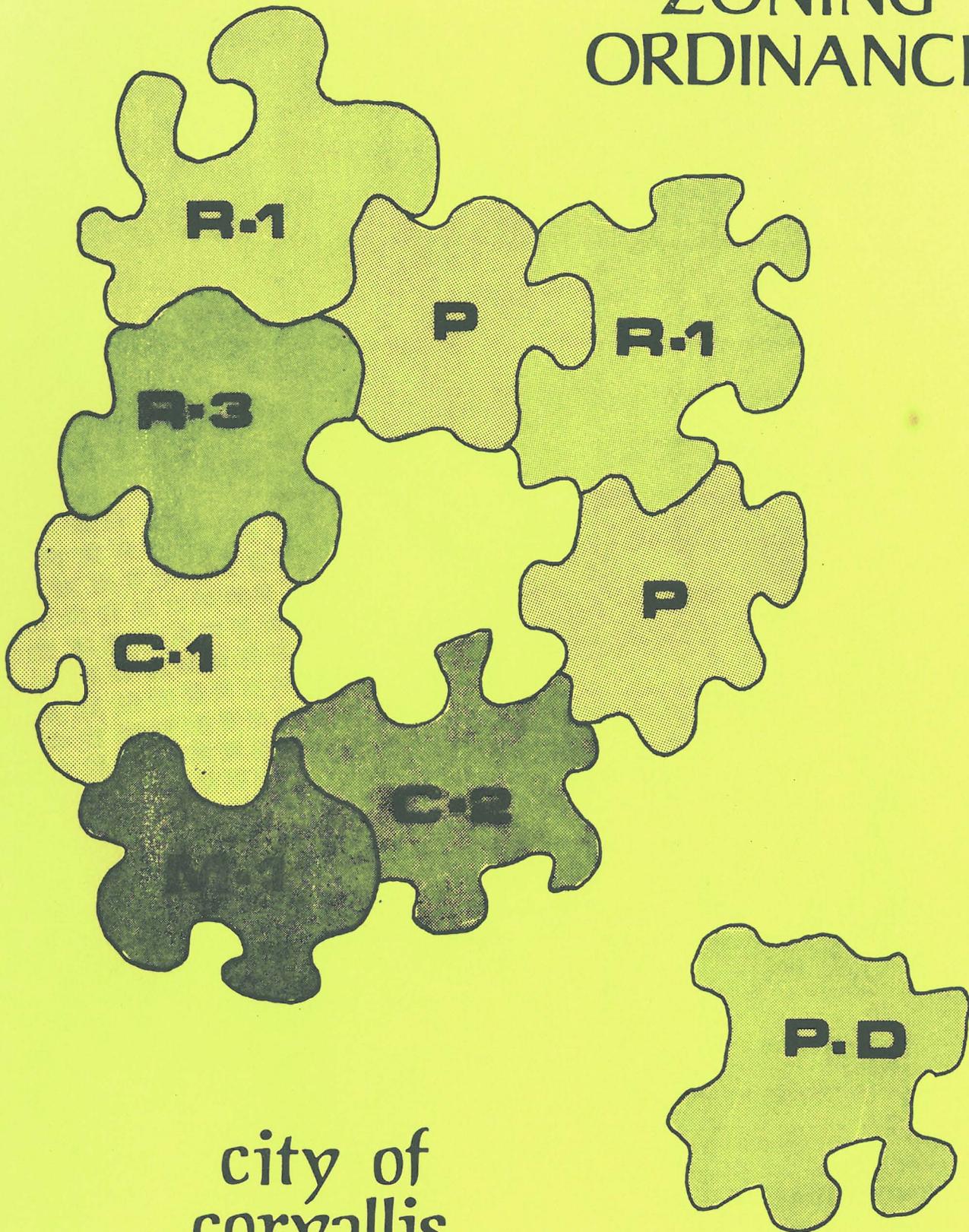


ZONING ORDINANCE



city of
corvallis,
oregon

ZONING ORDINANCE
CITY OF CORVALLIS, OREGON

Adopted April 18, 1966
Revised to October 1978

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ORDINANCE NO. 66-36

AN ORDINANCE RELATING TO ZONING, REGULATING THE USE OF LAND AND STRUCTURES, CREATING NEW PROVISIONS, AMENDING ORDINANCE 53-11, AS AMENDED, AND DECLARING AN EMERGENCY.

The City of Corvallis, Oregon does ordain as follows:

That Ordinance 53-11, as amended, is amended to read as follows:

ARTICLE 1. INTRODUCTORY PROVISIONS

Section 1.01. Short Title

This ordinance shall be known as the Corvallis Zoning Ordinance.

Section 1.02. Objectives of the Zoning Ordinance

The Zoning Ordinance is adopted to protect and promote the public health, safety, convenience, and general welfare. More specifically, the Zoning Ordinance is adopted in order to achieve the following objectives:

1. To provide a precise guide for the physical development of the city.
2. To promote orderly growth of the city.
3. To encourage the most appropriate use of land.
4. To maintain a suitable balance between structures and open spaces on each site.
5. To promote a safe, effective traffic circulation system.
6. To facilitate fire and police protection.
7. To prevent undue concentrations of population.
8. To facilitate adequate provision of community facilities.
9. To preserve the natural beauty of the City's site.
10. To conserve and stabilize the value of property.

Section 1.03. Definitions

For the purposes of this ordinance, all words in the present tense shall include the future; all words in the singular number shall include the plural; and the word "shall" is mandatory and not directory. The following words and terms are construed and defined as follows:

Access - the way or means by which pedestrians and vehicles enter and leave property.

Access Way - that portion of a flag lot which is required to provide access from a dedicated right-of-way to the building site area. See Figure 21-1.

Accessory use or structure - a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Affected Area - property within the area of a proposed zone change and within three hundred feet (300') of such an area. Streets and governmentally-owned property shall be excluded in determining affected area.

Alley - a public way which affords only a secondary means of vehicular access to abutting property.

Automobile service station - a retail place of business engaged primarily in the sale of motor fuels, but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorist needs. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products. Major automotive repairs, painting and body and fender work, are excluded except where such uses are otherwise permitted.

Board - Zoning Hearings Board

Building Official - City Manager

Building Site Area - that portion of a flag lot which contains the required lot area for development. See Figure 21-1.

City - City of Corvallis, Oregon

Commission - Planning Commission

Council - City Council

Dormitory - A building or group of buildings containing rooms, other than dwelling units, for occupancy by 50 or more persons other than transients, catering

to men, women, or both, and which may include centralized facilities for the preparation or serving of meals.

Dwelling, duplex or two-family - a detached building containing two dwelling units.

Dwelling, multi-family - a building containing three or more dwelling units.

Dwelling, single family - a detached building containing one dwelling unit.

Dwelling unit - one or more rooms, bathroom and one kitchen only designed for occupancy by one family.

Family - One or more persons occupying a single house-keeping unit provided that unless all members are related by blood or marriage, no such family shall contain over five persons.

Flag Lot - A lot, the major portion of which has access to a right-of-way by means of a narrow strip of land. See Figure 21-1.

Height of structures - the vertical distance from the highest ground level adjacent to the structure to the highest point of the structure.

Home occupation - a lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with no employee or other person being engaged, provided that the residential character of the dwelling is maintained and the activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

Lot - A parcel or tract of land which is occupied or may be occupied by a building or buildings together with the yards and other open spaces required by this ordinance, except that in the R-R, R-T, and C-1 districts, each area so zoned is a lot or site.

Lot, corner - a lot abutting on two intersecting streets other than an alley.

Lot, depth - the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot, front - on an interior lot, the side of a lot abutting the street. On a corner lot, the narrowest side shall be the front except where the narrowest side of a lot is a minimum of 75 feet there may be a choice of frontage.

Lot of Record - a lot as shown on an officially recorded plat or partition map or a parcel of land officially recorded as a unit of property and described by metes and bounds.

Lot, interior - a lot other than a corner lot and having frontage on only one street.

Lot line - the property line bounding a lot.

Lot, width - the horizontal distance between the midpoints of the side lot lines.

Nonconforming structure or use - a lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective and which does not conform to the requirements of the district in which it is located.

Office - Includes those structures and activities therein which are commonly referred to as offices where the principal activity is the provision of a service and not the sale of goods and products.

Person - includes firm, association, partnership, company, or corporation as well as an individual.

Parking space, off-street - an off-street parking space shall comprise not less than 180 square feet of parking stall plus necessary maneuvering space.

Public parking area - an off-street area used for the temporary parking of automobiles and available for public use or as an accommodation for clients or customers.

Retirement center - a building or group of buildings, containing separate dwelling units designed for and occupied principally (at least one occupant of each dwelling unit) by persons over the age of 60 years, excluding convalescent and nursing care as a function of the center.

Screening - a structure or planting which is 75 percent opaque and a minimum height of 5 feet (where permitted).

Sign -

See Corvallis Sign Ordinance - Section 4.01

Sign area -

See Corvallis Sign Ordinance - Section 4.01

Street - the entire width between the right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms "road," "lane," "place," "avenue," "alley," and other similar designations.

Structure - anything built or constructed which requires location on the ground or which is attached to something having a location on the ground.

Structural alterations - any change in the supporting members of a building such as bearing walls, columns, beams, girders or foundations.

Trailer park or mobile home park - a plot of ground upon which 3 or more trailer coaches occupied for dwelling or sleeping purposes are located.

Use - the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Yard - an open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

Yard, exterior side - a yard extending from the front yard to the rear lot line on the street side of a corner lot.

Yard, front - a yard extending the full width of the lot, the uniform depth of which is the minimum distance from the front lot line to the main building.

Yard, rear - a yard extending the full width of the lot or in the case of a corner lot to the exterior side yard, the uniform depth of which is the minimum distance from the rear lot line to the main building.

Yard, side - a yard extending from the front yard to the rear yard along the side of the main building; the uniform width of such yard being the minimum distance from the side lot line to the main building.

Ordinance 53-11, as amended by
Ordinance 73-1 (Section 1.03) January 1973
Ordinance 74-91 (Section 1.03.6) October 1974
Ordinance 78-75 (Section 1.03) October 1978

ARTICLE 2. GENERAL PROVISIONS

Section 2.01. Application of District Regulations

No site or structure shall be used, no structure shall be erected and no existing structure shall be moved, altered or enlarged except in conformity with the regulations for the district in which the site, structure, or use is located.

Section 2.02. Establishment of Districts

The districts established by the zoning ordinance shall be as follows:

- R-1 One-family Residential District
- R-A One-family Residential & Agricultural District
- R-2 One-family Residential District
- R-3 Two-family Residential District
- R-L Low Density Multiple Family Residential District
- R-M Multiple Family Residential Medium Density District
- R-H High Density Multiple Family Residential District
- R-R Residential Retirement District
- R-T Residential Trailer District
- C-1 Neighborhood Commercial District
- C-2 Limited Commercial District
- C-H Highway Commercial District
- C-B Central Business District
- M-1 Light Industrial District
- M-2 Heavy Industrial District
- P-D Planned Development
- P Public Use District

Section 2.03. District Location

The boundaries for each district listed in this ordinance are the boundaries indicated for the district by the Corvallis Zoning Map of 1966, which is hereby adopted by reference.

Section 2.04. Zoning Map

The zoning map adopted by Section 2.03. of this ordinance shall be dated with the effective date of the ordinance and a certified print of the adopted map shall be maintained without change in the office of the City Recorder as long as this ordinance remains in effect.

Section 2.05. District Boundaries

Wherever any uncertainty exists as to the boundary of a district as shown on the zoning map, the following regulations shall control:

1. Where a boundary line is indicated as following a street or alley, it shall be construed as following the center line of such street or alley.
2. Where a boundary line follows or approximately coincides with a lot or property ownership line, it shall be construed as following such line.
3. Where a boundary line is not indicated as following or approximately coinciding with a street, alley, lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the zoning map.
4. Where a boundary line divides a lot in single ownership, then the boundary line shall be considered as the lot line for purposes of computing area and setback for uses which are permitted in the less restrictive district. For uses which are permitted in the more restrictive district, the ownership lines may be used in applying the area and setback regulations.

Ordinance 53-11, as amended

Subsection 2.02 of Section 2 as amended by Ordinance 68-80 - July 1968

Section 2 as amended by Section 2 of Ordinance 66-36 - April 1966

ARTICLE 3. R-1 ONE-FAMILY RESIDENTIAL DISTRICT

Section 3.01. Permitted Uses

1. One family dwellings.
2. Publicly-owned parks, playgrounds, playfields and neighborhood or community recreation centers.
3. Public schools, public libraries, churches, and non-profit colleges and universities in locations approved by the Building Official after a finding by him that the location and site plan conforms to the objectives of the zoning ordinance as set forth in Section 1.02. and the regulations of this section.
4. Non-profit corporations organized for the purpose of providing educational and recreational facilities and private clubs and lodges not including residential uses as part of their facilities. Locations and site plans for such corporations shall be approved by the Planning Commission, after notice and public hearing and a finding that the location and site plan conforms to the objectives of the zoning ordinance as set forth in Section 1.02. and the regulations of this section.
5. Necessary public utilities.
6. Home occupation as defined in Section 1.03.
7. Golf courses, not including midget golf courses or driving ranges.
8. Accessory uses and buildings customarily incidental to the above uses.
9. Signs as permitted in Section 19.02.

Section 3.02. Lot Area

The minimum lot area shall be 8000 square feet and the minimum average width shall be 65 feet.

Section 3.03. Setback Requirements

1. Front yards shall have a minimum depth of 25 feet.
2. Side yards shall have a minimum width of 8 feet. On a corner lot, the side yard for all buildings shall be a minimum of 20 feet on the side abutting a street.
3. Rear yards shall have a minimum depth of 25 feet.

Section 3.04. Height of Structures

No structure shall exceed 30 feet in height.

Section 3.05. Off-Street Parking Facilities

Off-street parking facilities shall be provided on the site of each use as prescribed in Section 18.01.

ARTICLE 4. R-A ONE-FAMILY RESIDENTIAL AND AGRICULTURAL DISTRICT

Section 4.01. Permitted Uses

1. Any use permitted in the R-1 district.
2. Cultivation of commercial crops or commercial farm and truck gardening, including plant, tree and shrub farms.
3. Farms or ranches for grazing, breeding, raising or training of domestic animals, poultry or fowl, except animals primarily kept, bred or raised for furbearing purposes.
4. Accessory uses and buildings customarily incidental to the above uses, but retail sales of products other than products produced on the lot, whether outdoors or in a building, shall not be construed to be accessory to a use provided in this section.

Section 4.02. Termination of Agricultural Uses

When part or all of an R-A district is rezoned to any other district, any use or uses permitted in subsections 2, 3, or 4 of Section 4.01. within the rezoned district or part of a district shall be discontinued within two years from the date of the zone change.

Section 4.03. Lot Area

The minimum lot area shall be 8000 square feet and the minimum average width shall be 65 feet.

Section 4.04. Setback Requirements

1. Front yards shall have a minimum depth of 25 feet.
2. Side yards shall have a minimum width of 8 feet. On a corner lot, the side yard for all buildings shall be a minimum of 20 feet on the side abutting a street.
3. Rear yards shall have a minimum depth of 25 feet.

Section 4.05. Height of Structures

No structure shall exceed 30 feet in height.

Section 4.06. Off-Street Parking Facilities

Off-street parking facilities shall be provided on the site of each use as prescribed in Section 18.01.

Ordinance 53-11 as amended

Section 4 as amended by Ordinances 66-36 and 66-85

ARTICLE 5. R-2 ONE-FAMILY RESIDENTIAL DISTRICT

Section 5.01. Permitted Uses

Any use permitted in the R-1 district.

Section 5.02. Lot Area

The minimum lot area shall be 6,500 square feet and the minimum average width shall be 65 feet.

Section 5.03. Setback Requirements

1. Front yards shall have a minimum depth of 10 feet.
2. Side yards shall have a minimum width of five feet on one side of the building and eight feet on the opposite side.
3. Rear yards shall have a minimum depth of 10 feet.
4. Combined rear and front yards not less than 40 feet.
5. Parking space of 19 feet long in front of garage or carport.
6. Vision clearance area in corner lots of 20 feet.

Section 5.04. Height of Structures

No structure shall exceed 30 feet in height.

Section 5.05. Off-street Parking Facilities

Off-street parking facilities shall be provided on the site of each use as prescribed in Section 18.01.

Section 5.06. Special Provisions

1. Alternate area and width provision. Lots may have an area of as small as 5000 square feet and the minimum average width of 50 feet; however, any lot of less than 6500 square feet and/or having a minimum average width of less than 65 feet shall meet the following minimum requirements. The above provisions apply except as specifically modified.
 - A. Outdoor living area is an outdoor space designed for use by occupants of the house directly related to the interior space by doors and windows, constructed for outside living activities with a patio area, landscaping, and screen fences for privacy. It may be in the rear, side, or front of the house with the shortest dimension of the outdoor living area not less than 15 feet and containing an area of not less than 500 square feet and a hard-surfaced patio of not less than 150 square feet.

B. Driveways and front walks of permanent durable surface constructed according to city standards.

Section 5.07. Construction in Side Yard

In the R-2 district the developer may elect to construct a residence with the elimination of one side yard. A site plan is required and the developer must submit to the building official plans or agreements for the abutting lot next to the yard to be eliminated. Assurance shall be provided that the rights of neighboring lots will not be restricted by the use of the side yard.

Section 5.08. Site Plans

Site plans shall be required for issuance of a building permit on all lots less than 6,500 square feet. Site plans are to be drawn to scale, showing lot dimensions, house dimensions, setbacks, outdoor living areas, site screens of fencing with height noted, patio area with a type of surface, location and type of surfacing for driveway and walks, system of drainage, sewer location, and water meter location. Site plans are to be reviewed and approved by the building official.

Section 5.09 Vision Clearance

Vision clearance shall mean a triangular area at the street corner of the corner lot or the alley-street intersection of a lot, the space being defined by a line across the corner, the ends of which are on the street lines or alley lines, an equal and specified distance from the corner and containing no planting, walls, structures or temporary or permanent obstruction from two and one-half feet in height above the curb level to 10 feet above the curb level.

Vision clearance dimension specified in Section 5.03-5.06 is the distance from the corner of the lot establishing the location of the diagonal line across the corner.

Ordinance 53-11 as amended

Section 5 as amended by Ordinances 66-36 and 71-100

Section 5.06.1 as amended by Ordinance 77-95

ARTICLE 6. R-3 LIMITED MULTIPLE FAMILY

Section 6.01. Purpose.

The purpose of this district is to provide areas within Corvallis where attached and detached dwellings may be constructed under various ownership patterns including condominiums, townhouses, duplexes and single-family detached dwelling units. The district is intended to produce a higher density and more intensive use of land than the R-1 and R-2 districts while maintaining the direct relationship of each dwelling unit to its own building site. The district is further intended to achieve efficiencies in the provision of streets and utilities and to encourage the provision of usable open space.

Section 6.02 Permitted Uses.

Attached and detached one-family dwellings and duplexes.

Section 6.03. Area and Lot Width Requirements.

1. General Provision - Lots of less than 5000 square feet may only be created through the subdivision process and where four or more lots are created from the original parcel(s).
2. One-dwelling unit:
 - a. Lot area - For a single-dwelling unit on an individual lot, the area shall be not less than 3,000 square feet.
 - b. Lot width - The minimum lot width shall be 40 feet except where more than two units but not more than five units are to be attached at common property lines and then the minimum lot widths may be reduced to 30 feet subject to the provisions of subsection 6.10 of this ordinance.
3. Two-dwelling units:
 - a. For a duplex, the minimum lot area shall be determined by adding the areas required for each dwelling unit as prescribed in the following table:

| | |
|----------------------|------------------|
| Studio or efficiency | 1245 square feet |
| One bedroom | 1660 square feet |
| Two bedroom | 2500 square feet |
| Three bedroom | 3735 square feet |
| Four bedroom | 4175 square feet |

- b. The minimum lot width shall be 50 feet.

Section 6.04. Lot Coverage.

The lot coverage occupied by buildings and area used for parking and automobile circulation shall not exceed 60 percent of the total site area.

Section 6.05. Setback Requirements.

1. Front Yard: 15 feet subject to the requirement that on any lot the front of the garage or carport shall not be closer to the front lot line than 20 feet.
2. Rear Yard: 20 feet.
3. Side Yard: None except:
 - a. Exterior side yards: 10 feet;
 - b. Wherever a side yard is provided on an interior lot, such yard shall be not less than five feet;
 - c. Where the side yard abuts a more restrictive zone such yard shall not be less than five feet.
 - d. Where the side yard abuts a more restrictive zone and the building is more than one story, such yard shall not be less than 10 feet;
 - e. Where more than two units but not more than five units are attached at common property lines; side yards of five feet shall be required for the end units.

Section 6.06. Height of Structures.

No structure shall exceed 30 feet in height.

Section 6.07. Off-Street Parking Facilities.

Off-street parking facilities shall be provided on the site of each use as prescribed in Section 18.

Section 6.08. Open Area.

A minimum of 40 percent of the gross lot area shall be developed as permanent open area which shall be designed and arranged to offer maximum benefits to the occupants of the development.

Section 6.09. Separation from Parking Areas, Walks and Drives.

Parking areas, walks and drives shall be separated from duplex dwelling units by at least five feet.

Section 6.10. Site Plan Review.

Prior to the issuance of a building permit for a single-family dwelling or duplex on a lot of less than 5,000 square feet or

any single-family dwelling or duplex with a zero lot line, a site plan must be submitted to the Planning Department and approved for compliance with the following criteria:

1. Single-family dwellings and duplexes on lots of less than 5,000 square feet shall be so designed as to provide an outdoor living area equal to at least 10 percent of the total lot area. The outdoor living area shall be designed for use by the occupants of the dwelling unit and it shall be directly related to the interior space by doors and windows. The area shall be of adequate size to permit limited outdoor activities and shall be adequately screened for privacy.
2. Zero lot line development is permitted provided the following standards and requirements are met:
 - a. The privacy of nearby residences will not be reduced to an extent which exceeds that which would normally be reduced by conventional single-family dwellings.
 - b. Significant views of dramatic land forms, unusual stands of vegetation and open areas from nearby properties will not be obstructed to an extent which exceeds that which would normally be obstructed by conventional single-family dwellings.
 - c. Traffic visibility on adjoining streets will not be adversely affected.
 - d. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights-of-way.
 - e. The architectural features of proposed buildings and structures will be integrated harmoniously into the design character of the immediate neighborhood.
 - f. The provision of assurances that the rights of neighboring lots will not be restricted by use of the side yard. Approval of zero lot line development does not waive any applicable provisions of the Building Code.

Ordinance 53-11 as amended
Section 6 as amended by Ordinance 66-36 and 77-32

MULTI-FAMILY

RESIDENTIAL DISTRICTS

ARTICLE 7. R-L LOW DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT

Section 7.01. Purpose

The purpose of this district is to provide areas for multiple family housing in various outlying locations within the City.

Section 7.02. Permitted Uses

1. Any use permitted in the R-3 District.
2. Multiple Family dwellings.
3. Day nurseries.
4. Fraternities, sororities, dormitories, boarding and lodging houses and organized living groups.
5. Nursing and convalescent homes.
6. Those hospitals and medical and dental clinics (including prescription service for the exclusive use of the patients of such clinics) in existence at the time of passage of this amendment. These existing uses shall be construed to mean the following and no other:
 - a. Good Samaritan Hospital - 2750 N.W. Harrison Boulevard
 - b. Corvallis Clinic - 530 N.W. 27th Street.
 - c. Medical and Dental Building - 1320 N.W. Harrison Blvd.
 - d. Professional Office Building - 845 N.W. Monroe Avenue
 - e. Holcomb's Clinic - 1505-1535 N.W. Harrison Boulevard
7. Public parking as permitted in Article 18, as amended.
8. Accessory uses and buildings customarily incidental to the above uses.
9. Signs as permitted in Article 19, as amended.

Section 7.03. Lot Area

The minimum lot area shall be 10,000 square feet and a minimum average width of seventy-five (75) feet.

Section 7.04. Minimum Site Area per Dwelling Unit

The minimum site area per dwelling unit related to the number of bedrooms in each dwelling unit shall be as prescribed in the following table:

| | |
|----------------------|------------------|
| Studio or Efficiency | 875 square feet |
| 1 bedroom | 1166 square feet |
| 2 bedroom | 1750 square feet |
| 3 bedroom | 2625 square feet |
| 4 bedroom | 2915 square feet |

In calculating the total number of dwelling units that may be constructed upon a given site and to permit full utilization of the site, the density requirements specified may be rounded, but shall not exceed the equivalent of a 10% increase in the parcel area.

Section 7.05. Lot Coverage

The lot coverage occupied by buildings and area used for parking and circulation of the automobile shall not exceed seventy-five (75) percent of the total site area.

Section 7.06. Setback Requirements

The front yard, exterior side yard, side yard and rear yard shall have a minimum depth of ten (10) feet; except portions of the yards may be reduced to five (5) feet provided that:

1. The five (5) foot setback is applied to fifty (50) percent or less of the building face related to yard space; and,
2. An average ten (10) foot setback shall be provided along the building face; and,
3. The corner vision clearance area shall be maintained as provided in Section 18.05.7.

Section 7.07. Height of Structures

Buildings shall not exceed forty-five (45) feet above grade nor exceed three stories in height.

Section 7.08. Off-Street Parking Facilities

Off-street parking facilities shall be provided on the site of each use as prescribed in Article 18, as amended.

Section 7.09. Open Area, Landscaping and Screening

A minimum of 25 percent of the gross lot area shall be developed as permanent open area. Provisions of Article 20A Open Area, Landscaping and Screening Provisions, establishes requirements for this section.

Section 7.10. Separation Between Buildings, Parking Areas, Walks, and Drives

To provide privacy, light, air and access to the dwellings within the development, the following minimum standards shall apply:

1. Buildings with windowed walls facing buildings with windowed walls....25 foot separation.
2. Buildings with windowed walls facing buildings with a blank wall...15 foot separation.
3. Buildings with opposing blank walls...10 foot separation.
4. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
5. Buildings with courtyards to maintain separation of opposing walls as listed in 1, 2, and 3 above for walls in separate buildings.
6. Where buildings exceed a horizontal dimension of 60 feet or exceed 30 feet in height, the minimum wall separation shall be increased. The rate of increased wall separation shall

be one foot for each 15 feet of building length over 60 feet and 2 feet for each 10 feet of building height over 30 feet.

7. Driveways, parking lots and common or public walkways shall maintain the following separation for dwelling units within 8 feet of the ground level.
 - a. Driveways and parking lots shall be separated from windowed walls by at least 8 feet; walkways shall be separated by at least 5 feet.
 - b. Driveways and parking lots shall be separated from living room windows by at least 10 feet; walkways shall be separated by at least 7 feet.
 - c. Driveways and uncovered parking spaces shall be separated from doorways by at least 5 feet.

Section 7.11. Exterior Elevations

The exterior elevations of buildings shall incorporate design features such as off-sets, balconies, projections or similar elements to preclude large expanses of uninterrupted building surfaces. In the event of a question of interpretation or application, the Building Official may refer the proposal to the Planning Commission.

Section 7.12. Consideration for Special Exceptions

Special exceptions may be considered by the Planning Commission as provided in Article 21A only for the following: Sections 7.05, 7.06, 7.08, 7.09, and 7.10.

Ordinance 53-11, as amended - Section 7 as amended by 66-36, 66-70m 70-43 and 74-81

ARTICLE 7A. R-M MULTIPLE FAMILY RESIDENTIAL MEDIUM DENSITY DISTRICT

Section 7A.01 Purpose

The purpose of this District is to provide areas for multiple family housing within easy walking distance of the university and to establish standards for a diversity of housing types to meet the needs of this area of the City.

Section 7A.02 Permitted Uses

1. Any use permitted in the R-L District
2. Public parking as permitted in Article 18, as amended.
3. Accessory uses and buildings customarily incidental to the above uses.
4. Signs as permitted in Article 19, as amended.

Section 7A.03 Lot Area

1. The minimum lot area shall be 10,000 square feet and a minimum average width of seventy-five (75) feet.

Section 7A.04 Minimum Site Area per Dwelling Unit

The minimum site area per dwelling unit related to the number of bedrooms in each dwelling unit shall be as prescribed in the following table:

| | |
|----------------------|------------------|
| Studio or Efficiency | 750 square feet |
| 1 Bedroom | 1000 square feet |
| 2 Bedroom | 1500 square feet |
| 3 Bedroom | 2250 square feet |
| 4 Bedroom | 2500 square feet |

In calculating the total number of dwelling units that may be constructed upon a given site and to permit full utilization of the site, the density requirements specified may be rounded, but shall not exceed the equivalent of a 10% increase in the parcel area.

Section 7A.05 Lot Coverage

The lot coverage occupied by buildings and area used for parking and circulation of the automobile shall not exceed seventy-five (75) percent of the total site area.

Section 7A.06 Setback Requirements

The front yard, exterior side yard, side yard and rear yard shall have a minimum depth of ten (10) feet; except portions of the yards may be reduced to five (5) feet provided that:

1. The five (5) foot setback is applied to fifty (50) percent or less of the building face related to yard space; and,

2. An average ten (10) foot setback shall be provided along the building face; and,
3. The projections shall not be located at the corner vision clearance area (see Section 18.05.7).

Section 7A.07 Height of Structures

Buildings shall not exceed forty-five (45) feet above grade nor exceed three (3) stories in height.

Section 7A.08 Off-Street Parking Facilities

Off-street parking facilities shall be provided on the site of each use as prescribed in Article 18, as amended.

Section 7A.09 Open Area, Landscaping and Screening

A minimum of 25 percent of the gross lot area shall be developed as permanent open area. Provisions of Article 20A Open Area, Landscaping and Screening Provisions, establishes requirements for this section.

Section 7A.10 Separation Between Buildings, Parking Areas, Walks and Drives

To provide privacy, light, air and access to the dwellings within the development, the following minimum standards shall apply:

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

Section 7A.11 Exterior Elevations

The exterior elevations of buildings shall incorporate design features such as off-sets, balconies, projections or similar elements to preclude large expanses of uninterrupted building surfaces. In the event of a question of interpretation or application, the Building Official may refer the proposal to the Planning Commission.

Section 7A.12 Consideration for Special Exceptions

Special exceptions may be considered by the Planning Commission as provided in Article 21A only for the following: Sections 7A.05, 7A.06, 7A.08, 7A.09 and 7A.10.

Ordinance 53-11, as amended: Section 7A as provided by Ordinance 74-81

ARTICLE 8. R-H HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL DISTRICT

Section 8.01 Purpose

The purpose of this District is to provide areas for higher density multiple family housing and other closely related uses, primarily related to the downtown business area and establishing standards appropriate for this District.

Section 8.02 Permitted Uses

1. Any use permitted in the R-L District.
2. Offices.
3. Hospitals, sanitariums, nursing homes and medical and dental clinics and professional centers for the above-listed professions, including prescription service for the exclusive use of the patients of such clinics or professional centers.
4. Private clubs and lodges.
5. Public parking as permitted in Article 18 as amended.
6. Accessory uses and buildings customarily incidental to the above uses.
7. Signs as permitted in Article 19 as amended.
8. Offices of commercial or promotional associations, not including sales or advertising of goods and services.

Section 8.03 Lot Area

1. The minimum lot area shall be 10,000 square feet and a minimum average width of seventy-five (75) feet.

Section 8.04 Minimum Site Area per Dwelling Unit

The minimum site area per dwelling unit related to the number of bedrooms in each dwelling unit shall be as prescribed in the following table:

| | <u>Less than 3 stories</u> | <u>3 or more stories</u> |
|----------------------|----------------------------|--------------------------|
| Studio or Efficiency | 625 sq. ft. | 365 sq. ft. |
| 1 Bedroom | 835 sq. ft. | 485 sq. ft. |
| 2 Bedroom | 1250 sq. ft. | 725 sq. ft. |
| 3 Bedroom | 1870 sq. ft. | 1090 sq. ft. |
| 4 Bedroom | 2080 sq. ft. | 1210 sq. ft. |

In calculating the total number of dwelling units that may be constructed upon a given site and to permit full utilization of the site, the density requirements specified may be rounded, but shall not exceed the equivalent of a 10 percent increase in the parcel area.

Section 8.05 Lot Coverage

The lot coverage occupied by buildings and area used for parking and circulation of the automobile shall not exceed seventy-five (75) percent of the total site area.

Section 8.06 Setback Requirements

The front yard, exterior side yard, side yard, and rear yard shall have a minimum depth of ten (10) feet; except portions of the yards may be reduced to five (5) feet provided that:

1. The five (5) foot setback is applied to fifty (50) percent or less of the building face related to a yard space; and,
2. An average ten (10) foot setback shall be provided along the building face, and,
3. The projections shall not be located at the corner vision clearance area. (see Section 18.05.7)
4. Where buildings exceed a horizontal dimension of 60 feet or exceed 3 stories, the above yard requirements shall be increased at a rate of 1 foot for each 15 feet of building length over 60 feet and 2 feet for each story over 3 stories.

Section 8.07 Height of Structures

1. Buildings shall not exceed seventy-five (75) feet above grade nor exceed six(6) stories in height.
2. Where the R-H District is adjacent to an R-1, R-2, R-3 District the height of structures shall be limited as provided in the R-M District, Section 7A.07.

Section 8.08 Off-Street Parking Facilities

Off-street parking facilities shall be provided on the site of each use as prescribed in Article 18 as amended.

Section 8.09 Open Area, Landscaping and Screening

A minimum of 25 percent of the gross lot area shall be developed as permanent open area. Provisions of Article 20A Open Area, Landscaping and Screening Provisions, establishes requirements for this section.

Section 8.10 Separation Between Buildings, Parking Areas, Walks and Drives

To provide privacy, light, air and access to the dwellings within the development, the following minimum standards shall apply:

1. Buildings with windowed walls facing buildings with windowed walls...25 foot separation.
2. Buildings with windowed walls facing buildings with blank wall...15 foot separation.
3. Buildings with opposing blank walls...10 foot separation.
4. Building separation shall also apply to building projections such as balconies, bay windows and room projections.
5. Buildings with courtyards to maintain separation of opposing walls as listed in 1, 2, and 3 above for walls in separate buildings.
6. Where buildings exceed a horizontal dimension of 60 feet or exceed 30 feet in height, the minimum wall separation shall be increased. The rate of increased wall separation shall be

one foot for each 15 feet of building length over 60 feet and 2 feet for each 10 feet of building over 30 feet.

7. Driveways, parking lots and common or public walkways shall maintain the following separation for dwelling units within 8 feet of the ground level.
 - a. Driveways and parking lots shall be separated from windowed walls by at least 8 feet; walkways shall be separated by at least 5 feet.
 - b. Driveways and parking lots shall be separated from living room windows by at least 10 feet; walkways shall be separated by at least 7 feet.
 - c. Driveways and uncovered parking spaces shall be separated from doorways by at least 5 feet.

Section 8.11 Exterior Elevations

The exterior elevations of buildings shall incorporate design features such as off-sets, balconies, projections or similar elements to preclude large expanses of uninterrupted building surfaces. In the event of a question of interpretation or application, the Building Official may refer the proposal to the Planning Commission.

Section 8.12 Consideration for Special Exceptions

Special exceptions may be considered by the Planning Commission as provided in Article 21A only for the following: Sections 8.05, 8.06, 8.08, 8.09 and 8.10.

ARTICLE 9. R-R RESIDENTIAL RETIREMENT DISTRICT

Section 9.01. Permitted Uses

1. Retirement centers
2. Signs as permitted in Section 19.02.

Section 9.02. Site Development Plan

Each application for a building permit shall be accompanied by a development plan containing a plot plan, site details as related to topography, public utilities, parking, streets, and landscaping, beginning and completion dates and any other reasonably related information. The development plan shall comply with the following minimum standards:

1. Each site shall be adequately served by public facilities such as water supply, sewers, sidewalks and improved streets.
2. Each site shall have a minimum frontage of 150 feet, a minimum depth of 200 feet, and an area of not less than 60,000 square feet.
3. There shall be not more than one dwelling unit for each 1650 square feet of site area.
4. Setbacks shall be provided as required in the R-3 district.
5. No structure shall exceed 35 feet in height.
6. There shall be provided a minimum of 200 square feet of outdoor recreation area per dwelling unit exclusive of walks, driveways, and parking areas. No more than half of the required recreation area may be provided in private balconies and patios.
7. There shall be a minimum of one off-street parking space provided for each dwelling unit.

The Building Official may approve, disapprove, or modify and approve the application and attach any reasonable conditions to a development plan. Once approved, the plan submitted shall become the official plan. No building permit shall be issued except for construction conforming to the official plan and the plan shall be observed and fulfilled in the development of the site. All features required shall be installed and retained indefinitely or until approval has been received from the Building Official for modification.

Section 9.03. Commencement of Development

If construction of the principal building pursuant to a valid building permit is not diligently prosecuted within not more than 2 years from the effective date of any ordinance designating an area R-R, then the area shall automatically revert to the zone district in effect prior to designation, or if not previously zoned, to R-1. At any time prior to such reversion, the Planning Commission by motion may grant an extension which shall expire no later than 3 years after the effective date of the ordinance designating the area R-R.

Ordinance 53-11 as amended

Section 9 as amended by Ordinance 66-36

ARTICLE 10. R-T RESIDENTIAL TRAILER DISTRICT

Section 10.01. Permitted Uses

1. Trailer parks.
2. Accessory uses and buildings customarily incidental to trailer parks, including utility and storage buildings, recreation areas, an office and a dwelling for the manager.
3. Signs as permitted in Section 19.02..

Section 10.02. Site Development Plan

Each application for a building permit shall be accompanied by a development plan containing a plot plan, site details as related to topography, public utilities, parking, streets, and landscaping, beginning and completion dates and any other reasonably related information. The development plan shall comply with the following minimum standards:

1. Each site shall be adequately served by public facilities such as water supply, sewers, sidewalks and improved streets. Each trailer unit shall be provided with a water, sewer and electrical connection. The electrical connection shall provide for 110 and 220 volt service.
2. Each trailer park shall have a minimum frontage of 100 feet, a minimum depth of 150 feet, and an area of not less than 2 acres.
3. There shall be not more than one trailer unit for each 3000 square feet of site area.
4. Setbacks shall be provided as follows:
 - a. Front and rear yards shall have a minimum depth of 25 feet.
 - b. Side yards shall have a minimum depth of 10 feet. On a corner lot the side yard shall be 25 feet on the side abutting the street.
5. No structure shall exceed 25 feet in height.
6. A minimum of 100 square feet of outdoor recreation area, suitably improved for recreational use, shall be provided for each trailer unit exclusive of required yards. Each recreation area shall have a minimum size of 2500 square feet and a minimum width of 25 feet.

7. There shall be a minimum of 5 parking spaces for every 4 trailer units or fraction thereof.
8. Accessways or driveways shall be lighted in accordance with current city practice for street lighting on residential streets.
9. Primary access shall be from major streets and shall be designed to cause minimum interference with traffic movement. Where necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.
10. Access driveways connecting trailer units to a public street shall have a width of not less than 36 feet, of which not less than 20 feet shall be paved. Driveways shall be designed to provide for all maneuvering and parking of trailers without encroaching on a public street.
11. A sight-obscuring evergreen hedge, fence or wall not less than 5 feet nor more than 6 feet in height shall surround each R-T district, except that within the required front yard the fence shall be not less than 2½ feet nor more than 3 feet in height.

The Building Official may approve, disapprove, or modify and approve the application and attach any reasonable conditions to a development plan. Once approved, the plan submitted shall become the official plan. No building permit shall be issued except for construction conforming to the official plan and the plan shall be observed and fulfilled in the development of the site. All features required shall be installed and retained indefinitely or until approval has been received from the Building Official for modification.

Section 10.03. Commencement of Development

If construction of the principal building pursuant to a valid building permit is not diligently prosecuted within not more than 2 years from the effective date of any ordinance designating an area R-T, then the area shall automatically revert to the zone district in effect prior to designation, or if not previously zoned, to R-1. At any time prior to such reversion, the Planning Commission by motion may grant an extension which shall expire no later than 3 years after the effective date of the ordinance designating the area as R-T.

ARTICLE 11. C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

Section 11.01. Permitted Uses

1. Retail stores, offices and service establishments as follows:

- Art and photo supply stores
- Bakery goods stores
- Banks or financial institutions
- Barber shops and beauty shops
- Book and stationary stores
- Candy stores
- Christmas tree sales lots
- Cigar and pipe stores
- Cleaning and laundry agencies, including self-service laundry and dry-cleaning establishments
- Clothing stores
- Drug stores
- Florists
- Food stores, delicatessens and supermarkets
- Gift shops
- Hardware stores
- Hobby and toy shops
- Jewelry and gift shops
- Music stores
- Nurseries and garden supply stores, provided that all equipment, supplies and merchandise other than plants shall be kept with a completely enclosed building and that fertilizer of any type shall be stored and sold in packaged form only
- Offices
- Post offices
- Radio-television repair shops
- Shoe stores and/or shoe repair shops
- Variety stores

2. Accessory uses and buildings customarily incidental to the above retail stores, shops and businesses, and permitting only such incidental processing, assembling or treatment of products as is necessary to prepare retail goods sold only on the premises.
3. Automobile service stations in locations where they do not create a public nuisance or an unreasonable hazard to health or property because of traffic congestion or aesthetic incompatibility with other uses in the vicinity.
4. Signs as permitted in Section 3.03 of Ordinance 72-57, as amended.

Section 11.02. Site Development Plan

Each application for a building permit shall be accompanied by a development plan containing a plot plan, site details as related to topography, public utilities, parking, streets, and landscaping, beginning and completion dates and any other reasonably related information. The development plan shall comply with the following minimum standards:

1. Each site shall be adequately served by public facilities such as water supply, sewers, sidewalks and improved streets.
2. The minimum site area shall be 3 acres.
3. Setbacks shall be provided as follows:
 - a. Front and side yards shall have a minimum depth of 90 feet with the 25 feet adjacent to the lot line utilized exclusively for landscaping, fences, walls, and access and egress drives. Buildings shall be prohibited within the entire yard depth, except that automotive service stations shall have the following setbacks:
 - Structures other than pump islands or canopies, 60 feet.
 - Canopies, attached or detached and pump islands, 30 feet.
 - b. Rear yards shall have a minimum depth of 25 feet utilized exclusively for landscaping, fences, walls, and access and egress drives.
4. No structure shall exceed 25 feet in height.
5. There shall be at least 3 square feet of parking area provided on the site for each one square foot of total building floor area.
6. Access shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.
7. The entire site, including off-street parking areas, shall be adequately landscaped and effectively screened where visible from residential areas. Required yards shall be maintained in grass, trees, and shrubbery.
8. The arrangement of buildings, parking areas, signs, and other facilities shall be designed and oriented to minimize noise and glare relative to adjacent property.
9. Artificial lighting, including illuminated signs and parking area lights, shall be so arranged and constructed as not to produce direct glare on adjacent property or otherwise interfere with the use and enjoyment of adjacent property.

10. There shall be no outdoor storage or display of merchandise except as provided in Section 11.01. (nurseries and garden supply stores.)

11. Non-conforming structures shall be removed from the site.

The Building Official may approve, disapprove, or modify and approve the application and attach any reasonable conditions to a development plan. Once approved, the plan submitted shall become the official plan. No building permit shall be issued except for construction conforming to the official plan and the plan shall be observed and fulfilled in the development of the site. All features required shall be installed and retained indefinitely or until approval has been received from the Building Official for modification.

Section 11.03. Commencement of Development

If construction of the principal building pursuant to a valid building permit is not diligently prosecuted within not more than 2 years from the effective date of any ordinance designating an area C-1, then the area shall automatically revert to the zone district in effect prior to designation, or, if not previously zoned, to R-1. At any time prior to such reversion, the Planning Commission by motion may grant an extension which shall expire no later than 3 years after the effective date of the ordinance designating the area C-1.

Ordinance 53-11 as amended

Section 11, 11.01. as amended by Ordinance 68-11 and Ordinance 78-75

ARTICLE 12. C-2 LIMITED COMMERCIAL DISTRICT

Section 12.01. Permitted Uses

1. Any use permitted in the C-1 district.
2. Retail stores, offices and service establishments as follows:
 - Interior decorating shops
 - Offices and office buildings
 - Optician and optometrist shops
 - Paint and wallpaper stores
 - Restaurants, not including drive-in restaurants
 - Sporting goods stores
3. Signs as permitted in Section 19.04.

Section 12.02. Site Development Plan

Each application for a building permit shall be accompanied by a development plan containing a plot plan, site details as related to topography, public utilities, parking, streets, and landscaping, beginning and completion dates and any other reasonably related information. The development plan shall comply with the following minimum standards:

1. The minimum site area shall be 5000 square feet.
2. No structure shall exceed 25 feet in height.
3. Setbacks shall be provided as follows:
 - a. front yard - 15 feet
 - b. side yards - none required except for 5 feet when adjacent to an R district and 10 feet when adjacent to a street right-of-way.
 - c. rear yard - none required.
4. Off-street parking facilities shall be provided as prescribed in Article 18.

The Building Official may approve, disapprove, or modify and approve the application and attach any reasonable conditions to a development plan. Once approved, the plan submitted shall become the official plan. No building permit shall be issued except for construction conforming to the official plan and the plan shall be observed and fulfilled in the development of the site. All features required shall be installed and retained indefinitely or until approval has been received from the Building Official for modification.

ARTICLE 13. C-H HIGHWAY COMMERCIAL DISTRICT

Section 13.01. Permitted Uses

1. Retail, business, wholesale or service establishments which do not create a public nuisance or an unreasonable hazard to health or property because of noise, smoke, odor, dust, vibration, gas, traffic congestion, or because of aesthetic incompatibility with other uses in the vicinity.
2. Public parking facilities.
3. Signs as permitted in Section 19.05.

Section 13.02. Lot Area

The minimum lot area shall be 15,000 square feet and each lot shall have a minimum average width of 100 feet and a minimum depth of 150 feet.

Section 13.03 Setback Requirements

1. Front yards and exterior side yards on major thoroughfares and collector streets as defined in the Comprehensive Plan of the City of Corvallis adopted by the City Council in 1966, shall have a minimum depth of 60 feet of which the 5 feet nearest the street shall be utilized exclusively for landscaping, approved fences and walls, and ingress and egress drives to the parking areas. The remaining 55 feet of the yard depth may be used for landscaping, parking and loading space, pump islands, permitted signs, and permitted outdoor storage.
2. Front yards and exterior side yards on minor streets, as defined in the Comprehensive Plan of the City of Corvallis adopted by the City Council in 1966, shall have a minimum depth of 40 feet of which the 5 feet nearest the street shall be utilized exclusively for landscaping, approved fences and walls, and access and egress drives to the parking areas.
3. Side yards shall have a minimum depth of 10 feet.
4. Rear yards shall have a minimum depth of 15 feet.

Section 13.04. Height of Structures

No structure shall exceed 35 feet in height.

Section 13.05. Off-Street Parking Facilities

Off-street parking facilities shall be provided as prescribed in Article 18.

ARTICLE 14. C-B CENTRAL BUSINESS DISTRICT

Section 14.01. Permitted Uses

1. Multi-family dwellings.
2. Fraternal, charitable and religious uses.
3. Retail, business, wholesale or service establishments which do not create a public nuisance or an unreasonable hazard to health or property because of noise, smoke, odor, dust, vibration, gas, traffic congestion, or because of aesthetic incompatibility with other uses in the vicinity.
4. Public parking facilities.
5. Signs as permitted in Section 19.06.

Section 14.02. Lot Area and Setback Requirements

1. There is no minimum lot area or setback required for a business or commercial building.
2. The lot area requirements for buildings hereafter built and used entirely for multi-family dwelling purposes shall be the same as required in the R-H district.

Section 14.03. Height of Structures

No structure shall exceed 75 feet in height.

Section 14.04. Off-Street Parking Facilities

Off-street parking facilities shall be provided as prescribed in Article 18 except that the following shall be exempt from the requirements of Article 18.

1. Sites and structures located in a municipal parking assessment district.
2. Use of a building or structure in the C-B district when such building or structure is damaged by fire, flood, explosion, or other calamity or act of God or the Public Enemy, the reconstruction of which is commenced within one year following such damage. As used in this section, reconstruction means the construction or repair of a building or structure of the same or substantially the same dimensions and square footage of floor space.

Ordinance 53-11 as amended

Section 14 as amended by Ordinance 66-36; 66-85

ARTICLE 15. M-1 LIGHT INDUSTRIAL DISTRICT

Section 15.01. Permitted Uses

1. Any use permitted in the R-H, C-H, and C-B districts.
2. Any of the following uses provided that such use or operation does not create a nuisance because of odor, noise, dust, smoke or gas:

Compounding, packaging, or storage of cosmetics, drugs, perfumes, pharmaceuticals, soap, or toiletries, excluding all processes involving refining or rendering of fats and oils.

Electric power generator, transformer station or sub-station.

Freight terminal,

Government buildings, including armories, maintenance, repair or storage facilities.

Laboratory for experiment, research or testing.

Manufacture or storage of ice.

Manufacture, repair or storage of articles from the following listed previously prepared materials: bone, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious stone or metal, shell, textiles, wax, wire, wood, or yarn.

Manufacture, repair, or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or precision instruments, medical, dental, electric or electronic supplies or equipment, business machines, watches or timing devices, luggage, photographic equipment, pleasure boats, furniture or signs.

Processing, packaging or storage of foods or beverages, excluding those involving distillation, fermentation, rendering of fats or oils, or slaughtering.

Repair, rental, sales, servicing or storage of machinery, implements, equipment, trailers or motor vehicles.

Storage or sales of building supplies or equipment.

Veterinary hospital or kennel.

Warehouse or wholesale distribution and sales facility.

Welding, sheetmetal or machine shop.

3. Trailer parks developed to the standards prescribed in Section 10.02. Standards in subsection 10.02.2 excepted.
4. Accessory uses and buildings customarily incidental to the above uses.
5. Public parking facilities.
6. Signs as permitted in Section 19.06.

Section 15.02. Lot Area and Setback Requirements

1. Except as provided in Section 21.02., no yards are required in an M-1 district.
2. The lot area and setback requirements for buildings hereafter built and used entirely for multi-family dwelling purposes shall be the same as required in the R-H district.

Section 15.03. Height of Structures

No structure shall exceed 75 feet in height.

Section 15.04. Off-Street Parking Facilities

Off-street parking facilities shall be provided as prescribed in Article 18.

Ordinance 53-11 as amended
Section 15 as amended by Ordinance 66-36

ARTICLE 16. M-2 HEAVY INDUSTRIAL DISTRICT

Section 16.01. Permitted Uses

1. Any use permitted in the C-H, C-B and M-1 districts.
2. A dwelling unit which is accessory to a permitted use and which may only be occupied by a person or persons who are required to perform maintenance or security activities for the permitted use.
3. Signs as permitted in Section 19.
4. Any other use not specifically excluded herein and which does not create a nuisance or has not been declared a nuisance by statute or any court of competent jurisdiction.

Section 16.02. Lot Area and Setback Requirements

Except as provided in Section 21.02., no yards are required in an M-2 district.

Section 16.03. Height of Structures

No structure shall exceed 75 feet in height.

Section 16.04. Off-Street Parking Facilities

Off-street parking facilities shall be provided as prescribed in Article 18.

ARTICLE 16A. PD PLANNED DEVELOPMENT

Section 16A.01 Purpose

The purpose of planned development is to provide a greater flexibility in development of land than may be possible under a strict interpretation of the provisions of Articles 3 through 15 of this ordinance. It is intended to encourage variety in the development pattern of the community and the use of a creative approach to land development. It is further intended to achieve economics in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable and attractive open spaces, safe circulation, and the general well-being of the inhabitants.

Section 16A.02 Permitted Uses

1. An approved planned development may include any uses permitted in any district excepting those permitted only in an M-2 district.
2. General land use by area (single-family, multi-family commercial, industrial, etc.) shall be designated on the preliminary development plan.

Section 16A.03 Procedure for Approval of a Preliminary Development Plan.

1. An applicant shall submit a preliminary development plan to the commission for study and such plan shall include the following:
 - a. A basic plan for the development of the total area within the proposed planned development.
 - b. The location and size of all land use areas (single family, multi-family, commercial, industrial, etc.) within the planned development.
 - c. The location of all collector or major thoroughfare streets.
 - d. A narrative description in general terms of the size and type of building, grading modifications, water supply, drainage, and sewage collection and disposal.
 - e. Such other basic site development information as is appropriate. Specific development detail is not required and any detail shown shall be considered as illustrative only and subject to amendment at the time of the submission of the final development plan.
2. The Commission may approve, disapprove, or modify and approve and attach any reasonable conditions it finds are necessary

to carry out the purposes of this ordinance.

3. If, in the opinion of the commission, the foregoing provisions are satisfied, the proposal shall be processed in accordance with the procedure for consideration and amendment as required in Section 24.
4. Once approved, the preliminary development plan shall be determinative of the location of the collector and major thoroughfare streets and of the type of use to be permitted in the final development plan or sub-areas of the final development plan.
5. An approved PD Planned Development shall be identified on the zoning map in addition to the existing zoning.

Section 16A.04 Procedure for Approval of a Final Development Plan

1. The final development plan may be submitted for any reasonably sized portion of the area previously zoned as PD Planned Development. The final development plan shall be submitted to the building official for approval and shall contain the following information:
 - a. Proposed land uses, building locations, and housing unit densities.
 - b. Proposed circulation pattern indicating the status of street ownership.
 - c. Proposed open space locations and uses.
 - d. Proposed grading and drainage pattern.
 - e. Proposed method of water supply and sewage disposal.
2. The final development plan shall comply with the following minimum standards:
 - a. The final development plan must substantially conform to the land use and arterial street pattern as approved in the preliminary development plan.
 - b. All buildings and structures within the PD Planned Development shall have lot areas, and front, side, and rear yards which are reasonable in size and area. There shall be enough open space areas provided for each improvement to maintain a suitable balance between structures and open spaces on each site. Standards governing area, density, yards, off-street parking, and other requirements shall be similar to those requirements for the district that most nearly controls the type of use being proposed within the final development plan.

- c. Adequate services normally rendered by the city to its citizens must be available to the proposed development at the time of approval of the final development plan, may require the developer to provide special or oversize sewer lines, water lines, streets, or other service facilities to serve the planned development.
 - d. Access shall be designed to cause minimum interference with traffic movement on abutting streets.
 - e. The plan shall provide for adequate landscaping and effective screening for off-street parking areas and for areas where nonresidential use or high density residential use could be detrimental to residential areas. Required yards shall be maintained in grass, trees, and shrubbery.
 - f. The arrangement of buildings, parking areas, signs and other facilities shall be designed and oriented to minimize noise and glare relative to adjoining property.
 - g. Artificial lighting, including illuminated signs and parking area lights, shall be so arranged and constructed not to produce direct glare on adjacent property or otherwise interfere with the use and enjoyment of adjacent property.
3. In considering the final development plan, the building official shall make a determination as to the following:
- a. The area around the development can be developed in substantial harmony with the proposed plan.
 - b. The plan can be completed within a reasonable period of time.
 - c. The streets are adequate to serve the anticipated traffic.
 - d. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.
 - e. The final development plan complies with the requirements and standards of Section 16A.04 (2)
4. The building official may approve, disapprove, or modify and approve the final development plan and may attach any reasonable conditions to a plan. No building shall be erected in a planned development district except within an area contained in an approved final development plan and no construction shall be undertaken in that area except in compliance with the provisions of said plan. All features required in the final development plan shall be installed and retained indefinitely or until approval has been received from the building official for modification.

Section 16A.05 Procedure for Modification of a Preliminary Development Plan

1. A minor change in the preliminary development plan may be approved by the building official. A minor change is any change which is not within the description of a major change as provided in the following subparts 2 and 3 of this section.
2. A major change in a preliminary development plan which includes a change from a more restricted use to a less restricted use or a change in the location, width or size of a collector or major thoroughfare street, or in the location or specifications for utilities which is likely to materially affect future street or utility plans of the City of Corvallis may be approved only by the commission after public hearing and the city council after public hearing.
3. A major change in a preliminary development plan which includes any change in the character of the development or any increase in the intensity of the land use or in the location or amount of land devoted to specific land uses or any change in the location, width, or size of a collector or major thoroughfare street, or that substantially changes the location or specification for utilities, but which will not materially affect future street or utility plans of the City of Corvallis may be approved by the Commission after public hearing.
4. In considering any request for a change in a preliminary development plan, the building official, commission, and city council shall apply the same standards as are provided in this article for the approval of preliminary development plans. The building official, commission, and city council may approve, reject, modify or attach special conditions to a request for modification of a preliminary development plan. The building official in his reasonable discretion shall determine whether each request for modification of a preliminary development plan requests a minor or major change within the remaining of subparts 1, 2 or 3 of this section and shall determine or refer each request appropriately.

Section 16A.06 Appeal

In the event that a dispute arises between the building official and the developer as to any provisions of the final development plan, either party may appeal to the planning commission. The commission shall assume the responsibility for approving, amending, or modifying the final development plan.

Section 16A.07 Expiration

If substantial construction, the amount to be determined at the time of approval, of a Planned Development has not taken place within three years from the effective date of a P-D Planned Development designation, the planned development designation shall be void and the matter shall be set for public hearing before the Planning Commission to determine the appropriate zone pursuant to Ordinance 73-72

as amended. The property will be treated as if the applicant is making a new application for a zone change from the zone existing at the time the property was originally designated planned development to planned development with the burden of proof being on the proponent as before.

Ordinance 53-11

Section 16A added by Ordinance No. 68-80, passed July 15, 1968 and amended by Ordinance No. 71-85, passed November 1, 1971.

Section 16A.07 amended by Ordinance 75-64, November 13, 1975.

Ordinance 53-11 as amended by Ordinance 78-75 (Section 8.02), October 1978

ARTICLE 17. P PUBLIC USE DISTRICT

Section 17.01. Permitted Uses

Any building or use is permitted provided that it is governmentally owned (federal, state, county or municipal) and in public use.

Section 17.02. Transfer of Ownership

1. Whenever a public use district, or a part of any such district, is transferred to private ownership for different use, such transferred area shall revert to the zone district in effect prior to the effective date of this ordinance, or, if not previously zoned, to R-1.
2. Whenever any privately owned land is acquired by a governmental body for public use, the land so acquired shall automatically be and become P Public Use and the Zoning District Map is amended accordingly.

Ordinance 53-11 as amended

Section 17 as amended by Ordinance 66-36

Article 18. OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 18.01. General Provisions

1. Except as provided in Section 14.04. of this Ordinance, Off-Street parking and loading facilities shall be provided prior to the occupancy of any structure hereafter built, enlarged or increased in capacity.
2. The provision of required off-street parking and loading facilities is a continuing obligation of the property owner. Building or other permits will be issued only after receipt of site plans drawn to a suitable scale showing the location of permanent parking and loading facilities.
3. Requirements for a building or use not specifically listed in this article shall be determined by the Building Official based upon the requirements of similar uses.
4. When a building is enlarged, when a new building is constructed, or when the use of an existing building is changed, off-street parking and loading spaces shall be provided according to the standards set forth in Sec. 18.04. of this Ordinance. When the increased intensity requires less than two new spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative so that when the net effect of several changes generates a need for more than two spaces, they shall be provided. The requirement to provide additional spaces shall not be made retroactive on the existing use or activity.

Section 18.02. Additional Regulations - Parking

1. In any residential district, all motor vehicles incapable of movement under their own power except in an emergency, shall be stored in a completely screened space, garage, or carport.
2. When several uses occupy a single structure or lot, the total required parking shall be the sum of the requirements of the individual uses.
3. When a building or use is planned or constructed in such a manner that a choice of parking requirements could be made, the use which requires the greater number of parking spaces shall govern.
4. Required parking spaces shall be available for parking of vehicles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use and shall not be used for sale, repair or servicing of any vehicle.

Section 18.03. Additional Regulations - Loading

1. No off-street loading facilities shall be required where buildings abut a public alley in such a manner that loading operations can be conducted from said alley in accordance with applicable traffic and parking ordinances.

Section 18.04. Schedule of Off-Street Parking Requirements

Structures hereafter built, enlarged, increased in capacity or changed in use shall provide off-street parking as follows:

1. ONE-FAMILY DWELLINGS - Two spaces for each dwelling unit, one of which may be located in a driveway occupying a front or exterior side yard.
2. TWO-FAMILY DWELLINGS AND MULTIPLE FAMILY DWELLINGS -

| | |
|----------------------------|---------------------|
| Studio or Efficiency Units | .75 space ea. unit |
| 1 Bedroom Units | 1.00 space ea. unit |
| 2 Bedroom Units | 1.50 space ea. unit |
| 3 Bedroom Units | 2.25 space ea. unit |
| 4 Bedroom Units | 2.50 space ea. unit |

3. FRATERNITIES, SORORITIES, DORMITORIES, COOPERATIVES, LODGING AND BOARDING HOUSES - one space for every 500 square feet of gross floor area.
4. HOTELS - one space for every two guest rooms or suites.
5. MOTELS - one space for each guest room or suite.
6. RETAIL STORES, SERVICE OR REPAIR SHOPS, BANKS AND OFFICES - one space for each 400 square feet of gross floor area.
7. SERVICE OR REPAIR SHOPS AND RETAIL STORES THAT HANDLE BULKY MERCHANDISE such as furniture, household appliances, or motor vehicles - one space for each 800 square feet of gross floor area.
8. PLACES OF PUBLIC ASSEMBLY INCLUDING CHURCHES, STADIUMS, ARENAS, CLUBS, LODGES, AUDITORIUMS, MEETING ROOMS AND UNDERTAKING ESTABLISHMENTS - one space for each four fixed seats (eighteen lineal inches of bench shall be considered one seat) and one space for each fifty (50) square feet of public assembly area where there are no fixed seats.
9. PRESCHOOL NURSERY OR KINDERGARTEN - two spaces for each teacher.
10. ELEMENTARY SCHOOL - two spaces for each classroom.
11. JUNIOR HIGH SCHOOL - three spaces for each classroom.
12. SENIOR HIGH SCHOOL, COLLEGE OR COMMERCIAL SCHOOL - six spaces for each classroom.
13. HOSPITAL, CONVALESCENT HOSPITAL, NURSING HOME, SANITARIUM OR REST HOME - one space for each 1000 square feet of gross floor area.
14. BOWLING ALLEY - six spaces for each alley.
15. MEDICAL AND DENTAL CLINICS - one space for each 300 square feet of gross floor area.
16. RESTAURANTS, BARS, AND SIMILAR ESTABLISHMENTS - one space for each four (4) fixed seats or stools and one (1) space for each fifty (50) square feet of dining or drinking area where there are no fixed seats.

17. INDUSTRIAL ESTABLISHMENTS - ONE SPACE FOR EACH 1000 square feet of gross floor area or one space for each employee on the largest shift, whichever is greater.
18. TRAILER COURTS - five (5) parking spaces for every (4) trailer units or fraction thereof.
19. WHOLESALE ESTABLISHMENTS, WAREHOUSES, AIR, RAIL OR TRUCKING FREIGHT TERMINALS - one space for each 5000 square feet of gross floor area.

Section 18.05 Standards for Off-Street Parking Facilities

1. Required parking for residential uses shall be provided on the same site as the building. Required parking for all other uses shall be provided on the same site as the building or upon abutting property which is contiguous by at least 10 feet. Street right-of-way shall be excepted when determining contiguity.
2. Areas used for parking and maneuvering of vehicles shall have durable, dustless, all-weather surfaces paved in accordance with the standards specified by the Building Official in accordance with the contemporary engineering practices and, excepting for R-1, R-2, and R-3 uses, shall be drained as to avoid flow of water across sidewalks.
3. Artificial lighting which may be provided shall not create a glare or other public nuisance.
4. Access aisles and parking stalls shall be of sufficient width and length to provide for all turning and maneuvering in accordance with the standard specifications established by the Building Official.
5. Developments required to provide more than three parking spaces shall not have backing or maneuvering movements occur within a public street other than an alley. Two-family dwellings in any district where permitted may be granted an exception by the Planning Department to the above requirement for not more than five parking spaces where the lot is less than 10,000 square feet in area, not more than four cars are backing out of a single driveway, and the Building Official determines the character of the street in terms of traffic and congestion would reasonably permit backing into the street.
6. Service drives shall be designed and constructed to facilitate the safe and efficient flow of traffic. The number of service drives shall be the minimum that will allow the property to accommodate the anticipated traffic. Service drives shall be clearly and permanently marked by curbs, planting islands, fences or other devices placed adjacent to the driveway.
7. No planting, fences or other visual obstructions more than 30 inches tall nor tree limbs maintained lower than eight feet from the ground shall be permitted within the area

formed by the intersection of the driveway line, the street right-of-way line and a straight line joining said lines through points 20 feet from their intersection.

8. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper raise so placed to prevent a parked vehicle from extending over an adjacent property line, street or sidewalk.
9. Each vehicle stall shall be designated by plainly marked lines. Traffic movements shall be indicated or directional arrows marked on the pavement.

Section 18.06 Parking Requirements in Residential Districts.

No required parking shall be permitted in the front yard or exterior side yard setbacks in R-1, R-2, R-3 or R-T districts except as provided in Sections 18.04 (1) and 18.08. In the R-L, R-M and R-H districts, required parking shall be permitted to extend into the front and exterior side yard to within five feet of the property line. For two-family dwellings, one required parking space for each dwelling unit may be located in the driveway occupying a front or exterior side yard.

Section 18.07 Standards for Off-Street Loading Facilities.

For every use or premise mentioned in Section 18.04 in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more, at least one off-street loading space shall be provided. One additional space shall be provided for each additional twenty thousand square feet or major fraction thereof.

Off-street loading facilities shall conform with the following standards:

1. Each loading berth shall be not less than 35 feet in length and 10 feet in width and shall have a minimum height clearance of 14 feet.
2. Sufficient space for turning and maneuvering of vehicles shall be provided on the site in accordance with the standard specifications established by the Building Official.
3. Entrances and exits shall be provided at locations approved in accordance with applicable ordinances and statutes.
4. The loading area, access to drives and aisles shall be paved in accordance with the standards specified by the Building Official in accordance with contemporary engineering practices so as to provide a durable, dustless surface and shall be graded and drained to remove surface water.
5. Sight obscuring screening of the facility shall be provided where off-street loading facilities abut or are across the street from a residential district.

Section 18.08. Public Parking Area

1. All open parking areas in the C-1, C-2, C-H, C-B, M-1 or M-2 districts containing more than four parking spaces shall be effectively screened on each side which abuts a residential district by a wall, fence or densely planted, sight obscuring hedge not less than four nor more than six feet high.
2. Setback requirements provided for R-L, R-M, R-H, C-H, C-B, C-2, M-1 or M-2 districts do not apply to that portion of any such public parking area which is in excess of the minimum requirements of Section 18.05.
3. Public parking required under Section 18.04. and incident to a use permitted in an R-H district shall be permitted in an adjacent R-L or R-M district.
4. The public parking areas in existence on December 21, 1964 on any of the following premises shall be permitted to continue as conforming uses;
 - a. Lots 11 and 12, Hoffman's Additions.
 - b. Beginning at the intersection of the south line Polk Street and the east of North 9 Street, thence southerly along the east line of North 9 Street 60.0 feet; thence easterly and parallel to Polk Street 100.00 feet; thence northerly and parallel to North 9 Street 50.0 feet to the south line of Polk Street; thence westerly along the south line of Polk Street to the point of beginning.
 - c. Beginning at the intersection of the south line of Lincoln Street and west line of King's Blvd; thence southerly along the west line of King's Blvd. 75.0 feet; thence westerly and parallel to Lincoln Street 250.0 feet; thence northerly and parallel to Lincoln Street; thence easterly along the south line of Lincoln Street to the point of beginning.

5. Public parking in R-L, R-M and R-H districts shall be subject to the following conditions in addition to those or parts 1, 2 and 3 of this section:
 - a. Each public automobile parking area shall be enclosed by a sightly and sturdy wall, fence, solid evergreen hedge or evergreen vine-covered fence of not less than 36 inches nor more than 48 inches in height, except that within the 10 feet adjacent to each vehicle exit from such area the height of such fence, wall or hedge shall taper from a height of 2 feet immediately adjacent to siad exit to the height otherwise specified herein. Adequate sight clearance must be provided on corner lots.

Section 18.09. Existing Uses

No existing use of land or structure shall become a non-conforming use solely because of the lack of off-street parking and loading facilities at the time of adoption of this article.

Section 18.10. Supplementary Provisions

1. A studio or efficiency unit over 400 square feet in area shall provide parking as required for one-bedroom apartments.
2. Apartment units having a bedroom in excess of 160 square feet shall provide added parking of 0.5 parking space for each over-sized bedroom.
3. When the sum of the required parking spaces is a fraction of a space, $\frac{1}{2}$ of a space or less may be disregarded; greater than $\frac{1}{2}$ of a space, a full space shall be required.

Ordinance 53-11 as amended by Ordinances 66-36, 68-109, 70-59, 70-118, 73-56, 74-81 and 75-37.

ARTICLE 19. SIGNS

Provisions regulating signs are contained in Article 19 published separately and titled "Sign Ordinance".

ARTICLE 20. SUPPLEMENTARY PROVISIONS

Section 20.01. Access

Every lot shall abut a street, other than an alley, for at least 25 feet.

Section 20.02. Accessory Uses

1. Accessory uses shall comply with all requirements for the principal use except where specifically modified by this ordinance.
2. Fences shall not exceed 3 feet in height in a required front yard or an exterior side yard.
3. In a residential zone a side and/or rear yard may be reduced to one foot for an accessory structure and its projections erected more than 60 feet from streets other than an alley.
4. In a residential zone the rear yard of a corner lot may be reduced to 8 feet for an accessory structure and its projections erected more than 25 feet from streets other than an alley.
5. An accessory structure in a rear and/or side yard shall not exceed a height of 14 feet nor occupy more than 35 per cent of a required rear yard.

Section 20.03. Maintenance of Minimum Ordinance Requirements

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

Section 20.04. Dual Use of Required Open Space

No lot area, yard, other open space, or off-street parking area which is required by this ordinance for one use shall be construed as a required lot area, yard, other open space or off-street parking area for another use.

Section 20.05. Through Lots

Through lots having frontage on parallel or approximately parallel streets shall provide the required front yard on each street.

Section 20.06. Authorization of Similar Uses

The Building Official may permit in a particular district a use not listed in this ordinance, provided the use is substantially similar to and consistent with specified permitted uses and regulations of the district.

Section 20.07 Computing Yard Dimensions and Building Separation

Yard dimension and building separation measurements shall be the least dimension between the property lines or between the building walls.

Section 20.08 Determination of Bedrooms

For the purposes of density and parking requirements, the following criteria shall apply to the determination of bedrooms:

1. When a room such as a den, study, sewing or similar room is provided in conjunction with a single, bachelor or one-bedroom unit, such room shall be considered an additional bedroom.
2. When a room such as a den, study, sewing or similar room is provided in conjunction in a unit with two or more bedrooms, such room shall be considered an additional bedroom if provided with a wardrobe, closet or similar facility and if such room is constructed in such a manner that less than 50% of one wall is not open to an adjoining room.
3. The Building Official may determine the number of bedrooms in the event of questions of interpretation or application of this section.

Ordinance 53-11 as amended: Section 20 as amended by Ordinances 66-36, 66-82 and 74-81

ARTICLE 20A. OPEN AREA, LANDSCAPING AND SCREENING PROVISIONS

Section 20A.01 General Provisions

1. These provisions for improved open area, landscaping and screening are a continuing obligation of the property owner that they be maintained for the use, enjoyment and privacy of tenants.
2. Site plans indicating these site improvements shall be included with the plans submitted to the Building Department for approval. Issuance of a building permit includes these required improvements which shall be completed before issuance of a certificate of occupancy.
3. Existing trees, plant material and special site features shall be preserved within a project site to the fullest extent possible.

Section 20A.02 Minimum Open Area - All permitted uses in the Multiple Family Districts.

A minimum open area of .25 square feet shall be provided for each square foot of residential gross floor area. These provisions shall apply to all new projects and to an addition or remodeling of existing structures that creates new dwelling units. The open area shall be allocated as follows:

1. Private open space designed for the exclusive use of individual dwelling units such as patio areas and balconies of at least sixty (60) square feet with a minimum dimension of six (6) feet may be included as part of the required open space and be given credit for two (2) square feet of open area for each one (1) square foot so provided, not to exceed 200 square feet of total open space credit for any one dwelling unit.
2. The required open space shall be designed and arranged to offer the maximum benefits to the occupants of the development as well as provide visual appeal and building separation.
3. Balconies. Balconies that are required for entrances or entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.
4. Roofed Structures. Allocated open space shall not include roofed or enclosed structure; except for open unenclosed private patios or balconies.
5. Driveways and Parking. Said open space shall not include vehicular circulation areas, such as driveways, driveway easements, or open parking areas.

Section 20A.03 Landscaping and Screening - All permitted uses in the Multiple Family Districts

The minimum open area of all multiple family dwelling sites shall be landscaped and permanently maintained. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs or other living plants and with sufficient permanent irrigation installation to properly maintain all vegetation. Decorative design elements such as foundations, pools, benches, sculptures, planters and similar elements may be placed within the area.

1. Parking areas:

- a. Parking lots shall be screened from abutting land uses by a combination of fences, walls, or landscaping adequate to provide privacy and separation for the abutting land use.
- b. Parking lots shall have landscaped islands at the ends of parking rows to facilitate movement of traffic and to break large areas of parking surface.
- c. A minimum of three (3) percent of the space given to vehicular circulation such as driveways, driveway easements, or open parking areas shall be in landscaping which shall be evenly distributed throughout and long rows of parking spaces shall be interrupted by a landscape break. The minimum dimension of the landscape shall be three (3) feet and the landscaping shall be protected from vehicular damage by some form of wheel guard.

2. Front and Exterior Side Yards:

- a. Where parking areas project into the front or exterior side yards, the remaining yard shall be landscaped to provide partial screening of the parking area. Plantings, fences, berms, etc. not to exceed 30 inches in height and tree limbs to have a clearance of 8 feet above grade.
- b. Landscaping in the front and exterior side yards shall include trees at a rate not less than one tree for each 50 feet of lot frontage.

3. Service Facilities:

Garbage collection areas, and service facilities such as gas meters and air conditioning facilities located outside the building shall be appropriately screened and landscaped.

ARTICLE 21. GENERAL EXCEPTIONS

Section 21.01. General Exception to Lot Size Requirements

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

Section 21.02. General Exceptions to Yard Requirements

1. In recognition of the special land use problems that exist where an industrial district abuts a residential district, the following special yard requirements shall apply within M-1 and M-2 industrial zones:
 - a. The minimum side yard in an M-1 or M-2 district abutting an R district shall be 5 feet.
 - b. The minimum rear yard in an M-1 or M-2 district abutting an R district shall be 15 feet.
2. The minimum front yard setback on lots abutting the streets listed below shall be as specified:

| <u>Location</u> | <u>Minimum Setback Required</u> |
|--|-------------------------------------|
| Highland Way (east side from Grant to Circle Drive) | 20 feet |
| Ninth Street (east side from Grant to Conifer Street) | 60 feet |
| Monroe Street (C-2 district between 14 and 26 Streets) | None |
| Conifer Avenue (C-2 district between Lancaster Street and Highway 99W) | 60 feet |

Section 21.03 General Exception to Building Height Limitations.

Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.

Section 21.04. Projections from Buildings.

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, fireplaces, and flues shall not project more than three feet (3') into a required yard; except that a minimum thirty inch (30") setback shall be maintained from any property line. However, no architectural features shall be located within the required setback area on intersections of public rights-of-way so described in Article 18.05.7. Architectural features shall not include any portion of a structure built for the support, conveyance, occupancy, shelter or enclosure of persons, chattels, or property of any kind.

Section 21.05. Partitioned Lots.

Section 21.05.01 Intent.

Within the City of Corvallis, there are parcels of land which are of such size that they exceed the minimum lot area requirements for development. Since most of these parcels have City facilities and services available, they should be more fully developed. However, due to inadequate standards, attempts to develop these parcels through land partitioning have often had negative impacts on adjoining properties and undesirable residential building sites have often been created. It is the intent of this Section to establish those standards and procedures necessary to insure that partitioned lots are properly developed.

Section 21.05.02 Purposes.

In accordance with Section 21.05.01, the standards and procedures established herein are required for the following purposes:

- a. To permit the efficient utilization of land within the City of Corvallis.
- b. To provide residential building sites of sufficient size and appropriate arrangement.
- c. To minimize destruction of the natural environment and to incorporate natural features into the proposed development where practicable.
- d. To protect the residents of partitioned and adjoining properties from the potential adverse effects of intensified development in established residential areas.

Section 21.05.03 General Provisions.

The partitioning of a parcel of land in accordance with the provisions of the Subdivision Ordinance shall also be subject to the following standards and procedures.

Section 21.05.04 Access Way.

The lot access requirements of Section 20.01 of the Zoning Ordinance and Section 7.03.b of the Subdivision Ordinance may be reduced and combined, for residential lots, to provide access from a dedicated right-of-way in accordance with the following:

- a. Access way to a single lot and one dwelling unit 17 feet
- b. Access way to a single lot and two dwelling units or combined access to two lots and two dwelling units 23 feet
- c. Combined access way to two or three lots and three dwelling units with a common drive 28 feet
- d. Combined access way to two or three lots and four dwelling units with a common drive 30 feet
- e. Combined access way to two or three lots and five or more dwelling units with a common drive 34 feet

Access must be to a dedicated right-of-way of at least 40 feet, which is paved to City standards; except that access to a dedicated right-of-way of less than 40 feet may be permitted for no more than a single lot and two dwelling units, provided the right-of-way is paved to City standards.

Section 21.05.05 Lot Width.

The required minimum average lot width may be waived provided the minimum width of the building site area meets the lot width requirement of the applicable zone.

Section 21.05.06 Lot Area.

The lot area shall be as required by the applicable zone and it shall be provided entirely within the building site area exclusive of any access way, except that the building site area in R-2 may not be less than 6500 square feet.

Where more than 50%, by number, of the lots of record within 300 feet of the parcel to be partitioned are fully developed, the partitioned lot shall have a minimum building site area of at least 90% of the average lot area of the developed lots.

For purposes of this section, "fully developed" shall mean that a lot cannot be further partitioned due to insufficient area or the location of existing dwelling units.

Where a portion of a lot is located within 300 feet of the parcel to be partitioned, the entire lot shall be considered in the determination of required building site area. Lots located in a more restrictive zone, however, shall not be considered.

Section 21.05.07 Setbacks.

Setbacks shall be as required by the applicable zone, except that where a partitioned lot abuts a lot in a more restrictive zone, the setback requirements of the more restrictive zone shall apply for those yards which have common property lines.

Section 21.05.08 Front Yard Determination.

When the partitioned lot is a flag lot, the developer may determine the location of the front yard, provided that any side yard shall not be less than 10 feet. The requirements of this Section shall apply where there is a conflict with Section 21.05.07.

Structures shall generally be located so as to maximize separation from existing structures.

Section 21.05.09 Site Improvements.

- a. Driveways - Driveways to partitioned lots shall be of uniform width for their entire length and shall be surfaced as required by current City standards or as approved by the City Engineer. No driveway shall traverse an average slope in excess of 15% unless specifically approved by the City Engineer. The drive shall be located in that portion of the access way which will minimize the adverse effects of automobile traffic on abutting properties and no portion of the driveway located in the access way may be used for required parking.
- b. Screening - A screen shall be provided along the property line of a lot of record where the paved drive in and access way is located within 10 feet of the lot. Screening may also be required to maintain privacy for abutting lots and to provide usable outdoor recreation areas for proposed development.
- c. Fire Protection - The Fire Chief may require the installation of a fire hydrant where the length of an access way would have a detrimental effect on fire fighting capabilities.
- d. All other site improvements shall be made in accordance with current City standards and policies.

Section 21.05.10 Existing Vegetation.

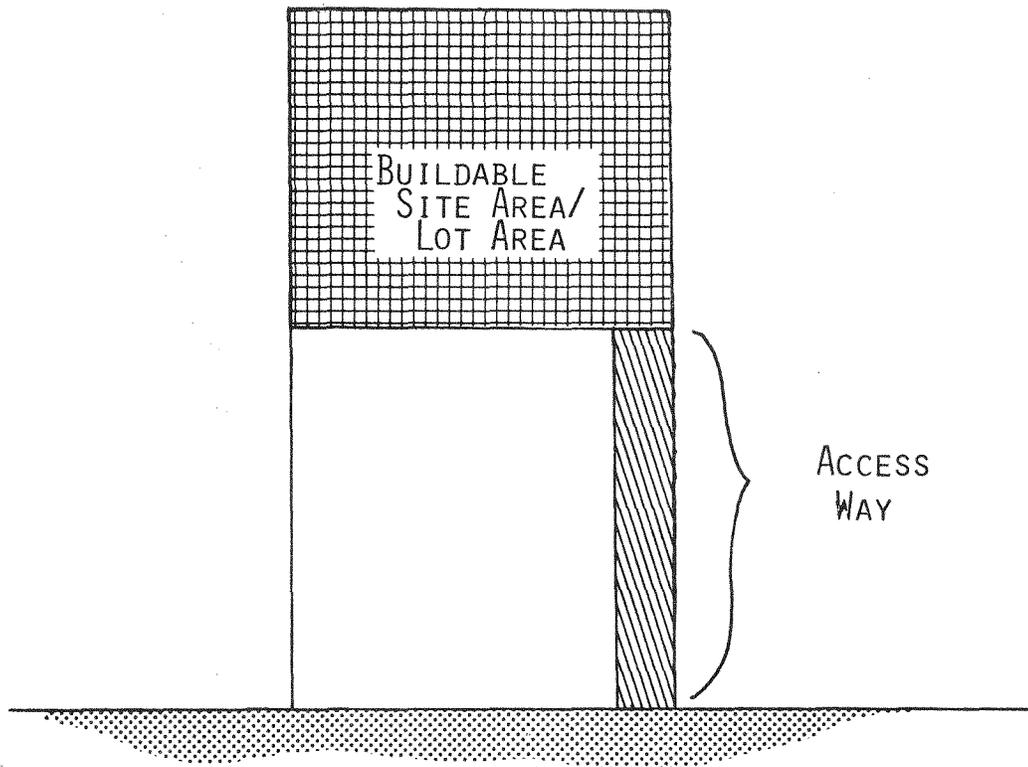
Significant beneficial vegetation including trees and shrubbery shall be preserved wherever practicable.

Section 21.05.11 Reciprocal Easements.

Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will insure access rights shall be recorded with the approved partition map.

Section 21.05.12 Site Plan Review.

Prior to the issuance of a building permit for development on any partitioned lot, a site plan must be submitted for approval by the Planning Department to insure compliance with the provisions of this section and other applicable City standards and policies.



DEDICATED RIGHT-OF-WAY
FIGURE 21-1 FLAG LOT

ARTICLE 21A. SPECIAL EXCEPTIONS

Section 21A.01 Purpose

Because of the impossibility of foreseeing and providing for all circumstances and conditions which may effect the provisions of Ordinance 53-11, as amended, the special exception is created thus making it possible to adjust the provisions of Ordinance 53-11, as amended, to special and unusual cases without defeating the general purposes and spirit of said ordinance.

Section 21A.02 Conditions Governing Applications

To hear and decide only such special exceptions as the Planning Commission is specifically authorized to pass on by the terms of this ordinance; to decide such questions as are involved in determining whether special exceptions with such conditions and safeguards as are appropriate under this ordinance, or to deny special exceptions when not in harmony with the purpose and intent of this ordinance.

Section 21A.03 Procedure

A special exception shall not be granted by the Planning Commission unless and until:

1. A written application for a special exception is submitted to the Planning Office indicating the section of this ordinance under which the special exception is sought, fully stating the grounds on which it is requested and including all facts relied upon to show that applicable provisions of Ordinance 53-11, as amended, should not be strictly interpreted and enforced relative to the property thirty (30) days in advance of the Planning Commission meeting or less at the discretion of the Planning Director.
2. The applicant has provided plans, profiles, specifications or other pertinent matter as might be requested or sufficient to adequately substantiate and justify the request and which establishes the following:
 - a. That there are exceptional or extraordinary circumstances or conditions applicable to the land, buildings, or premises involved, or to the intended use of same, that do not apply generally to the property or class of uses in the same district.
 - b. That the granting of such special exceptions will not be materially detrimental to the public health safety, and welfare or injurious to the conforming land, property or improvements in the neighborhood of the property for which such special exception is sought.

3. Public notice shall be given at least ten (10) days in advance of public hearing. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which special exception is sought and at the City Hall at least ten (10) days prior to the public hearing.
4. The public hearing shall be held. Any party may appear in person, by agent or attorney.
5. The Planning Commission shall make a finding that it is empowered under the section of this ordinance described in the application to grant the special exception and will not adversely affect the public interest.
6. A special exceptions application shall not be considered when the granting of such would have the effect of changing the permitted land use or increasing the permitted density.

Section 21A.04 Criteria for Granting a Special Exception

Before any special exception shall issue, the Commission shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:

1. Ingress and egress to property and proposed structure thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control, and access in case of fire or catastrophe;
2. Off-street parking and loading areas where required with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district;
3. Refuse and service areas with particular reference to the items in (1) and (2) above;
4. Utilities, with reference to locations, availability, and compatibility;
5. Screening and buffering with reference to type, dimensions and character;
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district.

7. Required yards and other open space;
8. General compatibility with adjacent properties and other property in the district;

Section 21A.05 Terms, Conditions, Time Limit, Guarantees

The Commission may prescribe the terms and conditions upon which a special exception may be granted and set a time limit for the duration of such special exception and may require guarantees in such form as it may deem proper under the circumstances to ensure that the purposes for which said exception is granted will be fulfilled and that the conditions of the exception will be met. No Commission action governing disposition of special exception shall become effective prior to the lapse of the ten (10) day appeal period.

Section 21A.06 Any building or structure set up, erected, built, moved or maintained contrary to the provisions of this article and/or any use of property contrary to the provisions of this article and/or any conditions attached to the granting of any special exception pursuant to this article which are not adhered to are declared to be unlawful and a public nuisance and the duly constituted authorities of Corvallis shall upon order of the City Council immediately commence action or actions, proceeding or proceedings for the abatement, removal and enjoyment thereof in the manner provided by law and to take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such building, structure or use and restrain and enjoin any person, firm or corporation from setting up, erecting, building, moving or maintaining any such building or structure or using any property contrary to the provisions of this article.

Failure to abide by and faithfully comply with any and all conditions that may be attached to the granting of any special exception pursuant to the provisions of this article shall constitute grounds for the revocation of said special exception by the City Council. All remedies provided for in Article 27 and herein shall be cumulative and not exclusive.

Section 21A.07 Expiration

The special exception shall be for a specific development considered and if a building permit has not been issued within one (1) year from the effective date of the special exception, unless otherwise provided for by the Planning Commission, the special exception shall expire.

The general welfare of the public will be promoted if this ordinance takes effect immediately, Therefore, an emergency is declared and this ordinance shall take effect immediately upon its passage by the Council and its approval by the Mayor. Passed by Council, approved by the Mayor and effective 9-16-74.

ARTICLE 22. NONCONFORMING USES

Section 22.01 Intent

The City of Corvallis recognizes that within the districts established by the Zoning Ordinance there are lots, structures and uses of land and structures which existed at the time the Zoning Ordinance was passed or amended and which according to municipal ordinance up to that time were entirely lawful but which, due to the passage or amendment of the Zoning Ordinance and the regulations which then took effect, became suddenly unlawful or nonconforming. It is the intent of the City to permit these nonconforming lots, structures and uses of land and structures to continue in existence even though they violate the regulations of the districts in which they are located with the condition that they not be expanded, extended or enlarged upon in any way that increases their nonconformance. It furthermore is the intent of the City that these nonconforming lots, structures and uses of land and structures be brought into conformance at some future date. The City envisions a time when all lots, structures and uses of land and structures in the City conform to the regulations of the districts in which they are located. The City thus deems the existence of nonconforming lots, structures and uses of land and structures to be incompatible with the intent of the Zoning Ordinance and the long-term growth and administrative policies of the City.

Section 22.02 Nonconforming Lots

Subject to the provisions of Section 22.01 through and including 22.08, a nonconforming lot may be developed if the aggregate of contiguous lots held in a single ownership as recorded in the office of the County Clerk at the time of the passage of this ordinance has an area or dimension which does not meet the lot size requirements of the district in which the property is located, the holdings may be occupied by a use permitted in the district subject to other requirements of the district, provided that if there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the density requirements of the district.

Section 22.03 Nonconforming Structures

Any lawful structure existing at the effective date of adoption or amendment of this ordinance or any lawful structure whose construction is begun at the effective date shall be permitted to continue and to be maintained in reasonable repair even though it does not meet the requirements of the district in which it is located, subject to the following provisions:

1. The structure may not be altered, extended or enlarged upon in any way that increases its nonconformance;
2. If the structure is damaged by any means to an extent of more than 60 percent of its assessed valuation (100 percent market value), any future structure on the site shall conform to the requirements of the district in which it is located.

Section 22.04

Nonconforming Uses of Structures and Land

Any lawful use of land or any lawful use of a structure or any lawful use of a structure and land in combination which existed at the effective date of adoption or amendment of this ordinance shall be permitted to continue even though it does not meet the requirements of the district in which it is located, subject to the following provisions:

1. The use shall not be enlarged upon or extended in any way to take up more space than was occupied at the effective date of adoption or amendment of this ordinance;
2. The use, if contained within a structure at the effective date of adoption or amendment of this ordinance, shall not be moved to another structure or onto open land.
3. The use, if contained on open land at the effective date of adoption or amendment of this ordinance, shall not be moved to another part of the land or into a structure;
4. Where the use involves a structure (either alone or in combination with land), removal or destruction of the structure shall result in elimination of the nonconforming use;
5. Any structure devoted in whole or in part to a nonconforming use may be kept in such repair as is necessary to continue the use at the level which existed at the effective date of adoption or amendment of this ordinance.

Section 22.05

Change of Nonconforming Use

If a nonconforming use is replaced by another use, the new use shall conform to the requirements of the district in which the property is located.

Section 22.06

Discontinuance

If a nonconforming use of land or structure or both is discontinued for one year, any further use shall be in conformity with the provisions of this ordinance. For purposes of this ordinance, discontinued use shall mean nonuse and shall not require a determination of the voluntary or involuntary nature of the discontinued use or the intent to resume the nonconforming use.

Section 22.07 Dedication of Land for Public Purposes.

No use of land, building or other improvement maintained upon a lot, or a portion of such lot, at the time of conveyance to or appropriation by the City of Corvallis for public purposes shall be, or become, nonconforming by reasons of such conveyance or appropriation.

Section 22.08 Exemptions

Exemptions from the provisions of this section may be granted by the Zoning Hearings Board. Application for an exemption shall be filed with the Planning Director, shall include a legal description of the property, as statement of the full reasons for making the application and shall be accompanied by a filing fee as established by the Council.

The application, if approved, will place the nonconforming structure or use of land or structure in an exempt classification. The classification shall remain until such time as the nonconforming structure or use is discontinued for a period of 12 months, the nonconforming structure or use is brought into conformance, or one or more of the requirements of the exemption are violated.

The Zoning Hearings Board shall conduct a public hearing noticed in the same manner as required for a zone change. The Board may approve, approve subject to conditions or deny an exemption following the public hearing. The Zoning Hearings Board may also permit a change of use as an exemption where the new use is more restrictive.

An exemption may only be approved where the Zoning Hearings Board finds that:

1. The exemption is more compatible with adjoining land use.
2. The exemption will not preclude the orderly growth and development of the community.
3. The exemption will result in an upgrading of the property to the extent that side considerations including but not limited to parking, circulation, drainage, pedestrian ways, screening and landscaping and signs are brought up to City Standards where feasible.

Ordinance 53-11 as amended.

Section 22 as amended by Ordinance 66-36

Section 22.07 as amended by Ordinance 78-75

ARTICLE 22A. WILLAMETTE GREENWAY CONDITIONAL USE PERMIT

Section 22A.01. Purpose

The Greenway conditional use permit procedure provides a means to allow the intensification, change of use or development of properties in specified areas within the Willamette River Greenway boundary. Such uses are permitted, but must be accomplished in a manner assuring compatibility to the greatest possible degree with the purpose and intent of the Greenway Program. Upon application, a Greenway conditional use permit may be granted which assures that such conditions as are adopted will promote to the greatest extent possible the scenic landscaping, aesthetic enhancement, open space or vegetation between the activity and the River and will provide reasonable public access to the extent necessary.

Section 22A.02. Applicability

The Greenway conditional use permit procedure will apply to all lands within the boundaries of the Willamette Greenway established by the Department of Transportation and approved by the Land Conservation and Development Commission, as amended, and more specifically located within the corporate Corvallis city limits, within 150 feet of the ordinary low-water line or within the amended boundary as officially established.

Section 22A.03. Permitted Uses

The Greenway conditional use permit shall allow the intensification, change of use or development of properties within the Greenway boundaries as specified but shall apply only to those uses that are allowed as a permitted use in the existing zone of the property. The procedure is not intended to be utilized as a use variance and shall not be employed in such a manner.

Section 22A.04. Conditions

The Hearings Board shall designate conditions in connection with the granting of the permit as it deems necessary to carry out the purposes of this article. The Board may also require such guarantees that it feels necessary to ensure compliance with the conditions. These conditions include, but are not limited to, the following:

1. Regulation of uses.
2. Special yards, spaces and site requirements.
3. Parking and maneuvering areas to City standards and specifications.

4. Street dedications and improvements.
5. Fences, walls or other screening.
6. Regulation of ingress and egress points.
7. Special conditions or regulation of signs.
8. Landscaping and maintenance by irrigation systems.
9. Regulations of noise, vibration, odors, lights or similar nuisances.
10. Regulation of hours of operation.
11. Time period for completion of development.
12. Duration of use.
13. Maintenance of natural vegetation, open space and access.
14. Other conditions necessary to carry out Section 1.02 of this ordinance.

Section 22A.05 Exceptions

For the purposes of the Greenway Program, the following uses shall not be governed by the provisions of this article:

1. Gravel removal from the bed of the Willamette River conducted under a permit from the State of Oregon.
2. Customary dredging and channel maintenance.
3. The placing by a public agency of signs, markers, aides, etc. to serve the public.
4. Activities to protect, conserve, enhance, and maintain public, recreational, scenic, historical and natural uses on public lands.
5. The maintenance of scenic easements as acquired and authorized by ORS 390.332(2)(a) and ORS 390.368.
6. The use of a small cluster of logs for erosion control.

Section 22A.06. Application

Application for a conditional use permit shall be made by the owner of the affected property or his authorized agent on a form approved by the Planning Commission and shall be filed

with the Planning Department. The application shall be accompanied by site plans, building plans, drawings of elevations, operational data and other information that will describe the proposal or that may be required by the Planning Staff, Zoning Hearings Board and by such fees as may be prescribed by the City Council. The application shall be filed at least 30 days in advance of the hearing complete with the information required.

Upon receipt and acceptance of an application for a Greenway conditional use permit, the Planning Department shall give notice to the Oregon Department of Transportation in a manner prescribed by that agency. ODOT shall be permitted review of the use prior to the issuance of the permit.

Section 22A.07 Findings and Minimum Standards

Prior to granting a Greenway conditional use permit, the Board shall determine whether or not the land has been committed to an urban use prior to December 6, 1975.

In determining whether the land was committed to a commercial, recreational, industrial, residential or other similar urban use, the economic, developmental and locational factors shall be considered including such factors as the Corvallis Comprehensive Plan, zoning and other similar plans or policies. In determining whether a commitment to an urban use has occurred on particular lands, nature and character of other urban use has occurred on particular lands, nature and character of other urban uses, highways and services in the vicinity of the property in question shall be considered as well as the capability of the land to fulfil the purpose of the Greenway Statute. A commitment will be deemed to have occurred if a permit for the change of use was granted as of December 6, 1975 and substantial construction has been undertaken by July 1, 1976. Other lands which are in natural, scenic, historical or recreational condition on December 6, 1975 shall not be deemed committed to urban use.

1. Upon finding that the land has been committed to urban use, the permit may be approved if the following findings can be made:
 - a. That the use contemplated is a permitted use under the existing zoning of the property.
 - b. That to the greatest degree possible, the use will provide maximum, practicable landscaping, aesthetic enhancement, open space or vegetation between the activity and the River.
 - c. That to the greatest degree possible, public access will be permitted by an appropriate legal means to and along the River.

2. Upon finding that the land has not been committed to an urban use, intensification, change of use or development may be approved if the following findings can be made:
 - a. That the use contemplated is a use permitted under existing zoning on the property.
 - b. To the greatest degree possible, the intensification, change of use or development is compatible with the scenic, natural, historical, recreational character of the Greenway.
 - c. To the greatest degree possible, the intensification, change of use or development will provide the maximum practicable landscaping, aesthetic enhancement, open space or vegetation between the activity and the River and;
 - d. Where necessary, reasonable public access will be provided by appropriate legal means to and along the River.

Section 22A.08 Public Hearing by the Hearings Board

At least 10 days prior to the date of the public hearing, public notice shall be given by publishing a notice in a newspaper of general circulation in the City of Corvallis, by sending a copy of that notice to the applicant and owners of record within 300 feet of the subject property and by posting a copy of the notice on the property.

The Board shall consider the application at a public hearing and determine whether to grant or deny the request. In either event, findings shall state clearly the reasons for such action. Determination of the Board shall become final 10 days after the decision unless appealed to the City Council.

Section 22A.09 Appeals

During the 10-day period referred to in Section 22A.08, written appeals of the action of the Board may be taken to the City Council by the applicant or other affected parties as provided in Section 14 of Ordinance 63-15, as amended. Such written appeal shall be filed with the City Recorder's office and shall state the grounds for the appeal. The use permits shall not become effective until 10 days have elapsed or the issue of an appeal is decided.

Section 22A.10 Adherence to Approved Plan

A Greenway conditional use permit shall be subject to the plans and conditions upon which it was granted. The permit shall expire 12 months from the effective date of granting unless actual construction or alteration has begun within such period of time. The Hearings Board may grant an extension of time upon special request by the applicant providing there is justification in the mind of the Board to take such action.

Section 22A.11 Revocation

In the event of a violation or failure to comply with any prescribed condition of approval, the Hearings Board may, after notice and hearing, revoke any Greenway conditional use permit. In the case of revocation of a use permit, the determination of the Board shall become final 10 days after the date of the decision unless appealed to the City Council as set forth in Section 22A.09.

Section 22A.12 Definitions

For the purpose of definition, all terms not in normal use shall be defined as those definitions contained in the Willamette River Greenway Program, Goal 15 of the Land Conservation and Development Commission as adopted December 6, 1975 or amended thereafter.

Ordinance 53-11, as amended - Section 22A as provided by Ordinance 76-82

ARTICLE 22B. DOWNTOWN CONDITIONAL USE PERMIT

Section 22B.01. Intent

This downtown conditional use process implements the policies of the 1978 Corvallis Comprehensive Plan by providing a means for the establishment of non-residential uses within the residential areas of the downtown as shown on Map 4.9.3 of the 1978 Comprehensive Plan, located east of Sixth Street, and within that area north of Fillmore Avenue, east of 4th Street, south of Dixon Creek and west of the Willamette River.

Section 22B.02 Permitted Uses

The downtown conditional use permit shall allow the intensification, change of use or development of properties within the subject area boundaries as specified above but shall apply only to those uses which are allowed as permitted uses in the Central Business District.

This procedure is not intended to be utilized as a use variance and shall not be employed in such a manner.

Section 22B.03 Application

Application for a conditional use permit shall be made by the owner of the affected property or his authorized agent on a form approved by the Planning Commission and shall be filed with the Planning Department. The application shall be accompanied by site plans, narrative, and other information that will describe the proposal or that may be required by the Planning staff and by such fees as may be prescribed by the City Council. The application shall be filed at least 30 days in advance of the hearing complete with the information required.

Section 22B.04 Hearing Procedure

At least 10 days prior to the date of the public hearing, public notice shall be given by publishing a notice in a newspaper of general circulation in the City of Corvallis, by sending a copy of that notice to the applicant and owners of record within 300 feet of the subject property and by posting a copy of the notice on the property.

The Planning Commission shall consider the application at a public hearing and determine whether to grant or deny the request. In either event, findings shall state clearly the reasons for such action. The determination of the Planning Commission shall become final 21 days after the decision unless appealed to the City Council.

Section 22B.05 Standards

Prior to approving any application for a conditional use, the Commission shall find that:

- a. The proposed use is compatible with surrounding properties in terms of site development and land use activity; and
- b. Required off-street parking will be provided with appropriate access and screening; and
- c. The architectural character of the area will be preserved; and
- d. Significant vegetation associated with the site will be preserved and protected; and
- e. The proposed use is consistent with the comprehensive plan and the downtown plan as adopted by the City Council.

The applicant shall have the burden of proof in establishing the existence of all of the foregoing conditions.

Section 22B.06 Conditions

In granting a permit, the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the policies relating to the downtown articulated in the Comprehensive Plan.

Section 22B.07 Appeals

During the 21-day period referred to in Section 22B.04, written appeals of the action of the Planning Commission may be taken to the City Council by the applicant or other affected parties as provided in Ordinance 74-90, as amended. Such written appeal shall be filed with the City Recorder's office and shall state the grounds for the appeal. The use permits shall not become effective until 21 days have elapsed or the issue of an appeal is decided.

Section 22B.08 Compliance with Plan

A downtown conditional use permit shall be subject to the plans and conditions upon which it was granted.

The permit shall specify the date upon which actual construction or alteration is to begin and the date by which construction is to be completed. The Planning Commission may grant an extension of time upon special request by the applicant provided there is justification to take such action.

Section 22B.09 Revocation

In the event of a violation or failure to comply with any prescribed condition of approval, the Planning Commission may, after notice and hearing, revoke any downtown conditional use permit. In the case of revocation of a use permit, the determination of the Commission shall become final 21 days after the date of the decision unless appealed to the City Council as set forth in Section 22B.07.

ARTICLE 23. APPEALS

Section 23.01 Variances.

Authorization to grant or deny variances. The Hearings Board established by Ordinance 74-91 may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this ordinance would cause an undue or unnecessary hardship; except that no variance shall be granted to allow the use of property for a purpose not authorized within the district in which the property is located. In granting a variance, the Board may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this ordinance.

Section 23.02 Circumstances for Granting a Variance.

A variance may be granted only in the event that all of the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same district or vicinity and result from lot size or shape legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same district or vicinity possess.
3. The variance would not be materially detrimental to the purposes of this ordinance or to other property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy.
4. The variance requested is the minimum variance which would alleviate the hardship.

Section 23.03 Application for a Variance.

A property owner or his authorized agent may initiate a request for a variance by filing an application with the Planning Department using forms prescribed by the Hearings Board. The application shall be accompanied by a site plan drawn to scale showing the conditions to be varied and the dimensions and arrangement of the proposed development. The Board may request other drawings or material essential to an understanding of the variance request. The application shall be accompanied by a fee in the amount provided in the fees ordinance.

Section 23.04 Public Hearing on a Variance.

The Board shall fix a reasonable time for the hearing of the appeal and shall give notice thereof by serving a copy of such notice upon the appellant by mail, and by publishing a copy of the same in a newspaper of general circulation in the City of Corvallis. Such service and publication shall be made not less than ten days prior to the date fixed for the hearing of such appeal.

Section 23.05 Decision of the Hearings Board.

Within five days after a decision has been rendered with reference to a request for a variance, the Planning Director shall provide the applicant with notice of the decision of the Board. No decision of the Board shall become effective until after an elapsed period of ten days from the date written determination is made, during which time the applicant or any other person aggrieved may appeal therefrom to the City Council.

Section 23 as amended by Ordinances No. 66-36, 71-98 and 75-01.

ARTICLE 24. AMENDMENT

Section 24.01 Initiation of Amendment

Whenever public necessity and the general welfare require, the City Council may amend the text of this ordinance and the Planning Commission or Hearings Board may amend the zoning map subject to the appeal process to the City Council. All petitions for or recommendations for amendments of this ordinance or the zoning map shall first be referred to the Planning Commission or Zoning Hearings Board, whichever is appropriate. An amendment to this ordinance may be initiated by:

1. A motion of the City Council or Planning Commission. In the case of a Planned Development, the motion by either body need not include a preliminary development plan as required by Section 16A of Ordinance 53-11, as amended, but shall include a recommendation for land use.
2. A petition by any person who owns property within the City of Corvallis or his authorized agent to the Planning Commission. For zoning map changes, the petition must include real property owned by the petitioner within the area proposed for a zone change.

Section 24.02 Filing of Petitions

Petitions shall be presented to the Planning Director on forms and accompanied by information prescribed by the Planning Commission. No petition shall be accepted unless it is complete and is verified as to the correctness of information given by the signature of the applicant attesting thereto. Petitions filed by property owners or their designated agents shall be subject to and accompanied by a filing and investigating fee, the appropriate fee for the action requested to be determined from the adopted fees schedule as approved by the City Council.

Section 24.03 Public Hearing by Planning Commission or Zoning Hearings Board

Before the Planning Commission acts upon a zoning text or map amendment, or before the Zoning Hearings Board acts upon a zoning map amendment, they shall hold a public hearing upon the proposal. (Hearing date shall be as established by the Planning Commission or Zoning Hearings Board.) Hearings shall be conducted pursuant to the rules established in Ordinance 63-15, as amended.

Hearing notice shall be given by at least one public notice in a newspaper of general circulation in the City of Corvallis,

published at least ten days before the time of such hearing. The notice shall include the time and place of the hearing, the zoning action to be considered and the procedure for persons wishing to favor or object to the proposal. Notice of a zoning map change shall include a map of the area to be considered.

Section 24.04

Appeal

1. Ten days after Planning Commission or Zoning Hearings Board approval, the zoning map change shall become effective unless appealed to the City Council as provided in Ordinance 63-15, as amended. The final decision by the Planning Commission or Zoning Hearings Board shall be by order which will be forwarded in the minutes to the City Council and filed with the City Recorder.
2. Upon Planning Commission approval of a zoning text change, it shall forward its findings and recommendation to the City Council for public hearing and action thereon.
3. Upon Planning Commission or Zoning Hearings Board disapproval of any petition, the matter may be appealed as provided in Ordinance 63-15, as amended.

Section 24.05

Zoning of Annexed Areas

Upon petition to annex territory to the City of Corvallis, the Zoning Hearings Board, or Planning Commission if proposal is a planned development, shall hold a public hearing to determine in which zoning district the territory should be classified in order to carry out the objectives of the Zoning Ordinance prescribed in subsection 1.02. The public hearing to determine the appropriate zoning district shall be held pursuant to the procedures established in Ordinance 73-72, as amended. The decision of the Zoning Hearings Board or Planning Commission shall be final unless appealed pursuant to Section 14 of Ordinance 63-15, as amended. The Zoning Hearings Board or Planning Commission may also include a recommendation on the annexation itself, but the City Council shall hold a public hearing, after notice, on the annexation. If the zoning classification determination of the Zoning Hearings Board or Planning Commission is not appealed, that classification shall apply to the property if annexed by the City of Corvallis.

Ordinance 53-11 as amended by Ordinance 72-88 and 74-87

Ordinance 75-64 (Section 24.01) November 13, 1975

Ordinance 76-86 (Section 24.01 and 25.01) September 19, 1976

ARTICLE 25. ADMINISTRATIVE PROVISIONS

Section 25.01 Administration

The Building Official shall have the power and duty to enforce the provisions of this ordinance. An appeal from a ruling by the Building Official regarding a requirement of this ordinance may be made only to the Zoning Hearings Board.

Section 25.02 Building Permit

Each application for a building permit shall be accompanied by plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations of buildings and other structures on the lot, existing and proposed; the existing and intended use of each building, structure or part thereof; the number of families to be accommodated thereon; and such other information as is needed to determine conformance with this ordinance.

Ordinance 66-36, April 18, 1966

Ordinance 76-85, September 17, 1976

ARTICLE 26. MISCELLANEOUS PROVISIONS

Section 26.01. Interpretation

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

Section 26.02. Severability

The provisions of this ordinance are severable. If any sentence, section, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Ordinance 66-36, April 18, 1966

ARTICLE 27. REMEDIES

Section 27.01. Penalty

Any person violating a provision of this ordinance shall, upon conviction, be punished by imprisonment for not more than 30 days or by a fine of not more than \$100.00, or both. A violation of this ordinance shall be considered a separate offense for each day that the violation continues.

Section 27.02. Alternative Remedy

In event a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used, or land is, or is proposed to be, used in violation of this ordinance, the building or land thus in violation shall constitute a nuisance, and the City may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate, or remove the unlawful location, construction, maintenance, repair, alteration, or use.

Ordinance 66-36, April 18, 1966

ARTICLE 28. ENACTMENT

Section 28.01. Emergency Clause

Inasmuch as substantial amounts of construction will be affected hereby and inasmuch as the provisions of this ordinance are necessary for the immediate preservation of the peace, safety, good order, and public welfare, of the citizens and inhabitants of the City of Corvallis, Oregon an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the Council and Approval by the Mayor of the City of Corvallis, Oregon.

PASSED by the Council April 18, 1966.

APPROVED by the Mayor April 18, 1966.

/s/ Glenn W. Holcomb
Acting Mayor

ATTEST:

/s/ George Simerville
City Recorder