

Article 2 - Land Use Districts

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- 2.2. Residential (R) Districts
- 2.3. Commercial (C) Districts
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Chapter 2.1 - Organization of Land Use Districts

Sections:

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2.1.100 Classification of Land Use Districts

Every parcel, lot, and tract of land within the City of Creswell is designated with a land use (zoning) district. The use of land is limited to the uses allowed by the applicable land use district and/or overlay zone. The applicable land use districts and overlay zone(s) are determined based on the City of Creswell Zoning Map and the provisions of this Chapter, which shall be consistent with the City of Creswell Comprehensive Plan, as indicated in Table 2.1.100.

Table 2.1.100

Comprehensive Plan Designation	Applicable Land Use District(s)
Residential	Low Density Residential (RL)
	Medium Density Residential (RM)
	Residential-Commercial (RC)
Commercial	Downtown Commercial (DC)
	General Commercial (GC)
Industrial	Industrial Commercial (IC)
	General Industrial (GI)
Parks, Recreation, Open Space	Park, Recreation, or Open Space (PRO-S) District
Public Facilities, Government	Public Facilities, Government
Other	See Overlay Districts

2.1.200 Land Use District Map

- A. Consistency with Zoning Map.** The boundaries of the land use districts contained within this chapter shall coincide with the boundaries identified on the City’s official Zoning Map, retained by the City Recorder. Said map by this reference is made a part of this Development Code. The official zoning map, and any map amendments, shall be maintained by the City.
- B. Applicability of land use standards.** Each lot, tract, and parcel of land or portion thereof within the land use district boundaries designated and marked on the Zoning Map, is classified, zoned and limited to the uses hereinafter specified and defined for the applicable land use district.

2.1.300 Determination of Land Use District Boundaries

When amending land use district boundaries, the City’s comprehensive plan map is the primary source for determining appropriate boundaries. Where the plan map does not provide sufficient detail or direction, district locations and boundaries shall be guided by the purpose and applicability statements at the beginning of each land use chapter (Chapters 2.2 through 2.7). Where due to the scale, lack of scale, lack of detail or illegibility of the City zoning map, or due to any other reason, there is uncertainty, contradiction or conflict as to the existing or intended location of a district boundary line, the boundary line shall be determined by the City Administrator in accordance with all of the following criteria:

- A. Rights-of-way.** Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks, alleys, irrigation canals, bridges, or other right-of-way shall be construed to follow such center lines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use district designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a land use district boundary, the lands within the right-of-way now vacated shall be allocated proportionately among the subject land use districts;
- B. Parcel, lot, tract.** Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;
- C. Jurisdiction boundary.** Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary; and
- D. Natural features.** Boundaries indicated as approximately following a river, stream, drainage channel, drainage basin, topographic contour or other changeable natural feature not corresponding to any feature listed in subsection A-C, above, shall be construed as following such feature, except that the location may be corrected administratively through a Type II (Code Interpretation) procedure, in accordance with Chapter 4.8.

Chapter 2.2 - Residential Land Use Districts

Sections:

- 2.2.100 Residential Districts – Purpose and Applicability of Districts**
- 2.2.110 Residential Districts – Allowed Land Uses**
- 2.2.120 Residential Districts – Development Standards**
- 2.2.130 Residential Districts – Setback Yards and Build-To Line: Exceptions, Reverse Frontage Lots, Flag Lots**
- 2.2.140 Residential Districts – Infill Standards**
- 2.2.150 Residential Districts – Housing Density**
- 2.2.160 Residential Districts – Lot Coverage and Impervious Surfaces**
- 2.2.170 Residential Districts – Building Height: Measurement, Exceptions, RL Step-Down Requirement**
- 2.2.180 Residential Districts – Building Orientation**
- 2.2.190 Residential Districts – Architectural Design Standards**
- 2.2.200 Residential Districts – Special Use Standards**

- 2.2.100 Residential Districts – Purpose and Applicability of Districts**

The Residential Districts are intended to promote the livability, stability and improvement of the City’s neighborhoods. Three districts are provided: 1) The Residential Low Density (RL) district is intended primarily for household living at lower densities, with parks, schools, places of worship, and other supportive services that are at an appropriate neighborhood scale; 2) The Residential Medium Density (RM) district is intended to accommodate a wider variety of housing types, including more attached and small lot housing, than is allowed in the RL district; and 3) The Residential-Commercial (RC) district is intended to combine a variety of housing variety similar to that of the RM district with public and commercial services at an appropriate residential scale.

A. Purpose. This chapter provides standards for land use and development in all three residential districts, based on the following principles:

- Promote the orderly expansion and improvement of neighborhoods.
- Make efficient use of land and public services and implement the Comprehensive Plan.
- Designate land for the range of housing types and densities needed by the community, including owner-occupied and rental housing.
- Provide flexible lot standards that encourage compatibility between land uses, efficiency in site design, and environmental compatibility.
- Provide for compatible building and site design at an appropriate neighborhood scale; provide standards that are in character with the landforms and architecture existing in the community.
- Apply the minimum amount of regulation necessary to ensure compatibility with existing residences, schools, parks, transportation facilities, and neighborhood services.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking, bicycling and transit use.

- Provide direct and convenient access to schools, parks and neighborhood services.
- Maintain and enhance the City’s historic architecture and historic neighborhoods.

B. Applicability of Districts. The land use districts authorized under this Code shall be applied consistent with the policies and land use designations of the City of Creswell Comprehensive Plan Text and Map. Where the Comprehensive Plan provides for the application of more than one land use district to a given property (i.e., at the time of annexation or any proposed rezoning), the following locational criteria shall apply:

1. Residential-Low (RL) District. The RL District may be applied to any land with a residential designation under the Comprehensive Plan.
2. Residential-Medium (RM) District. The RM District may be applied through a quasi-judicial (Type III) amendment approved by the Planning Commission to any residentially-designated parcel, or group of parcels, provided that the subject site has at least fifty (50) feet of frontage onto a collector or arterial street with pedestrian facilities, the zone change conforms to the purpose in Section 2.2.100 and applicable regulatory policies of the comprehensive plan, and a conceptual master plan for future development of the subject area is approved concurrently with the zone change. The hearing body may stipulate that the plan is binding on the subject property and require the applicant to record a legal instrument to that effect.
3. Residential-Commercial (RC) District. The RC District may be applied through quasi-judicial (Type III) amendment approved by the Planning Commission to any residentially- or commercially-designated parcel, or group of parcels, provided that the subject site has at least fifty (50) feet of frontage onto a collector or arterial street with pedestrian facilities, the zone change conforms to the purpose in Section 2.2.100 and applicable regulatory policies of the comprehensive plan, and a conceptual master plan for future development of the subject area is approved concurrently with the zone change. The hearing body may stipulate that the plan is binding on the subject property and require the applicant to record a legal instrument to that effect.
4. Commercial (DC and GC) Districts. The DC and GC Districts shall be applied consistent with the Creswell Comprehensive Plan and Creswell Downtown Plan.
5. Industrial (IC and GI) Districts. The IC and GI Districts shall be applied consistent with the Creswell Comprehensive Plan.
6. Park, Recreation or Open Space (PRO-S) District. The PRO-S District shall be applied consistent with the Creswell Comprehensive Plan.

2.2.110 Residential Districts – Allowed Land Uses

Table 2.2.110 identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and uses are defined in Chapter 1.3 and 1.4.

Key:

- P = Permitted, subject to site/land use review
- S = Permitted with standards
- CU = Conditional Use permit required (Chapter 4.4)
- N = Not permitted

Table 2.2.110 – Land Uses Allowed in Residential Districts (RL, RM, RC)				
Uses	Status of Use in District			
Use Categories <i>(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)</i>	Low Density Residential (RL)	Medium Density Residential (RM)	Residential Commercial (RC)	<i>[Reserve]</i>
Residential Categories				
Household Living				
Single-Family (not attached)	P	P	P	
Accessory Dwelling, per Section 2.2.200.	S	S	S	
Duplex (2 dwellings sharing a common wall on one lot)				
- One duplex on a corner lot	P	P	P	
- One duplex on an interior lot	CU	P	P	
- More than one duplex (4+ units) attached, per Section 2.2.200	N	S	S	
Single-Family Attached (2 or more common-wall Single-Family dwellings), each on its own lot, per Section 2.2.200	CU	S	S	
Cottage Cluster (2-4 Single-Family dwellings on one lot, oriented to an alley or common green, and each containing less than 1,200 square feet of floor area)	CU	P	P	
Manufactured Home, per Section 2.2.200	S	S	S	
Manufactured Home Park, per Section 2.2.200.	CU	CU	CU	

2.2 – Residential (R) Land Use Districts – Allowed Land Uses

Table 2.2.110 – Land Uses Allowed in Residential Districts (RL, RM, RC)				
Uses	Status of Use in District			
Use Categories <i>(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)</i>	Low Density Residential (RL)	Medium Density Residential (RM)	Residential Commercial (RC)	<i>[Reserve]</i>
Zero Lot Line Housing (not common wall), per Section 2.2.200	CU+S	S	S	
Multifamily (3 or more dwellings on lot), except as provided for Cottage Housing; includes Senior Housing, Assisted Living, and Single Room Occupancy Uses, but not Group Living)	CU+S	S	S	
Group Living				
Group Home, per Section 2.2.200	S	S	S	
Group Facility, per Section 2.2.200	N	S	S	
Commercial Categories				
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities), per Section 2.3.190	N	N	N	
Bed and Breakfast Inn	CU+S	CU+S	S	
Educational Services, not a school or home occupation (e.g., tutoring or similar services), floor area limited to 2,000 square feet per use	N	CU	P	
Entertainment, Major Event	N	N	N	
Home Occupation, per the standards in Section 2.2.200 and the procedures in Section 4.9.200.	S	S	S	
Office, floor area limited to 2,000 square feet per use	N	N	P	
Outdoor Recreation, Commercial	N	N	N	
Quick Vehicle Servicing or Vehicle Repair	N	N	N	
Retail Sales and Service, floor area limited to 2,000 square feet per use	N	N	P	
Self-Service Storage	N	N	N	
Short-Term Vacation Rental, per Section 2.1.210	S	S	S	

2.2 – Residential (R) Land Use Districts – Allowed Land Uses

Table 2.2.110 – Land Uses Allowed in Residential Districts (RL, RM, RC)				
Uses	Status of Use in District			
Use Categories <i>(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)</i>	Low Density Residential (RL)	Medium Density Residential (RM)	Residential Commercial (RC)	<i>[Reserve]</i>
Industrial Categories				
Industrial Service, enclosed in primary building	N	N	CU	
Manufacturing and Production, enclosed in primary building	N	N	CU	
Industrial Categories (cont'd.)				
Warehouse and Freight Movement	N	N	N	
Waste-Related	N	N	N	
Wholesale Sales	N	N	N	
Institutional Categories				
Basic Utilities	P	P	P	
Colleges	N	N	N	
Community Service, no drive-up uses				
- limited to 2,000 square feet floor area	CU	CU	P	
- exceeds 2,000 square feet floor area	N	N	CU	
Daycare, adult or child; does not include Family Daycare (12 or fewer children), ORS 657A.250	P	P	P	
Parks and Open Space	CU	CU	CU	
Parks and Open Space, when designated on an adopted Specific Area/Refinement Plan, or when proposed as part of a Subdivision (Chapter 4.3) or Master Planned Development (Chapter 4.5).	P	P	P	
Religious Institutions and Houses of Worship	CU	CU	CU	
Schools	CU	CU	CU	

2.2 – Residential (R) Land Use Districts – Allowed Land Uses

Table 2.2.110 – Land Uses Allowed in Residential Districts (RL, RM, RC)				
Uses	Status of Use in District			
Use Categories <i>(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)</i>	Low Density Residential (RL)	Medium Density Residential (RM)	Residential Commercial (RC)	<i>[Reserve]</i>
Other Categories Accessory Structures (with a permitted use) <ul style="list-style-type: none"> - no taller than 14 ft. and no larger than 800 square feet of building footprint - taller than 14 ft. or larger than 800 square feet of building footprint, not to exceed primary structure’s floor area Membrane carports are not allowed	P CU	P CU	P CU	
Agriculture – Animals, except livestock, cattle, horse, sheep, or similar size animal; and excluding roosters and swine (e.g., chickens, rabbits, and similar animals)	N	N	N	
Agriculture – Nurseries and similar horticulture (indoor or outdoor), except gardening that is allowed as ancillary to a permitted residential use	CU	N	N	
Historic Building Modifications (Sec. 2.2.200.K)	S	S	S	
Mining	N	N	N	
Radio Frequency Transmission Facilities, except those allowed as ancillary to a permitted use	CU	CU	CU	
Rail Lines, Rail Yards, and Utility Corridors; except those existing prior to effective date of Development Code are permitted	CU	CU	CU	
Temporary Uses (limited to “P” and “CU” uses), per Section 4.9.100.	P/CU	P/CU	P/CU	
Transportation Facilities (operation, maintenance, preservation, and construction in accordance with the City’s Transportation System Plan)	P	P	P	

Key:

- P = Permitted, subject to site/land use review
- S = Permitted with standards
- CU = Conditional Use permit required (Chapter 4.4)
- N = Not permitted

2.2.120 Residential Districts – Development Standards

The development standards in Table 2.2.120 apply to all uses, structures, buildings, and development, and major remodels, in the Residential Districts.

Table 2.2.120 – Development Standards for Residential Districts¹ (except as modified by 2.2.140 – Residential Infill Standards)				
Standard	RL	RM	RC	[Reserve]
Density (DU/acre) – Minimum and Maximum	No minimum 16.4 du/acre max, subject to lot area standards	8 du/acre min – 16.4 du/acre max, subject to lot area standards	No minimum 16.4 du/acre max, subject to lot area standards	
Minimum Lot Area* (square feet)				
Single-Family, not attached	5,000 sf	3,000 sf	3,000 sf	
Single-Family, attached	4,000 sf	2,650 sf	2,650 sf	
Single-Family, with accessory d.u.	6,000 sf	5,000 sf	5,000 sf	
Duplex	7,000 sf	5,300 sf	5,300 sf	
Multiple-Family or Cottage Cluster	10,000 sf/3 units, plus 2,500 sf per each add'l unit	10,000 sf/3 units, plus 2,500 sf per each add'l unit	10,000 sf/3 units, plus 2,500 sf per each add'l unit	
Non-Residential Uses, except tracts for open space and utilities	5,000 sf	5,000 sf	5,000 sf	
*Lot size may be reduced through <i>lot size averaging</i> , or additional lot area may be required through Conditional Use approvals.				
See also, land division procedures in Chapter 4.3.115. Minimum lot sizes do not apply to open space tracts.				

2.2 – Residential (R) Land Use Districts – Development Standards

**Table 2.2.120 – Development Standards for Residential Districts¹
(except as modified by 2.2.140 – Residential Infill Standards)**

Standard	RL	RM	RC	[Reserve]
<p>Minimum Lot Width</p> <p>Single-Family, not attached Single-Family, attached Duplex Multiple-Family or Cottage Cluster Non-Residential Uses</p> <p><i>For flag lots, width is measured at the front setback line on the “flag” portion of the lot.</i></p>	<p>40 ft 20 ft 50 ft 50 ft 20 ft</p>	<p>40 ft 20 ft 50 ft 50 ft 20 ft</p>	<p>40 ft 20 ft 50 ft 50 ft 20 ft</p>	
<p>Minimum Lot Depth</p> <p>*Lot area must conform to the standards above. Lot dimensions may be reduced for Flag Lots, Section 4.3.115.</p>	<p>2 times min. width</p>	<p>2 times min. width</p>	<p>2 times min. width</p>	
<p>Building/Structure Height (See also, Sec. 2.2.130 Setbacks; 2.2.140, Infill Standards; 2.2.170, RL Height Step-Down; 2.2.200.A Accessory Dwellings; 3.1.2, Clear Vision; 3.2.500, Fences and Walls.)</p> <p><u>Standard Maximum Height</u> 35 ft</p> <p><u>Creswell Butte Area Max. Height</u>, except as may be increased through a Master Planned Dev. (clustering) under Chapter 4.5 18 ft</p> <p><u>Accessory Structure Max. Height</u> 15 ft</p> <p><u>Building Height Transition</u> Required adjacent to single-story dwelling in RL District, per Section 2.2.170 Yes</p> <p><u>Fences, Retaining/Garden Walls</u> Max. Height. – Front Yard Max. Height. – Interior Side Max. Height – Rear Yard Max. Height – Street Side or Reverse Frontage Lot (rear)</p>	<p>35 ft 18 ft 15 ft Yes</p>	<p>35 ft 18 ft 15 ft Yes</p>	<p>35 ft 18 ft 15 ft Yes</p>	
<p>4 ft 6 ft 6 ft 4 ft, or 6 ft with 5 ft landscape buffer</p>	<p>4 ft 6 ft 6 ft 4 ft, or 6 ft with 5 ft landscape buffer</p>	<p>4 ft 6 ft 6 ft 4 ft, or 6 ft with 5 ft landscape buffer</p>	<p>4 ft 6 ft 6 ft 4 ft, or 6 ft with 5 ft landscape buffer</p>	

2.2 – Residential (R) Land Use Districts – Development Standards

Table 2.2.120 – Development Standards for Residential Districts¹
(except as modified by 2.2.140 – Residential Infill Standards)

Standard	RL	RM	RC	[Reserve]
<p>Side Setback, except alleys (total of 2 sides, provided no yard is less than 3 feet wide)</p> <p>Garage/Carport Entry, except alley</p> <p>Exceptions:</p> <p><u>Alley</u></p> <p><u>Open Structures</u> (e.g., porch, balcony, portico, patio wall), where structure is less than 50% enclosed on side elevations</p> <p><u>Common Walls/Zero Lot Line</u>, when allowed</p>	<p>10 ft</p> <p>20 ft</p> <p>5 ft</p> <p>5 ft min. on side with open structure</p> <p>0 ft</p>	<p>10 ft</p> <p>20 ft</p> <p>5 ft</p> <p>5 ft min. on side with open structure</p> <p>0 ft</p>	<p>10 ft</p> <p>20 ft</p> <p>5 ft</p> <p>5 ft min. on side with open structure</p> <p>0 ft</p>	
<p>Minimum Setbacks (feet) (continued):</p> <p>Rear Setbacks, except alley</p> <p><u>Structure >28' height</u></p> <p><u>Structure 16'-28' height</u></p> <p><u>Structure <=16' height</u></p> <p><u>Garage or Carport Entry</u></p> <p>Reductions:</p> <p><u>Open Structures</u> (e.g., porch, balcony, portico, patio wall), where structure is less than 50% enclosed on side elevations</p> <p><u>Common Walls/Zero Lot Line</u></p> <p>Alley Setbacks</p>	<p>15 ft</p> <p>10 ft</p> <p>5 ft</p> <p>20 ft</p> <p>5 ft min. on side with open structure</p> <p>0 ft</p> <p>2 ft</p>	<p>10 ft</p> <p>10 ft</p> <p>5 ft</p> <p>20 ft</p> <p>5 ft min. on side with open structure</p> <p>0 ft</p> <p>2 ft</p>	<p>10 ft</p> <p>10 ft</p> <p>5 ft</p> <p>20 ft</p> <p>5 ft min. on side with open structure</p> <p>0 ft</p> <p>2 ft</p>	
<p>Note: Other standards may preclude building at a minimum setback. Be sure to avoid utilities, easements, and clear vision areas. See also, special setback for planned street improvements.</p>				

2.2 – Residential (R) Land Use Districts – Development Standards

**Table 2.2.120 – Development Standards for Residential Districts¹
(except as modified by 2.2.140 – Residential Infill Standards)**

Standard	RL	RM	RC	[Reserve]
<p>Build-To Line (feet):</p> <p><u>New Buildings Only:</u> At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a Planned Street Improvement, then the build-to line increases proportionately. The build-to line may also be increased through Site Design Review when pedestrian amenities are provided between a primary building entrance and the street right-of-way. (See also, Section 2.3.180.)</p>	<p>Not Applicable</p>	<p>20 ft; may be increased when pedestrian amenities are provided between a primary building entrance and street</p>	<p>20 ft; may be increased when pedestrian amenities are provided between a primary building entrance and street</p>	
<p>Special Setback for Planned Street Improvements in Residential Districts</p>	<p>The City may require a minimum setback of up to 40 feet, measured from the street center line to any structure, when a structure abuts a street containing less than the standard right-of-way for the subject street classification. Street classification and required right-of-way width are as indicated by the City of Creswell Transportation System Plan.</p>			

2.2.130 Residential Districts – Setback Yards and Build-To Line: Exceptions, Reverse Frontage Lots, Flag Lots

A. Residential Yard Setbacks – Purpose

Residential setback yards provide space for private yards and building separation for fire protection/security, building maintenance, sunlight and air circulation. The setback yard standards contained in Table 2.2.120 are also intended to promote human-scale design and traffic calming by diminishing the visual presence of garages along the street and encouraging the use of pedestrian amenities, such as extra-wide sidewalks and street furnishings in multiple family developments and in residential-commercial projects. The standards also encourage the orientation of buildings to provide street visibility for public safety and neighborhood security.

B. Setback Yards – Exceptions

The following architectural features may encroach into the setback yards by no more than thirty-six (36) inches, provided that a setback of not less than thirty-six (36) inches is preserved, all applicable building and fire codes are met, and the clear vision standards in Section 3.1.2 are met. Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into a setback yard by not more than 36 inches. Porches, decks and similar structures not exceeding thirty (30) inches in height may encroach into setbacks as provided in Table 2.1.120. Walls and fences built on property lines are subject to the height standards in Table 2.1.120 and the provisions of Sections 3.1.200, Vision Clearance, and 3.2.500, Fences and Walls.

C. Setback Yards – Reverse Frontage Lots

Buildings on reverse-frontage lots (through lots) shall be required to meet the build-to line standard on only one street. Reverse frontage lots are subject to the fence height and setback requirements in Section 2.2.120 and the landscape buffer requirements in Chapter 3.2.300.

D. Setback Yards – Flag Lots

The front yard of a flag lot shall conform to one of the following two options:

1. parallel to the street from which access is taken, or
2. parallel to the flag pole from which access is taken.

The applicant for a building permit may choose either Option 1 or Option 2, except as otherwise prescribed by conditions of a partition or subdivision approval. [Note: The City may impose such conditions as provided under Section 2.2.140 and Section 4.3.115.]

2.2.140 Residential Districts – Infill Standards

The purpose of Section 2.2.140 is to ensure compatibility of new infill development and redevelopment of existing neighborhoods. The setback and building height standards in Section 2.2.140 supersede those in Table 2.2.120 when a building or partition is proposed on a subdivision lot in a Residential District that was platted prior to *[effective date of new code]*. The approval body, through Land Use Review (single-family dwelling) or Site Design Review (multiple family or other attached housing), as applicable, shall use the criteria and standards in subsections A-D, below, in reviewing building plans:

- A. Compatibility with Yards of Adjacent Residence(s).** Except as provided in Section 2.2.140.D, when a proposed building is located within twenty (20) feet of an existing single-family dwelling on the same side of the street, and the existing dwelling has a front yard setback that is greater than the minimum setback in Section 2.2.120, a front yard setback similar to that of the nearest Single-Family residence shall be used. “Similar” means the setback is equal to or within ten (10) percent of the setback provided by the nearest single-family residence on the same side of the street. (Figure 2.2.140.A) For example, if the existing single-family residence has a front yard setback of thirty (30) feet, then the new building shall have a front yard setback between twenty-seven (27) feet and thirty-three (33) feet. If the new building is to be located between two existing residences, then the setback for the new building shall be the average setback of both adjacent residences, plus or minus ten (10) percent.
- B. Compatibility with Building Height of Adjacent Residence(s).** Except as provided in Section 2.2.140.D, when an existing single-family residence is located within twenty (20) feet of the subject site on the same side of the street, and said residence has a building height that is less than the maximum building height allowed in Table 2.2.120, a building height similar to that of the nearest single-family residence(s) shall be used. “Similar” means the building height is not more than one hundred ten (110) percent of the height of the nearest single-family residence on the same side of the street. (Figure 2.2.140.B) For example, if the existing single-family residence has a height of twenty (26) feet, then the new building shall have a height that does not exceed twenty eight point six (28.6) feet. If the new building is to be located between two existing residences, then the height of the new building shall not exceed one hundred ten (110) percent of the average height of the two adjacent buildings.
- C. Historic Creswell.** Modifications to existing designated historic buildings are exempt from the provisions of Section 2.2.140, Section 2.2.190, and Section 2.3.170 (Architectural Design). Such modifications are subject to Section 2.2.200.K, Modifications to Designated Historic Structures. New structures within Creswell’s Historic Core Area (available at Creswell City Hall) shall follow, borrow from, or appropriately adapt a recognized, historic architectural style found in Creswell. For example, designs that follow, borrow from, or appropriately adapt one of the following styles are acceptable: Craftsman Bungalow, Colonial Revival, and Queen Anne, per subsections 2.2.140.C.1.a through 2.2.140.C.1.c. Land Use reviews and Site Design reviews for new buildings in the Historic Core Area shall follow the procedures in subsections 1-7 below:

1. Building plans must exemplify an acceptable style in their ground plan, elevations (rhythm, color, and materials), and structure (e.g., roof shapes and details such as windows, doors, trim, and ornamentation). The styles listed above are deemed acceptable; other historic styles may be accepted upon the decision body finding that the proposed design borrows from or appropriately adapts one of the above recognized styles using vernacular design elements.
2. Except as provided under subsection 3, below, the City Administrator shall review all new buildings in the Historic Core Area through a Type II Land Use Review; he or she shall approve or disapprove the design, or refer the design to the City’s Architectural Consultant for further review, based on the above criteria. The City Administrator and the Architectural Consultant, as applicable, shall review a preliminary set of building elevations and floor plans, and a color and materials sample board, for conformance with Section 2.2.140.C and the standards in Section 2.2.190, Architectural Design Standards.
3. When a project requires Site Design (Type III) approval, the Planning Commission shall be the decision making body under Section 2.2.140.C, and shall review the building design concurrently with the Site Design Review application following the preliminary review of the City Administrator (subsection 2).
4. Where the City Administrator refers the design to the City’s Architectural Consultant, the applicant shall pay a deposit for the consultant’s review, against which the consultant’s time and expenses will be charged. Alternatively, the applicant may modify the design and submit it to the City Administrator for reconsideration.
5. Design comments and advice provided by the Architectural Consultant under subsection 3 shall be advisory. The applicant may modify his or her plans in response to the consultant’s input, and the City Administrator shall take the consultant’s input into consideration in approving or disapproving said plans under subsection 2. Where the applicant chooses to modify and resubmit plans, the City may require that he or she waive or extend the 120-day rule under Section 4.1.600.
6. Design approval under Section 2.2.140.C, or the City Administrator’s determination that a project is exempt from Section 2.2.140.C, shall be required prior to issuance of building permits.
7. The City Administrator’s decision shall be binding upon future building permits for the subject property; any modifications to the design must be resubmitted following the provisions of Section 2.2.140.C.

D. Exception to Standard for Redevelopment Potential on Adjacent Lot(s). Sections 2.2.140.A and 2.2.140.B do not apply when the approval body finds that the subject single-family housing located within twenty (20) of the subject site is redevelopable. “Redevelopable,” for the purposes of this Section, means a lot either has an assessed market value that exceeds the assessed market value of all improvements on the lot, based on the most recent data from Lane County Assessor’s Office; or the front yard of the subject lot is large enough that it could be subdivided based on the applicable Residential district development standards.

2.2.150 Residential Districts – Housing Density

A. Residential Density Standard. To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the Comprehensive Plan, all new developments in the Residential Districts shall conform to the minimum and maximum densities prescribed in Table 2.2.120, except as provided below in subsections 1-3:

1. Residential care homes/facilities, senior housing, including assisted living, accessory dwellings, and subdivisions where the average slope exceeds 20% are exempt from the minimum density standard.
2. The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex lots used to comply with the density standard shall be so designated on the final subdivision plat.
3. Partitions and construction of single-family homes on lots exceeding 20,000-40,000 square feet shall be planned so that the land is used efficiently and future development on these lots or parcels can occur based on the minimum lot size and other dimensional standards of the district. See also, Chapter 4.3.110.C, Future Re-division Plan.

B. Residential Density Calculation.

1. Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density standard.
2. Areas reserved for flag lot access (flag poles) are not counted for the purpose of calculating minimum densities.

2.2.160 Residential Districts – Lot Coverage and Impervious Surfaces

- A. Lot Coverage Calculation.** The maximum allowable lot coverage shall be as provided in Table 2.2.120. Lot coverage is calculated as the percentage of a lot or parcel covered by buildings or structures (as defined by the foundation plane).

- B. Impervious Surface Calculation.** Impervious surfaces are calculated as the percentage of a lot or parcel covered by non-permeable surface-level development (e.g., asphalt, concrete, gravel, and similar impervious paving). It does not include planted areas, porous paving surfaces, and other areas allowing stormwater infiltration, as approved by the City.

2.2.170 Residential Districts – Building Height: Measurement, Exceptions, RL Step-Down Requirement

Building heights shall conform to the standards in Table 2.2.120, and subsections A-C, below:

A. Building Height Measurement. Building height is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mid-point of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be either 1 or 2, whichever yields a greater height:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above the lowest grade;
2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in subsection 1 is more than ten (10) feet above the lowest grade.

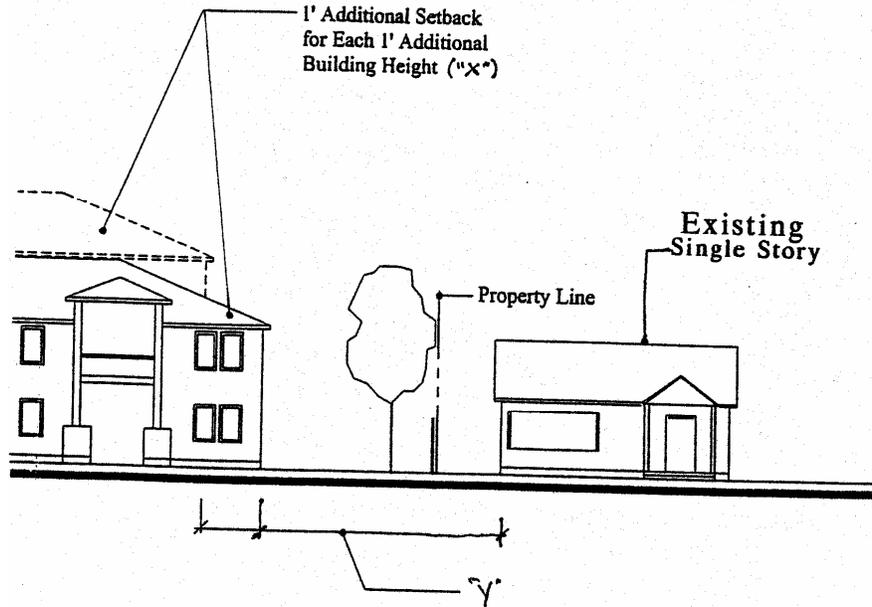
B. Exclusions from Maximum Building Height Standards. Chimneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy are exempt from the maximum building heights, provided that all applicable fire and building codes are met.

C. Height Step-down – RL District Transition. To provide compatible scale and relationships between new multi-story buildings and existing single-story dwellings in the RL District, multi-story buildings and structures in RL, RM, RC, GC, DC, IC, and GI districts shall “step-down” to create a building height transition to adjacent single-story building(s) in the RL District, as provided in subsections 1-3, below:

1. This standard applies to new and vertically expanded buildings and structures in any district that are within twenty (20) feet (as measured horizontally) of an existing single-story building in the RL District with a height of twenty (20) feet or less, as shown in Figure 2.2.170.C.

2. The transition standard is met when the height of the taller structure (“x”) does not exceed one (1) foot of height for every one (1) foot separating the two structures (“y”), as shown in Figure 2.2.170.D.

Figure 2.2.170.C - RL Height Step-Down/Transition



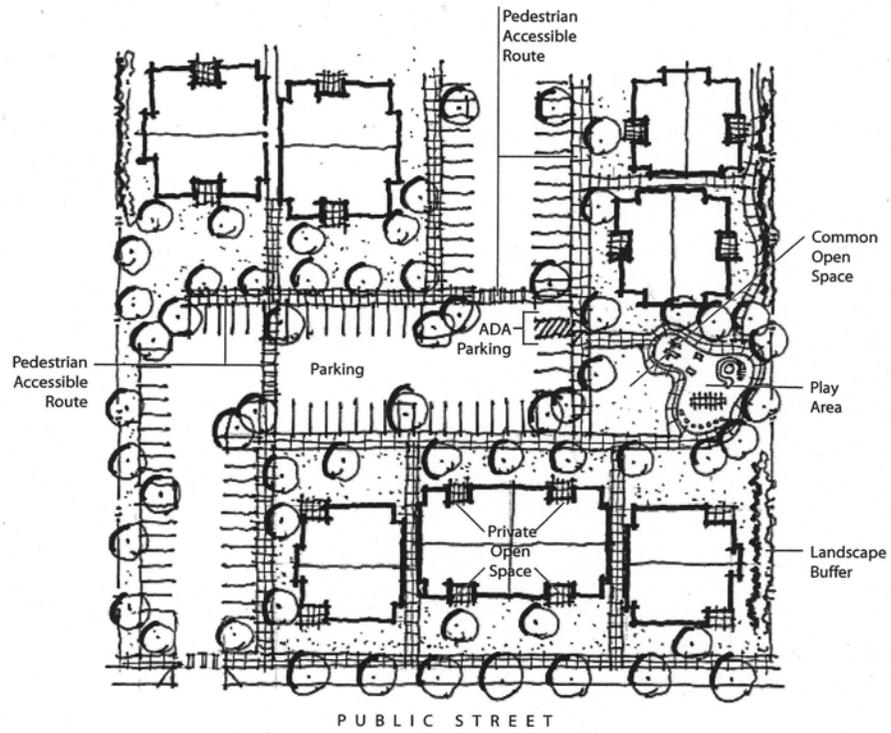
3. Exception: The provisions of subsections 2.2.170.C.1-2 do not apply when the approval body finds that the subject single story buildings located within twenty (20) feet of the subject site are redevelopable. “Redevelopable,” for the purposes of this Section, means a lot either has an assessed market value that exceeds the assessed market value of all improvements on the lot, based on the most recent data from Lane County Assessor’s Office; or the front yard of the subject lot is large enough that it could be subdivided based on the Residential District standards.

2.2.180 Residential Districts – Building Orientation

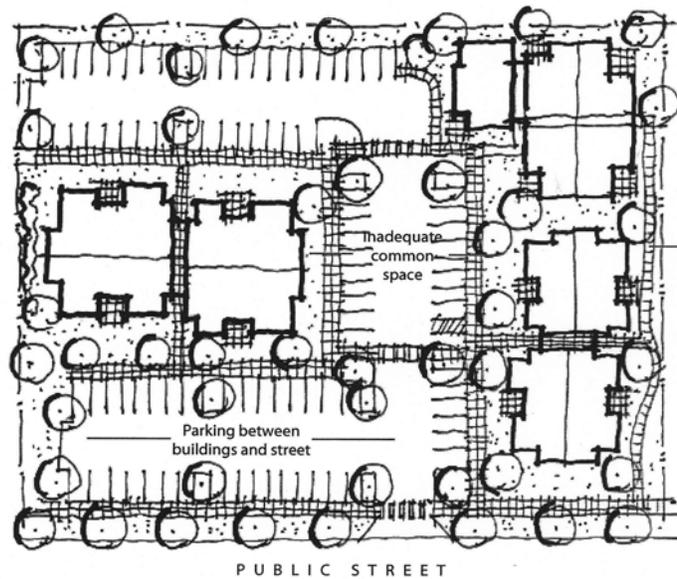
- A. Purpose.** The following standards are intended to orient buildings close to streets to promote pedestrian-oriented development where walking is encouraged, and to discourage automobile-oriented development. Placing residences and other buildings close to the street also encourages crime prevention, natural surveillance or security, and safety by having more “eyes-on-the-street.”
- B. Applicability.** Section 2.2.180 applies to all developments that are subject to Site Design Review, including developments that are reviewed as part of a Master Planned Development or Conditional Use application.
- C. Building orientation standards.** All developments that are subject to Section 2.2.180 shall have buildings that are oriented to a street. This standard is met when all of the following criteria are met:
1. Compliance with the setback and build-to line standards in Section 2.2.120;
 2. Except as provided in subsections 3 and 4, below, all buildings in the Residential Districts shall have at least one primary building entrance (i.e., dwelling entrance, a tenant space entrance, a lobby entrance, or breezeway/courtyard entrance serving a cluster of units or commercial spaces) facing an adjoining street, or if on a side elevation, not more than twenty (20) feet from a street sidewalk. See Figures 2.2.180.C(1);

Figure 2.2.180.C(1) – Residential District Building Orientation

Acceptable

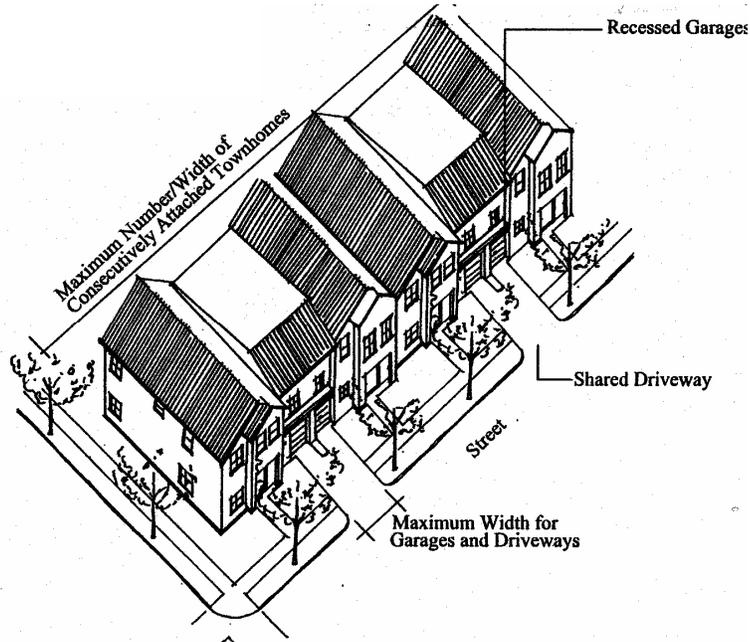


Not Acceptable



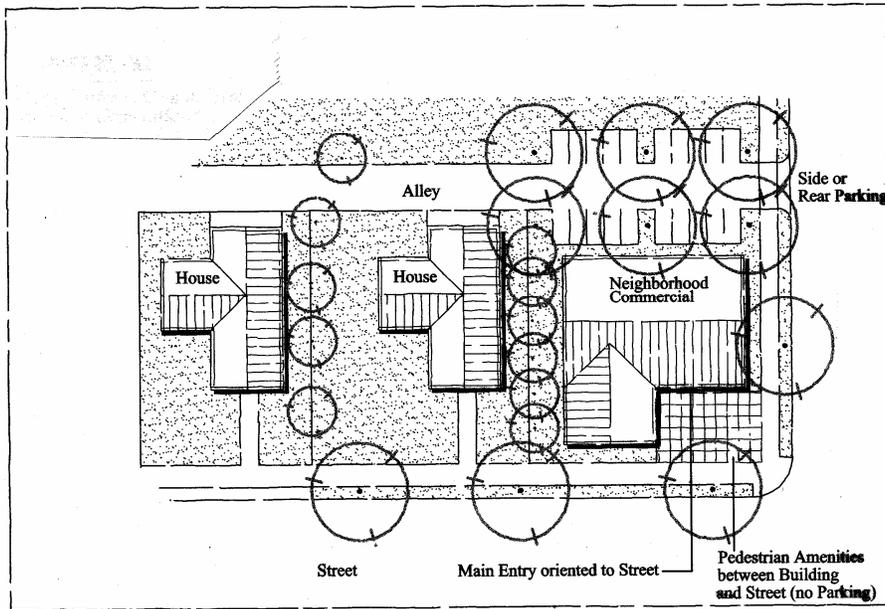
3. Off-street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented, as per subsection 2 and Figure 2.2.180C(1); except the following vehicle areas are allowed where the approval body finds that they will not adversely affect pedestrian safety and convenience:
 - a. Schools, multi-family buildings, assisted living facilities, and other institutional uses may have one driveway not exceeding twenty (20) feet in width plus parallel parking, including ADA accessible spaces, located between the street and the primary building entrance, provided that the building's primary entrance is connected to an adjacent street by a pedestrian walkway and the driveway/parking area is crossed by a clearly defined pedestrian walkway, as required by Section 3.1.300. The intent of this exception is use driveways that have street-like features;
 - b. Attached single-family housing developments (townhomes) with street-facing garages may have one (1) driveway access located between the street and the primary building entrance for every two (2) dwelling units, provided they meet the following criteria, as generally shown in Figure 2.2.180C(2):
 - 1) Where two (2) abutting townhomes have street-facing garages, they shall share one driveway access that does not exceed 16 feet in width where it crosses the sidewalk and intersects the street;
 - 2) All primary building entrances shall be connected to a driveway (and sidewalk) via a pedestrian walkway that is not less than three (3) feet wide;
 - 3) The maximum number consecutively attached townhomes with garages facing the same street is four (4) (two driveways); and
 - 4) Street-facing garages shall be setback at least twenty (20) feet from the street; where a building is placed less than twenty (20) feet from the street, the 20-foot garage setback may be accomplished recessing the garage behind the front building elevation.

Figure 2.2.180.C(2) – Townhome Building Orientation



- c. Commercial buildings and uses (e.g., neighborhood commercial or mixed-use in the RC District) shall have all of their off-street parking located behind or to the side of such buildings and uses and screened from abutting properties in accordance with Chapter 3.2, as generally shown in Figure 2.2.180.C(3). Off-street parking shall not be located between any building and any street.

Figure 2.2.180.C(3) – Commercial Orientation in a Residential District



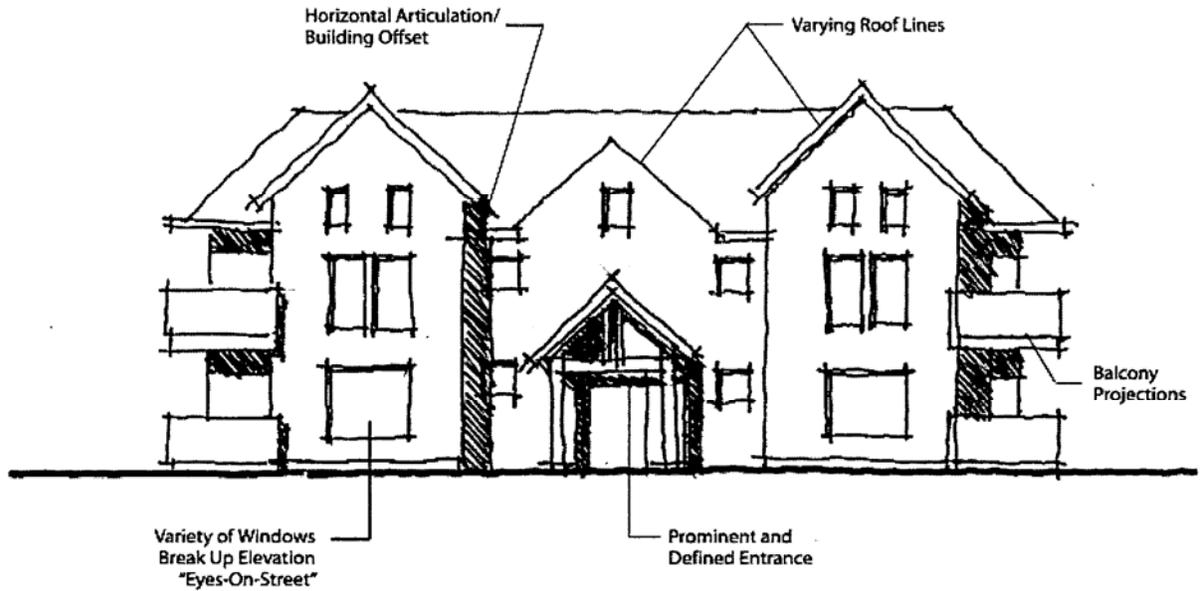
4. Where a development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to common green, open space, plaza, or courtyard. When oriented in this way, the primary entrance(s) and green, plaza, or courtyard shall be connected to the street by a pedestrian walkway meeting the standards in Section 3.1.3. See example in Figure 2.2.180C(1) “acceptable site plan.”

2.2.190 – Residential Districts – Architectural Design Standards

- A. Purpose.** The purpose of Section 2.2.190 is to promote the public health, safety, and welfare by requiring at least a minimum level of design on every building. The design standards are intended to promote architectural compatibility and harmony within residential districts, and between new and existing residential structures. The standards are also intended to provide for human-scale design and street visibility from residential structures, while affording flexibility to use a variety of building styles. (See also, the supplemental standards for buildings within Creswell’s Historic Core Area under Section 2.2.140.C.)
- B. Applicability.** Section 2.2.190 applies to all new buildings, except accessory structures and remodels of, or additions to, designated historic structures, per Section 2.2.140.C. The standards and criteria in Section 2.2.190 are applied through the Land Use Review or Site Design Review procedure (Chapter 4.2), as applicable, prior to building permit review. The provisions under Section 2.2.190.C may be adjusted through the Design Performance Option in Section 4.2.510.
- C. Standards.** All projects that are subject to Section 2.2.190 shall meet all of the standards in subsections 1-3. The graphics provided with each standard are intended to show examples of how the standards can be met and should not be interpreted as requiring a specific architectural design. Other building styles and designs can be used to meet the standards when the approval body finds they are consistent with the text. An architectural feature (i.e., as shown Figures 2.2.190C(1) and (2)) may be used to comply with more than one standard.
1. **Building Length.** The continuous horizontal distance, as measured from end-wall to end-wall, of individual buildings shall not exceed 88 feet in the RL District and 120 feet in the RM and RC Districts.
 2. **Articulation.** All buildings shall incorporate design features such as varying roof lines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, change in materials or textures [e.g., stone or faux stone, brick, wood or concrete-wood (shakes versus lap or board and batten siding, etc.)], or similar elements to break up large expanses of uninterrupted building surfaces or blank walls. Along the vertical face of a structure, and on all building stories, such elements shall occur at a minimum interval of 32 feet, and each floor shall contain at least two (2) elements, as generally shown in Figure 2.2.190C(2):
 - a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of four (4) feet;
 - b. Extension (e.g., floor area, deck, patio, entrance, overhang, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet; and/or
 - c. Offsets or breaks in roof elevation of two (2) feet or greater in height;

- d. Change in materials, where one material is the predominant material on all elevations (e.g., where wood lap siding is the predominant material, brick, stone or faux stone could be selected for wainscoting or column accents; wood or wood-appearance shakes could be selected for gable ends; etc.).

Figure 2.2.190C(1) - Building Length and Articulation (Multi-family Housing Example)



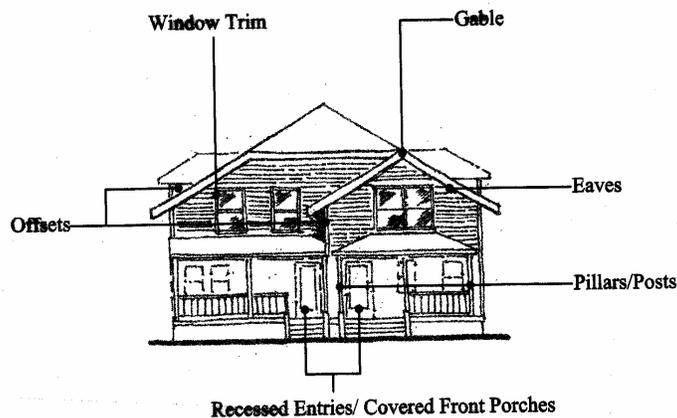
3. Eyes on the Street. All building elevations visible from a street right of way shall provide prominent defined entrances, and a combination of windows, porches, and/or balconies. A minimum of 40 percent of front (i.e., street-facing) elevations (30 percent for manufactured homes that also conform to Section 2.2.200.D), and a minimum of thirty (30) percent of side and rear building elevations shall meet this standard, as generally shown in Figure 2.2.190C(2), above. “Percent of elevation” is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

4. Detailed Design. All buildings shall provide detailed design on all street-facing walls (45 degrees or less from street lot line). Detailed design shall be provided by using at least six (6) of the architectural features in items “a” through “m,” below, as is appropriate for the proposed building type and style. The applicant may select the elements that he or she wants, and it is not within the approval body’s authority to prescribe specific elements; except when the project is being reviewed as part of a Master Planned Development, Conditional Use Permit, or Site Design Review (item “n”), the approval body may require specific design elements or changes to promote compatibility with adjacent uses and to achieve the desired community character or pedestrian-orientation.
- a. Dormers
 - b. Gables
 - c. Recessed entries
 - d. Covered porch entries or portico
 - e. Cupolas or towers
 - f. Pillars or posts
 - g. Eaves (minimum 6-inch projection)
 - h. Off-sets in building face or roof (minimum 16 inches)
 - i. Window trim (minimum 3 inches wide)
 - j. Bay windows
 - k. Balconies
 - l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
 - m. Decorative cornice or pediment (e.g., for flat roofs)
 - n. An alternative feature providing visual relief, similar to options a.-m., as approved through the Design Performance Option under Section 4.2.510.

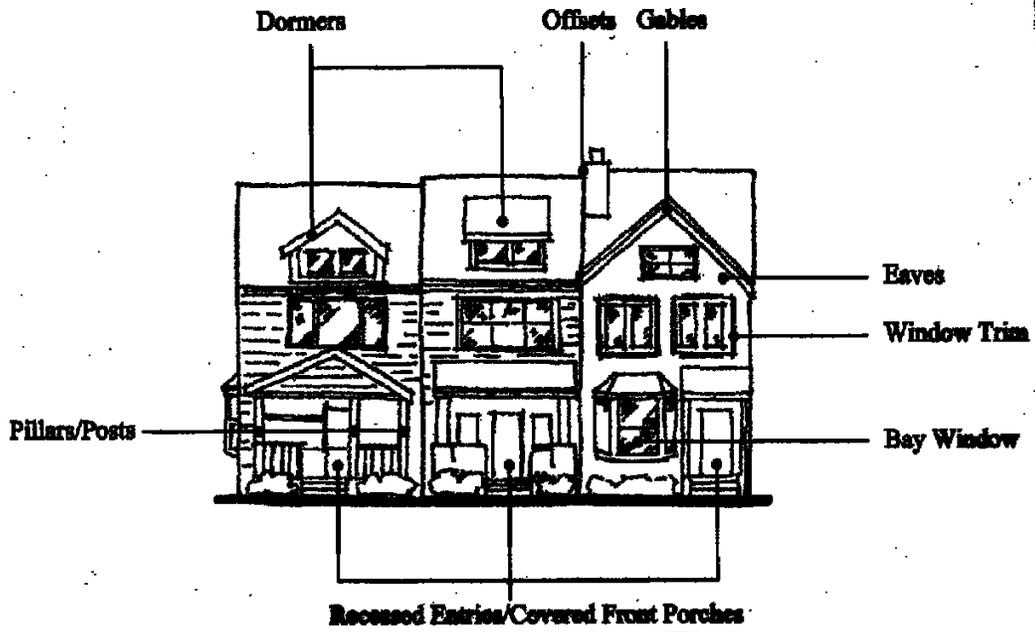
Figure 2.2.190.C(4) - Examples of Architectural Elements (illustrative only)

Example 1

Single-family Housing



Example 2
Single-family Housing



Example 3
Multi-family Housing



2.2.200 – Residential Districts – Special Use Standards

Section 2.2.200 provides standards for specific land uses and building types, as identified in Table 2.2.110, that control the scale and compatibility of those uses within the Residential District. The standards in Section 2.2.230 supplement (are in addition to and do not replace) the standards in Sections 2.2.100 through 2.2.190. This Section applies to the following uses and building types, as specified in subsections A-K:

- Accessory Dwelling
- Attached Single-Family (Townhouses or Rowhouses) and Attached Duplexes
- Bed and Breakfast Inns
- Group Living (Residential Care Homes and Facilities)
- Home Occupations
- Manufactured Homes
- Manufactured/Mobile Home Parks
- Multiple Family Housing
- Short-Term Vacation Rentals
- Zero-Lot Line Housing (not common wall)
- Modifications to Designated Historic Structures

A. Accessory dwelling (attached, separate cottage, or above detached garage). Accessory dwellings shall conform to all of the following standards:

1. Floor Area. Accessory dwellings shall not exceed 800 square feet of floor area, or 40% of the primary unit, whichever is smaller. The unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house;
2. Exempt from Density. Accessory dwellings are exempt from the housing density standards of the Residential District, due to their small size and low occupancy levels;
3. Oregon Structural Specialty Code. The structure complies with the Oregon Structural Specialty Code;
4. Owner-Occupied. The primary residence or accessory dwelling shall be owner-occupied. Alternatively, the owner may appoint a member of his or her immediate family as a resident care-taker of the principal house and manager of the accessory dwelling;
5. One Unit. A maximum of one accessory dwelling unit is allowed per lot;
6. Building Height. The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed twenty-eight (28) feet; and
7. Buffering. The approval body may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single-family dwelling, unless the applicant and the owner of the abutting single-family dwelling agree in writing not to install the hedge or fence.

B. Attached Single-Family (Townhouses and Rowhouses) and Duplexes. Single-family attached housing with three or more dwellings (lots), and attached duplex housing (two or more consecutively attached duplexes), shall comply with the standards in sections 1-2, below, which are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

1. Alley Access Required for Subdivisions Principally Containing Townhomes or Duplexes. Subdivisions, or phases of subdivisions, proposed to contain three (3) or more consecutively attached single-family dwellings, and developments with two (2) or more attached duplexes (4+ dwelling units), shall provide vehicle access to all such lots and units from an alley or parking court, as described in Chapter 3.1.2. Alley(s) and parking court(s) shall be created at the time of subdivision approval, and may be contained in private tracts or, if approved by the City, in public right-of-way, in accordance with Chapter 3.4.1, Transportation Standards, and Chapter 4.3, Land Divisions.
2. Common Areas. Any common areas (e.g., landscaping, private tracts, common driveways, private alleys, building exteriors, and/or similar common areas) shall be owned and maintained by a homeowners association or other legal entity. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

C. Bed and Breakfast Inns. Where Bed and Breakfast Inns are allowed, they shall require approval through Land Use Review (Type II) and conform to all of the following standards. (See also, Short-Term Vacation Rentals, which are different than Bed and Breakfast Inns, under Section 2.2.200.I.)

1. Accessory Use. The use must be accessory to a household already occupying the structure as a residence.
2. Maximum Size. Four (4) bedrooms for guests, and a maximum of eight (8) guests are permitted per night. No separate structures are permitted, except for customary residential accessory structures as defined in Section J that follows.
3. Length of Stay. Maximum length of stay is 28 days per guest; anything longer is classified as a hotel or commercial lodging. The Bed and Breakfast shall maintain a guest registry.
4. Employees. Up to two (2) non-resident employees. There is no limit on residential employees.
5. Food Service. May be provided only to overnight guests of the business.
6. Owner-Occupied. Shall be owner-occupied.
7. Other Permit or Licensing Requirements. The owner of a bed and breakfast use shall be responsible for obtaining and complying with all other applicable permit and/or licensing requirements.

D. Group Living (Residential Care Homes and Facilities). Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for 5 or fewer individuals (“homes”) or 6 to 15 individuals (“facilities”) who need not be related. Staff persons required to meet State licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards, consistent with ORS 197.660-.670:

1. Licensing. All residential care homes and facilities shall be duly licensed by the State of Oregon.
2. Parking. Parking in accordance with Chapter 3.3.
3. Site Development Review. Site Development Review shall be required for new structures to be used as residential care homes or facilities, to ensure compliance with the licensing, parking, and other requirements of this Code. Residential care homes are exempt from this requirement.

E. Home Occupations. The purpose of this Section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. Two types of home occupations are contemplated by this Code: 1) Home Occupations meeting the standards in subsections 1-8, below, are allowed by right, provided the owner has obtained and is in compliance with all applicable permit and licensing requirements, and all other uses and structures on the subject property are in conformance with all applicable city codes and requirements; and 2) Home Occupations exceeding any of the threshold standards in subsections 1-8 may receive approval through the Type III Home Occupation Permit procedure under Section 4.9.200.

Type I Standards for Home Occupations

1. Appearance of Residence:

- a. The home occupation shall be restricted to lawfully-built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- c. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
- d. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

2. Storage:

- a. Outside storage, visible from the public right-of-way or adjacent properties, that exceeds what is customary for a single-family residence in the vicinity, is prohibited.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

3. Employees:

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be not more than one (1) full time equivalent employee at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the legal lot on which the home occupation is conducted.

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- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home occupation site.
 - c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.
4. Vehicles, Parking and Traffic:
- a. One (1) commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
 - b. There shall be no more than three (3) commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 9:00 p.m. to 7:00 a.m.
 - c. There shall be no more than one (1) client's or customer's vehicle at any one time and no more than eight (8) per day at the home occupation site.
5. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 7:00 a.m. to 9:00 p.m. only, except on Sundays, subject to subsections 1 and 5, above.
6. Prohibited Home Occupation Uses:
- a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line; is prohibited.
 - b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business is allowed subject to 1-6, above.
 - c. The following uses and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, are prohibited:
 - (1) Ambulance service;
 - (2) Animal hospital, veterinary services, kennels or animal boarding;
 - (3) Auto and other vehicle repair, including auto painting; and

2.2 – Residential (R) Land Use Districts – Special Use Standards: Home Occupations

- (4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.
7. Enforcement: The City Administrator may visit and inspect the site of a home occupation in accordance with this Chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice, in accordance with Chapter 1.5.

F. Manufactured Homes. Manufactured homes are permitted on individual lots, subject to all of the following design standards. Exception: The following standards do not apply to units that were lawfully placed within the City prior to the effective date of this Code.

1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet;
2. Roof. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);
3. Residential Building Materials. The manufactured home shall have exterior siding and roofing that in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal siding and roofing);
4. Garages and Carports. If the manufactured home has a garage or carport, the garage or carport shall be constructed of materials like those used on the house;
5. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer certification shall not be required;
6. Placement. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complies with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home;
7. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted;
8. Prohibited. The manufactured home shall not be located in a designated historic district.

G. Manufactured/Mobile Home Parks. Manufactured/mobile home parks (not including recreational vehicles) are permitted on parcels of one (1) acre or larger, subject to applicable Fire Code requirements and compliance with subsections 1-6, below:

1. Creswell Butte Protection Area. To conform to the Comprehensive Plan limits on visual impact of developments on Creswell Butte, and to avoid problems associated with steep slopes and erosion and earthquake hazards, no Manufactured Home Park shall be allowed within the Creswell Butte Protection Area (see Chapter 1.3, Definitions).
2. Permitted uses: Single-family residences, manufactured home park manager’s office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance).
3. Space. The minimum size pad or space for each dwelling is 2,500 square feet, provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide and 40 feet long, in accordance with ORS 446.100(c).
4. Setbacks and Building Separation. The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built that serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.
5. Perimeter landscaping. When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a fifteen (15) foot wide landscape buffer consistent with Section 3.2.300(F) between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.
6. Dwelling design (for parks smaller than 3 acres). Manufactured dwellings in parks smaller than 3 acres shall meet the following design standards, consistent with ORS 197.314(6):
 - a. The manufactured dwelling shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees); and
 - b. The manufactured dwelling shall have exterior siding and roofing that in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal siding and roofing);
 - c. Exception: Subsections a-b, above, do not apply to manufactured dwellings that were lawfully placed within the City of Creswell prior to the effective date of this ordinance.

H. Multiple Family (Multi-Family) Housing. Where multi-family housing is allowed, it shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with nearby uses. Figure 2.2.200.H provides a conceptual illustration of the requirements listed below.

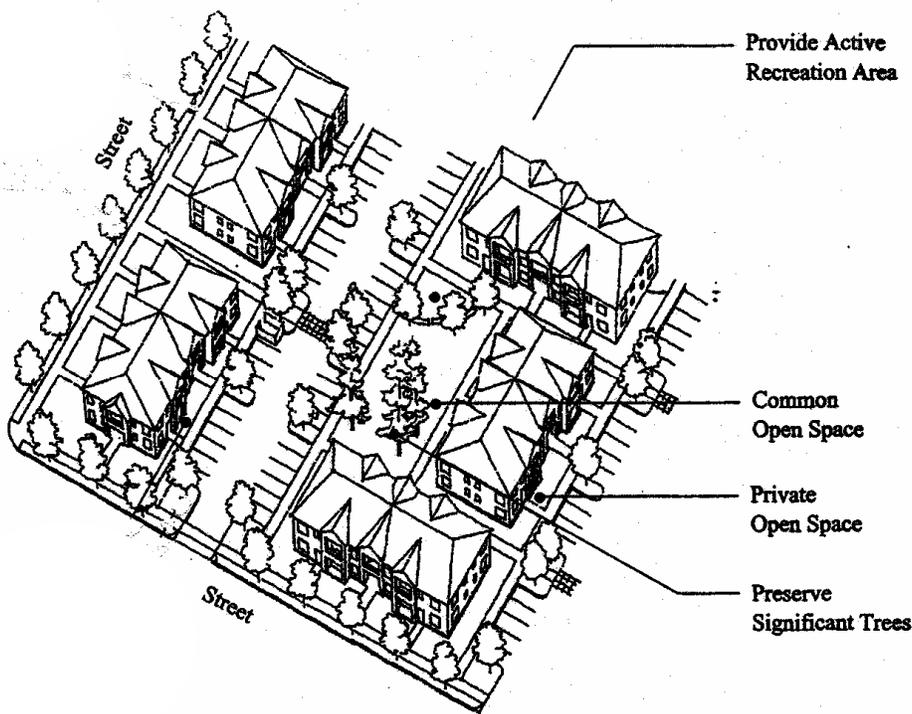
1. Building design. The architectural design standards under Section 2.2.190 apply.
2. Common open space. A minimum of ten (10) percent of the site area shall be designated and permanently reserved as common open space in all multiple family developments, in accordance with all of the following criteria:
 - a. The site area is defined as the lot or parcel on which the development to be located, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.);
 - b. In meeting the common open space standard, the multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g., trees preserved), play fields, outdoor playgrounds, outdoor sports courts, swim pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.
 - c. Historic buildings or landmarks within the project that are open to the public may count toward meeting the common open space requirements when approved by the Planning Commission.
 - d. To receive credit under Section 2.2.200.H, a common open space area shall have an average width that is not less than 20 feet and an average length that is not less than 20 feet;
 - e. The common open space requirement for projects in the Residential-Commercial District may be reduced by up to five (5) percent when a project contains an equivalent area with pedestrian amenities, as described under Section 3.1.300, between a primary building entrance(s) and adjoining street(s);
 - f. The approval body may waive the common open space requirement for the first 20 dwelling units in a multiple family project that is located within one-quarter mile (walking distance) of a public park, and there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), lighted pedestrian walkway or multi-use pathway connecting the site to the park. If the park is not developed, or only partially developed, the approval body may require the multi-family housing developer to improve park land in an amount comparable to the open space that he or she would otherwise be required to provide in his or her development.
3. Private open space. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following criteria:
 - a. A minimum of 40 percent of all ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation

2.2 – Residential (R) Land Use Districts – Special Use Standards: Multiple Family Housing

(i.e., after grading and landscaping);

- b. A minimum of 40 percent of all upper-floor housing units shall have balconies or porches measuring at least 48 square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade; and
- c. In the Residential-Commercial District, multi-family dwellings are exempt from the private open space standard where the development contains pedestrian amenities located between all primary building entrance(s) and adjoining street(s).

Figure 2.2.200H – Examples of Multiple Family Open Space



- 4. Trash receptacles. Trash receptacles shall be oriented away from building entrances, setback at least ten (10) feet from any public right-of-way and adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height. Receptacles must be accessible to trash pick-up trucks.

I. Short-Term Vacation Rentals. Short-term vacation rentals shall conform to all of the following criteria:

1. Vacation rentals allowed under this subsection are those with 28 or fewer days continuous occupancy by the same tenant;
2. A Conditional Use Permit is required to operate one or more short-term vacation rentals in any RL or RM district;
3. The vacation rental unit shall provide two (2) off-street parking spaces, as is required for a Single-Family dwelling;
4. In the RL and RM districts, all required parking shall be provided on the same lot as the vacation home rental unit;
5. All vacation home rentals shall have a maximum occupancy of one person per 200 square feet or not more than 16 people, whichever is more restrictive; and
6. The scale, building materials, and colors of the building shall be consistent with the neighborhood.

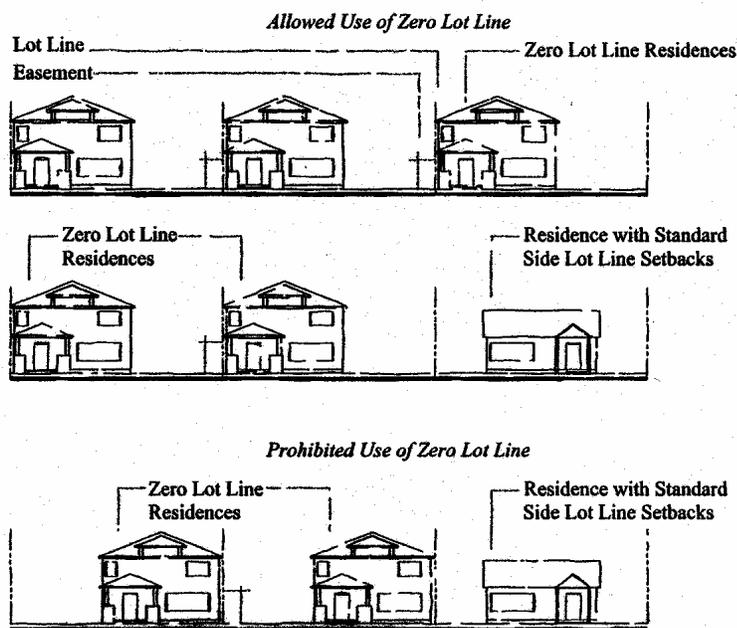
J. Zero-Lot Line Housing. Zero-lot line houses are subject to the same standards as non-attached single-family housing, except that a side yard setback is not required on one side of the lot, as generally shown in Figure 2.2.200.J. The standards for zero-lot line housing are intended to ensure adequate outdoor living area, compatibility between adjacent buildings, and access to side yards for building maintenance. All zero-lot line houses shall conform to all of the criteria in subsections 1-4, below:

1. Site Design Review Required. Site Design Review is required for new zero-lot line developments. When a zero-lot line development is proposed as part of a Land Division, Master Planned Development, or other application, the Site Design Review may be combined with the other application(s).
2. Setbacks for Primary and Accessory Structures. The allowance of a zero (0) side yard setback is for one single-family dwelling on each lot; it does not extend to accessory structures, which shall conform to the applicable setback requirements of the zone;
3. Setbacks Adjacent to Non-Zero Lot Line Development. When a zero-lot line house shares a side property line with a non-zero lot line development, the zero-lot line building shall be setback from that common property line by not less than ten (10) feet;

4. Building Orientation and Design. The building placement and/or design shall encourage privacy for the occupants of abutting lots. For example, this standard can be met by staggering foundation plans, by placing windows (along the zero lot line) above sight lines with direct views into adjacent yards, by using frosted/non-see-through windows, by avoiding placement of windows on the zero lot line, or other designs approved by the approval body through Site Design Review; and

5. Construction and Maintenance Easement. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees access onto adjoining lot for the purpose of construction and maintenance of the zero-lot line house. The easement shall require that no fence or other structure shall be placed in a manner that would prevent maintenance of the zero-lot line house. The easement shall not preclude the adjoining owner from landscaping the easement area.

Figure 2.2.200.J – Zero-Lot Line Housing



- K. Modifications to Designated Historic Structures.** Proposals to alter, move, renovate, demolish or change the use of any historical structure, as defined by the Creswell Comprehensive Plan, shall be subject to review and approval by the Planning Commission through the Site Design Review procedure (Chapter 4.2). Planning Commission approval is required before such a change can be undertaken. For site plans related to modifications of historic structures, the Planning Commission must adopt findings, which shall include the following considerations:
- A. Whether the site, structure or object has maintained the required characteristics for historic significance.
 - B. Whether it has deteriorated or changed so as to become hazardous to public health, safety or welfare.
 - C. Whether historical significance will be substantially affected by the proposed change.
 - D. Whether the financial or other hardship to the owner in preserving the historic significance is outweighed by the public interest in preserving historic values.
 - E. Whether there are alternative ways in which historic values may be preserved if the proposed action is carried out.
 - F. Whether the proposed action or change will have any substantial economic, social, environmental or energy consequences and the affect of such consequences on the public and private interests involved.
 - G. Whether there are sources of compensation or financial assistance available to compensate the owner in the event that preservation of the property is recommended by the Planning Commission.

Chapter 2.3 — Commercial Districts

Sections:

- 2.3.100 Commercial Districts – Purpose**
- 2.3.110 Commercial Districts – Allowed Land Uses**
- 2.3.120 Commercial Districts – Development Standards**
- 2.3.130 Commercial Districts – Zero Setbacks and Build-To Line**
- 2.3.140 Commercial Districts – Lot Coverage and Impervious Surface**
- 2.3.150 Commercial Districts – Building Orientation and Commercial Block Layout**
- 2.3.160 Commercial Districts – Building and Structure Height; Bonus for Mixed-Use**
- 2.3.170 Commercial Districts – Architectural Design Standards**
- 2.3.180 Commercial Districts – Pedestrian and Transit Amenities**
- 2.3.190 Commercial Districts – Special Use Standards**

2.3.100 Commercial Districts – Purpose

Commercial districts are centers of business and civic life. This Chapter provides two commercial districts to accommodate the range of commercial land uses in the community. The Downtown Commercial District is focused on the core commercial and civic (i.e., the central business area) of the community. The General Commercial District regulations apply to those commercial areas outside or adjacent to the central business area. Both districts are intended to:

- Promote efficient use of land and urban services;
- Create a mixture of land uses that encourages employment and housing options in close proximity to one another;
- Provide formal and informal community gathering places and opportunities for socialization (i.e., along an active street front);
- Encourage pedestrian-oriented development in all commercial areas;
- Create a distinct storefront character in the Downtown Commercial District;
- Provide connections to and appropriate transitions between residential areas and commercial areas;
- Apply land use and design standards to automobile-oriented and automobile-dependent uses that promote pedestrian safety, aesthetics, and economic development;
- Provide for visitor accommodations and tourist amenities;
- Encourage transit-supportive development to reduce reliance on the automobile and to minimize the need for off-street parking;
- Implement design standards that support a pedestrian-orientation, while maintaining and enhancing the City’s historic character.

2.3.110 Commercial Districts – Allowed Land Uses

Table 2.3.110 identifies the land uses that are allowed in the Commercial Districts. The specific land use categories are described and uses are defined in Chapter 1.3 and 1.4.

Key:

- P = Permitted, subject to site/land use review
- S = Permitted with standards
- CU = Conditional Use permit required (Chapter 4.4)
- N = Not permitted

Table 2.3.110 – Land Uses Allowed in Commercial Districts (DC, GC)			
Uses	Status of Use in District		
Use Categories <i>(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)</i>	Downtown Commercial (DC)	General Commercial (GC)	[Reserve]
Residential Categories			
Household Living			
All Residential Uses (Household Living and Group Living) allowed, if: <ul style="list-style-type: none"> - lawfully existing as of <i>[effective date]</i>, or - new dwelling built in conjunction with a permitted commercial use (residential use is allowed <i>above</i> ground floor commercial only) <i>Group Living Uses shall conform to the provisions in Section 2.2.200.</i>	P P	P CU	
Commercial Categories			
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities), per Section 2.3.190	N	CU+S	
Bed and Breakfast Inn	P	P	
Educational Services, not a school (e.g., tutoring or similar services)	P	P	
Entertainment, Major Event	CU	CU	
Offices	P	P	
Outdoor Recreation, Commercial	CU	CU	
Parking Lot (when not an accessory use)	CU	CU	

2.3 – Commercial (C) Land Use Districts – Allowed Land Uses

Table 2.3.110 – Land Uses Allowed in Commercial Districts (DC, GC)			
Uses	Status of Use in District		
Use Categories <i>(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)</i>	Downtown Commercial (DC)	General Commercial (GC)	[Reserve]
Quick Vehicle Servicing or Vehicle Repair. (See also Drive-Up/Drive-In/Drive-Through Uses, per Section 2.3.190)			
- fully enclosed (e.g., garage)	CU	CU+S	
- not enclosed	N	CU+S	
Retail Sales and Service (See also Drive-Up Uses)	P	P	
Self-Service Storage	N	CU	
Industrial Categories			
Industrial Service (See also Drive-Up Uses)			
- fully enclosed (e.g., office)	CU	P	
- not enclosed	N	CU	
Manufacturing and Production			
- fully enclosed	CU	P	
- not enclosed	N	CU	
Warehouse and Freight Movement	N	CU	
Waste-Related	N	N	
Wholesale Sales			
- fully enclosed	CU	P	
- not enclosed	N	CU	
Institutional Categories			
Basic Utilities	P	P	
Colleges	CU	CU	

2.3 – Commercial (C) Land Use Districts – Allowed Land Uses

Table 2.3.110 – Land Uses Allowed in Commercial Districts (DC, GC)			
Uses	Status of Use in District		
Use Categories <i>(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)</i>	Downtown Commercial (DC)	General Commercial (GC)	[Reserve]
Community Service	P	P	
Daycare, adult or child day care; does not include Family Daycare (12 or fewer children) under ORS 657A.250	P	P	
Parks and Open Space <ul style="list-style-type: none"> - pedestrian amenities - parks and recreation facilities - other open space 	P P P	P CU P	
Religious Institutions and Houses of Worship, <ul style="list-style-type: none"> - lawfully existing as of <i>[effective date]</i> - new 	P CU	P CU	
Schools <ul style="list-style-type: none"> - lawfully existing as of <i>[effective date]</i> - new 	P CU	P CU	
Other Categories			
Accessory Structures (with a permitted use)	P	P	
Agriculture – Animals	N	N	
Agriculture – Nurseries and similar horticulture (See also, Wholesale and Retail Uses)	CU	CU	
Buildings and Structures Exceeding the Height Limits in Table 2.3.120	CU	CU	
Historic Building Modifications (Sec. 2.2.200.K)	S	S	
Mining	N	N	
Radio Frequency Transmission Facilities, except those allowed as ancillary to a primary permitted use	CU	CU	

2.3 – Commercial (C) Land Use Districts – Allowed Land Uses

Table 2.3.110 – Land Uses Allowed in Commercial Districts (DC, GC)			
<i>Uses</i>	<i>Status of Use in District</i>		
Use Categories <i>(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)</i>	Downtown Commercial (DC)	General Commercial (GC)	[Reserve]
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are permitted.	CU	CU	
Temporary Uses (limited to “P” and “CU” uses), per Section 4.9.100.	P/CU	P/CU	
Transportation Facilities (operation, maintenance, preservation, and construction in accordance with the City’s Transportation System Plan)	P	P	

Key:

- P = Permitted, subject to site/land use review
- S = Permitted with standards
- CU = Conditional Use permit required (Chapter 4.4)
- N = Not permitted

2.3.120 Commercial Districts – Development Standards

The development standards in Table 2.3.120 apply to all new structures, buildings, and development, and major remodels, in the Commercial Districts.

Table 2.3.120 – Development Standards for Commercial Districts²			
Standard	DC	GC	[Reserve]
<p>Minimum Lot Area* (square feet)</p> <p>*Development must conform to lot width, depth, yard setback and coverage standards.</p>	No Standard	No Standard	
<p>Minimum Lot Width</p> <p>Single-family, not attached Single-family, attached Duplex Multiple-Family Non-Residential Uses</p> <p><i>For flag lots, width is measured at the front building line.</i></p>	<p>40 ft 20 ft 50 ft 50 ft 20 ft</p>	<p>40 ft 20 ft 50 ft 50 ft 20 ft</p>	
<p>Minimum Lot Depth</p>	2 times min. width	2 times min. width	
<p>Building/Structure Height*</p> <p>Maximum height</p> <p>Height Bonus for Residential Use in Upper Building Story, per Section 2.3.160</p> <p>Building Height Transition required adjacent to RL District, per Section 2.2.170</p>	<p>36 ft</p> <p>Additional 10 ft, provided adequate fire protection</p> <p>Yes</p>	<p>36 ft</p> <p>None</p> <p>Yes</p>	

2.3 – Commercial Land Use Districts – Development Standards

Table 2.3.120 – Development Standards for Commercial Districts²			
Standard	DC	GC	[Reserve]
<p><u>Fences, Retaining/Garden Walls</u> (permitted only as necessary to screen or secure parking areas and outdoor storage areas, where such areas are allowed) Max. Height. – Front Yard Max. Height. – Interior Side Max. Height – Rear Yard Max. Height – Street Side or Reverse Frontage Lot (rear)</p> <p>(See also, Sections 3.1.2, Vision Clearance; and 3.2.500, Fences and Walls)</p>	<p>4 ft 6 ft 6 ft 4 ft, or 6 ft with 5 ft landscape buffer</p>	<p>4 ft 6 ft 6 ft 4 ft, or 6 ft with 5 ft landscape buffer</p>	
<p>Lot Coverage (two options):</p> <p>1. Max. Building Coverage (Foundation plane as % of site area)</p>	<p>95%</p>	<p>90%</p>	
<p>Min. Landscape Area (% site area), <i>except</i> does not apply to Single-family Dwellings. Landscape area may include plant areas and some non-plant/hardscape areas, as allowed under Section 3.2.300.C.</p>	<p>5%</p>	<p>10%</p>	

Table 2.3.120 – Development Standards for Commercial Districts³			
Standard	DC	GC	[Reserve]
<p>Minimum Setbacks (feet)*: (See also, Section 2.2.170, RL Height Step-Down; and Section 2.2.190.A, Drive-Up Facilities.)</p> <p><u>Front, Street, Side, and Rear</u> property lines, except garage or carport</p> <p><u>Garage/Carport/Service Bay Entry</u>, setback from street</p> <p><u>Alley</u></p> <p><u>Adjacent to RL District</u></p>	<p>0 ft</p> <p>20 ft, or greater as may be required through CUP</p> <p>3 ft</p> <p>10 ft, and per Section 2.2.170</p>	<p>0 ft</p> <p>20 ft, or greater as may be required through CUP</p> <p>3 ft</p> <p>10 ft, and per Section 2.2.170</p>	
<p>Build-To Line (feet)*: <u>New Buildings Only:</u> At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a Planned Street Improvement, then the build-to line increases proportionately. The build-to line may also be increased through Site Design Review when pedestrian amenities are provided between a primary building entrance and the street right-of-way. (See also, Sections 2.3.170 and 2.3.180.)</p>	<p>5 ft; may be increased when pedestrian amenities are provided between a primary building entrance and street</p>	<p>60 ft; may be increased when a shopping street connects the primary building entrance(s) to the street, per Section 2.3.160</p>	
<p>*Additional street setbacks beyond those required by Section 2.3.120 may apply, as required by the City of Creswell Transportation System Plan (TSP), or the TSP of other road authority(ies), for the purpose of maintaining a clear area for planned future street improvements.</p>			

2.3.130 Commercial Districts – Zero Setbacks and Build-To Line

A. Zero Setbacks and Build-To Line – Purpose; Fire Code; and Clear Vision.

Zero setbacks and build-to lines, as provided in Table 2.3.120, are intended to encourage pedestrian-oriented development, while providing more flexibility in site design than what is possible with large setbacks. With buildings placed close to the street, a development can afford good access for emergency service providers in the case of a fire or other emergency. Where no minimum setback is required, all structures and buildings shall conform to the vision clearance standards in Chapter 3.1 and the applicable fire and building codes (e.g., for attached structures, fire walls, and related requirements).

B. Setback Yards – Reverse Frontage Lots

Buildings on reverse-frontage lots (through lots), or lots that front onto more than one street, shall be required to meet the build-to line standard on only one street. The Planning Commission may require that the build-to line apply to the highest order street. Reverse frontage lots are subject to the fence height and setback requirements in Section 2.3.120 and the landscape buffer requirements in Chapter 3.2.300.

C. Setback Yards – Flag Lots

The front yard of a flag lot shall conform to one of the following two options:

1. parallel to the street from which access is taken, or
2. parallel to and abutting the flag pole from which access is taken.

The applicant for a building permit may choose either Option 1 or Option 2, except as otherwise prescribed by conditions of a partition or subdivision approval. [Note: The City may impose such conditions as provided under Section 2.2.140 and Section 4.3.115.]

2.3.140 Commercial Districts – Lot Coverage

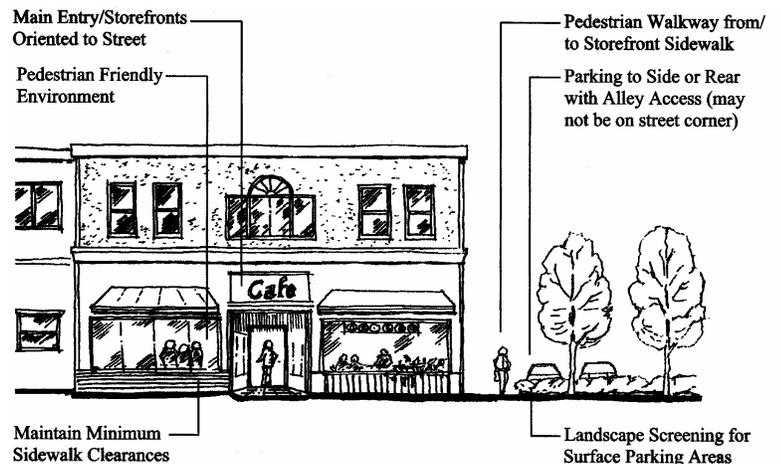
Lot coverage is calculated as provided under Table 2.3.120.

2.3.150 Commercial Districts – Building Orientation and Commercial Block Layout

- A. Purpose.** Section 2.3.150 orients buildings close to streets to promote pedestrian-oriented development where walking is encouraged, and to discourage automobile-oriented development. Placing residences and other buildings close to the street also encourages crime prevention, natural surveillance or security, and safety by having more “eyes-on-the-street.”
- B. Applicability.** Section 2.3.150 applies to projects that are subject to Site Design Review or Land Division Review, including those reviewed as part of a Master Planned Development.
- C. Building orientation standards.** Developments subject to this Section shall have their buildings oriented to a street, as generally shown in Figure 2.3.150.C(1). This standard is met when all of the following criteria are met:

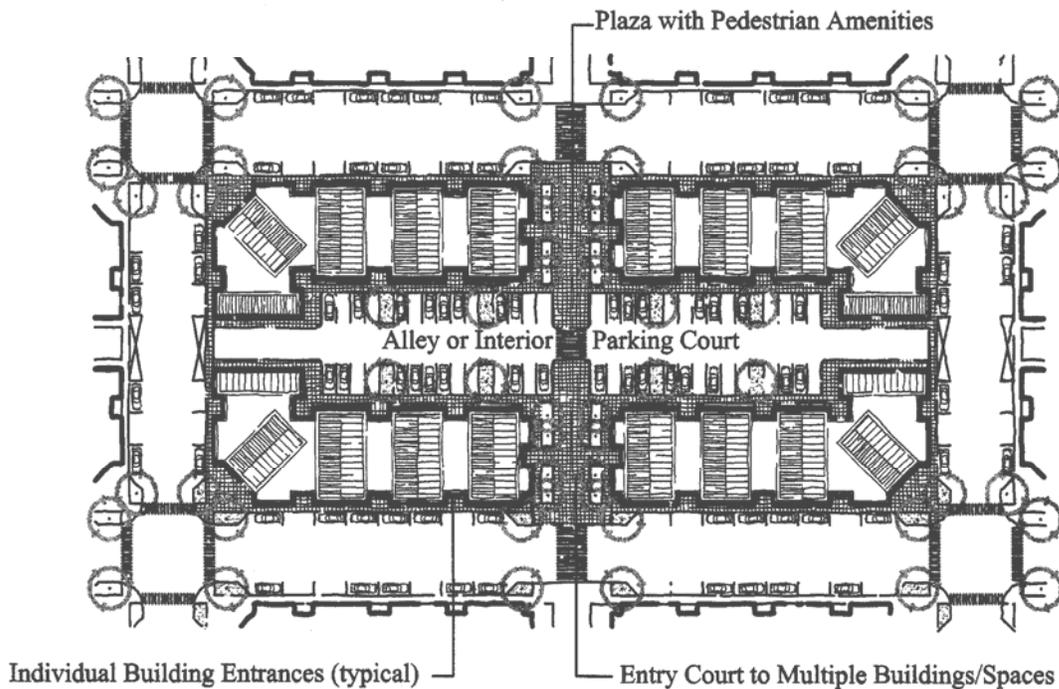
1. Compliance with the setback and build-to line standards in Section 2.3.120, where applicable. The build-to line may be setback to provide pedestrian amenities between a building and its adjoining street;
2. Except as provided in subsections 2.3.150.C(4) and (5), below, all buildings shall have at least one primary building entrance (i.e., dwelling entrance, a tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within 45 degrees of the street property line), or if the building entrance is turned more than 45 degrees from the street (i.e., front door is on a side elevation), the primary entrance shall not be more than 20 feet from a street sidewalk in the DC District and not more than 60 feet in the GC District, except to provide pedestrian amenities; a walkway shall connect the primary entrance to the sidewalk.

Figure 2.150.C(1) – Building Orientation



3. In the DC District, off-street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented; except as allowed under subsection 2.3.150.C(4). Off-street parking in the DC District shall be oriented internally to the site, with parking bays separated by landscaping, as generally shown in Figure 2.3.150.C(2). Bays shall contain no more than 24 parking spaces per bay.

Figure 2.3.150.C(2) – Building Orientation With Internal Parking



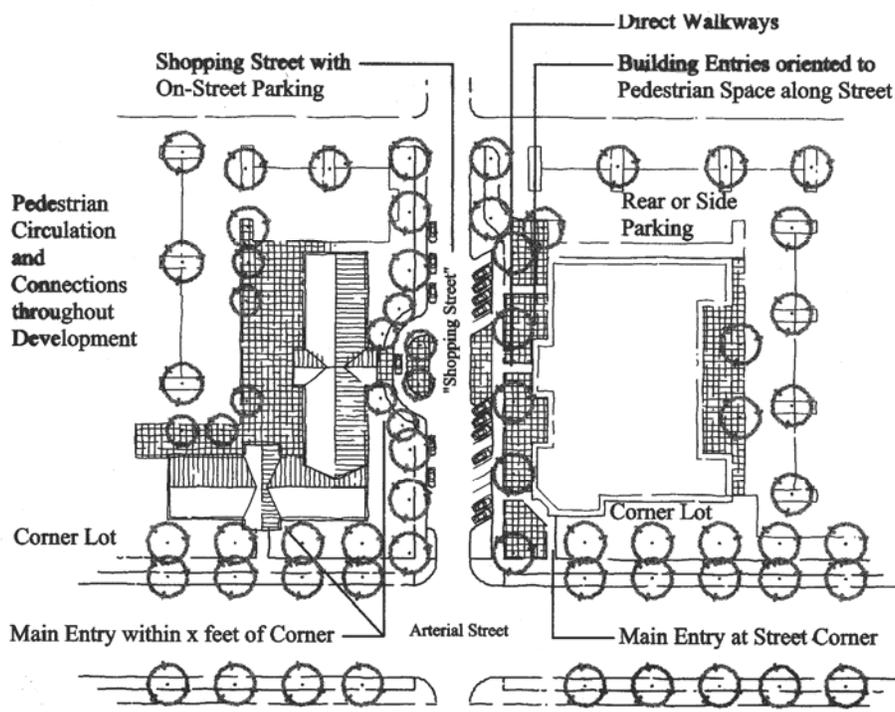
4. In the GC District, the building orientation standard may be met with vehicle areas allowed between the street right-of-way and a building’s primary entrance when the approval body finds that the following criteria are met:
 - a. Placing vehicle areas between the street right-of-way and building’s primary entrance will not adversely affect pedestrian safety and convenience, based on the distance from the street sidewalk to the building entrance, projected vehicle traffic volumes, and available pedestrian walkways;
 - b. The proposed vehicle areas are limited to one driveway of not more than 20 feet in width with adjoining bays of not more than eight (8) consecutive parking spaces per bay (including ADA accessible spaces) on the side(s) of the drive aisle. (The intent of which is to create a drive aisle that is street-like, and break up parking into small bays with landscaping); and
 - c. The building’s primary entrance is connected to an adjoining street by a pedestrian walkway that meets the standards for pedestrian walkways under Section 3.1.3.

5. Where a development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to common green, plaza, or courtyard. When oriented in this way, the primary entrance(s) and green, plaza, or courtyard shall be connected to the street by a pedestrian walkway meeting the standards in Section 3.1.3.

D. Block Layout (Pedestrian-Orientation) Standard. Developments containing more than one building, including commercial subdivisions containing outlying commercial pads, shall meet all of the following standards:

1. The site shall be configured into blocks that have frontage onto streets, interior parking courts (as generally shown in Figure 2.3.150.C(2), above), or shopping streets (as generally shown in Figure 2.3.150.C(3), below). All parking courts and shopping streets shall contain on-street parking bays (parallel or angled parking), street- or court-facing building entrances and entrances at or near (i.e., within 40 feet of) block corners, sidewalks, street trees, and pedestrian lighting;
2. Blocks shall not exceed 400 feet in length, and shall have a perimeter not exceeding 1,400 feet. Pedestrian walkways inside buildings are not counted as block edges;
3. Pedestrian pathways shall connect the street right-of-way to building entrances and the interior parking courts between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking;

Figure 2.3.150.C(3) – Shopping Street Example

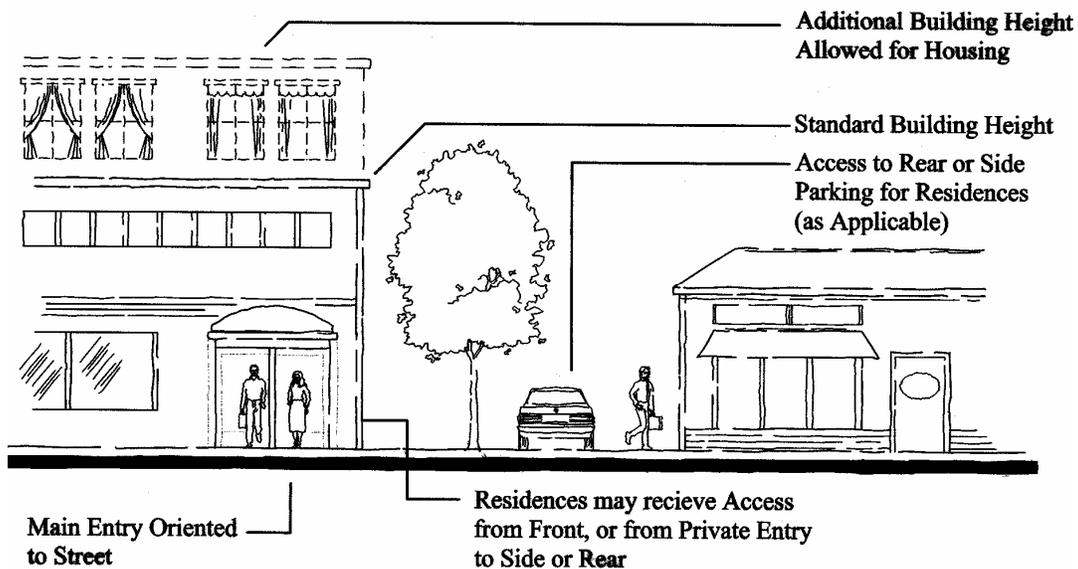


2.3.160 Commercial Districts – Building and Structure Height; Bonus for Mixed-Use

A. Method of Measurement. Building and structure heights shall conform to the standards in Table 2.3.120. Height is measured in conformance with Section 2.2.170. Where a height transition (RL height step-down) is required, it shall conform to the standards in Section 2.2.170C.

B. Height Bonus for Housing. The building height in the Downtown Commercial District may be increased by ten (10) feet when housing is provided above ground floor commercial use(s), as generally shown in Figure 2.3.160B, and fire protection standards are met. Where a second egress is required for fire safety, residences may have their entrances/egress oriented to any yard; such entrances need not be oriented to the street yard.

Figure 2.3.160B - Building Height Bonus for Housing



2.3.170 Commercial Districts – Architectural Design Standards

- A. Purpose.** The purpose of Section 2.3.170 is to promote the public health, safety, and welfare by requiring at least a minimum level of design on every building. The design standards are intended to promote architectural compatibility and harmony within the commercial districts. The standards are also intended to provide for human-scale design and street visibility from, while affording flexibility to use a variety of building styles.
- B. Applicability.** Except for existing historic structures, all major remodels and new buildings in the commercial districts shall meet the standards of subsections 2.3.170.C-E. The standards are applied through Site Design Review) prior to building permit review. The applicant demonstrates that the standards are met by complying with the criteria under each standard. Remodels of, or additions to, designated historic residential structures are subject to the requirements under Section 2.2.200.K. The provisions of Section 2.3.170 may be adjusted through the Design Performance Option in Section 4.2.510.
- C. Pedestrian-Orientation.** The design of all buildings on a site shall support a safe and attractive pedestrian environment. This standard is met when the approval body finds that all of the criteria in 1-7, below, are met. Alternatively, the approval body may approve an alternate design under Section 4.2.510 upon finding that the proposed design equally or better achieves the above standard.
1. The building orientation standards under Section 2.3.150 are met; and
 2. Primary building entrances shall open directly to the outside and, if not abutting a street, shall have walkways connecting them to the street sidewalk; every building shall have at least one primary entrance that does not require passage through a parking lot or garage to gain access; and
 3. Corner buildings (i.e., buildings within 20 feet of a corner as defined by the intersecting curbs) shall have corner entrances, or shall provide at least one entrance within 20 feet of the street corner or corner plaza; and
 4. At least 20 percent of the building's front façade (measured horizontally in linear feet) in the GC District, and 50 percent of the front façade in the DC District, shall be located at the build-to line or closer to the street; build-to lines are prescribed by Section 2.3.120; and
 5. Ground floor windows or window displays shall be provided along at least 30 percent of the building's (ground floor) street-facing elevation(s) in the GC District, and 50 percent of the street-facing elevation in the DC District. Design elements such as large regularly spaced and similarly shaped windows with window trim, and with transom or clerestory windows above building entrances are counted; windows and display boxes shall be integral to the building design and not mounted to an exterior wall; and
 6. In the DC District, windows shall cover no more than 80 percent of the ground floor

façade area, and shall not begin less than 18 inches or more than 30 inches above the sidewalk (except transom windows). Second and third story windows shall match the vertical and horizontal character of ground level windows.

7. Street-facing elevations shall be designed with weather protection, such as awnings, canopies, overhangs, or similar features. Such weather protection shall project a minimum of four (4) feet and a maximum of eight (8) feet over sidewalks or other pedestrian space; and
8. Drive-up and drive-through facilities, when allowed, shall conform to Section 2.3.190; the provisions of which shall *not* be modified without a variance (Chapter 5.1).

D. Compatibility. All new buildings and major remodels shall be designed consistent with the architectural context in which they are located. This standard is met when the approval body finds that all of the criteria in 1-7, below, are met.

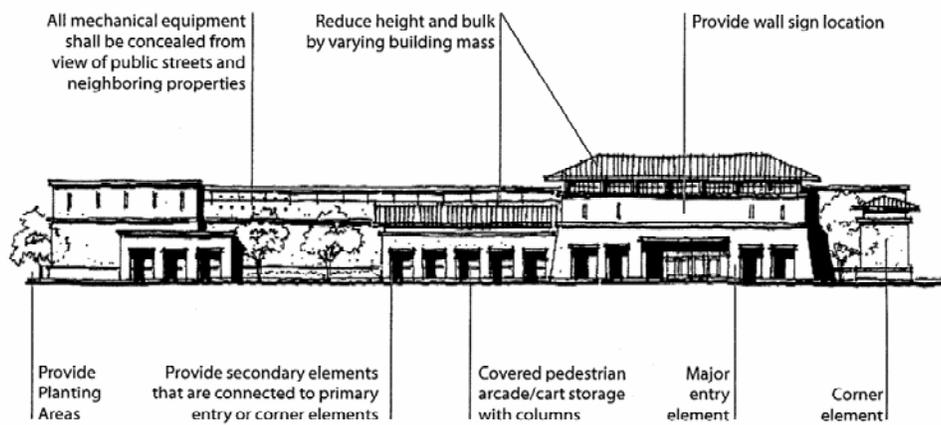
1. There is continuity or effective transitions in building sizes between new and existing buildings;
2. The ground floor and upper floor elevations and architectural detailing are compatible with adjacent commercial buildings;
3. Buildings adjacent to the RL district, meet the height step-down provisions under Section 2.2.170.C.
4. Roof elevation is compatible with adjacent commercial buildings (roof pitch, shape, height step-down);
5. There is continuity in the rhythm of windows and doors on the proposed building(s);
6. The relationship of buildings to public spaces, such as streets, plazas, other areas, and public parking, including on-street parking, is strengthened by the proposed building(s);
7. The materials, colors, and architectural style are compatible with Creswell's character. Compatible materials include masonry, tile, stucco, split face concrete blocks, or wood. Unadorned poured or tilt-up concrete or metal siding are not allowed. Where blank walls are required for structural reasons, all such walls visible from public streets shall include a combination of architectural elements and features such as offsets, entry treatments, patterns of varied materials and colors, decorative murals and divisions into bays, or similar features.

E. Human Scale. The design of all buildings shall be to a human-scale. This standard is met when the approval body finds that all of the criteria in 1-6, below, are met. Alternatively, the approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard. Figure 2.3.170.D contrasts examples of building elevations that are consistent/inconsistent with human scale criteria.

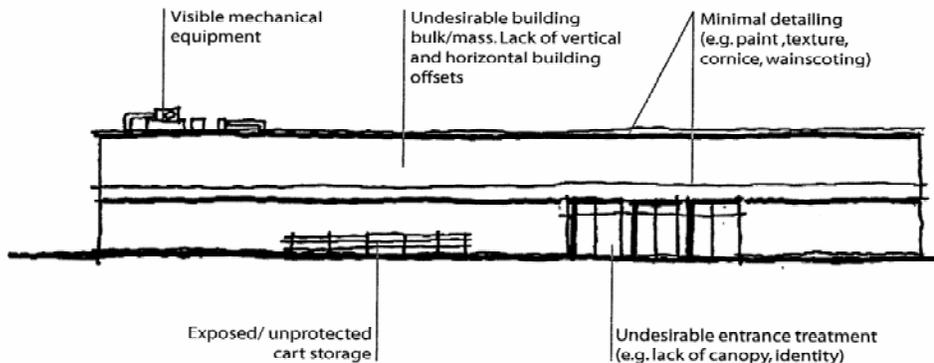
1. Regularly spaced and similarly-shaped windows are provided on all building stories;
2. Ground floor retail spaces have tall ceilings (i.e., 12-16 feet) with display windows on the ground-floor;
3. Display windows are trimmed, recessed, or otherwise defined by wainscoting, sills, water tables, or similar architectural features;
4. On multi-story buildings, ground floors are defined and separated from upper stories by appropriate architectural features (e.g., cornices, trim, awnings, canopies, arbors, trellises, overhangs, or other features) that visually identifies the transition from ground floor to upper story; such features should be compatible with the surrounding architecture;
5. The tops of flat roofs are treated with appropriate detailing (i.e., cornice, pediment, flashing, trim, or other detailing) that is compatible with the surrounding architecture;
6. Pitched roofs have eaves, brackets, gables with decorative vents, or other detailing that is consistent with the surrounding architecture;
7. Historic design and compatibility requirements under Section 2.2.140.C, where applicable, are met; and

8. Where buildings with greater than 10,000 square feet of enclosed ground-floor space are proposed, they shall provide articulated facades on all street-facing elevations. This criterion is met when an elevation contains at least one of the following features for every 40 feet of building (horizontal length): windows; primary entrances; weather protection (awnings, canopies, arbors, trellises), building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; ornamentation; screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and/or similar features as generally shown in Figure 2.3.170.D. See also, subsection 2.3.170.C.

Figure 2.3.170.D – Examples of Design Elements on Large Commercial Buildings



Large Commercial Massing - Acceptable



Large Commercial Massing - Unacceptable

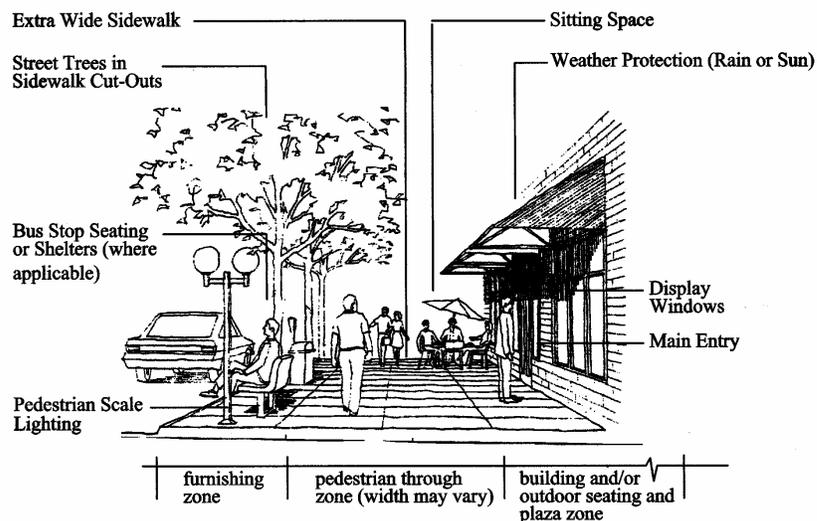
2.3.180 Commercial Districts – Pedestrian and Transit Amenities

A. Purpose and Applicability. Section 2.3.180 provides standards for pedestrian amenities when pedestrian amenities are required as part of new developments and major remodels in the DC District, and when pedestrian amenities are provided to meet the requirements of other code sections. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment along street frontages, and they support the community’s public safety and transportation objectives through natural surveillance and a walkability.

B. Standards. New developments and major remodels in the DC District and other developments subject to the provisions of this section shall provide one (1) or more of the “pedestrian amenities” listed below, and as generally illustrated in Figure 2.3.180.B. Pedestrian amenities may be provided within a street furnishing zone, building frontage zone, or plaza, or within the pedestrian through zone, as shown in Figure 2.3.180.B, provided that applicable minimum clearance and ADA standards are met. Use of the public right-of-way requires approval by the roadway authority.

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance with a minimum width of six (6) feet;
2. Sitting space (i.e., dining area, benches, garden wall or ledges between the building entrance and sidewalk) with a minimum of 16 inches in height and 30 inches in width;
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space);
4. Public art that incorporates seating (e.g., fountain, sculpture).
5. Transit amenity, such as bus shelter, per the standards of the transit service provider, as applicable.

Figure 2.3.180 – Examples of Pedestrian and Transit Amenities



2.3.190 Commercial Districts – Special Use Standards

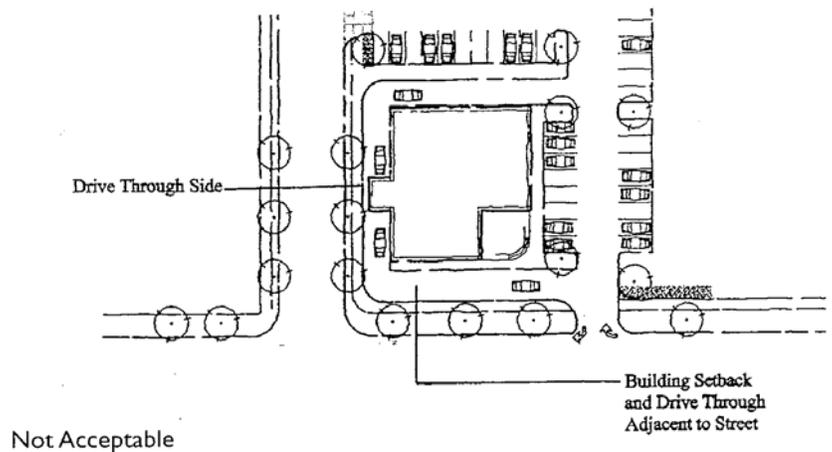
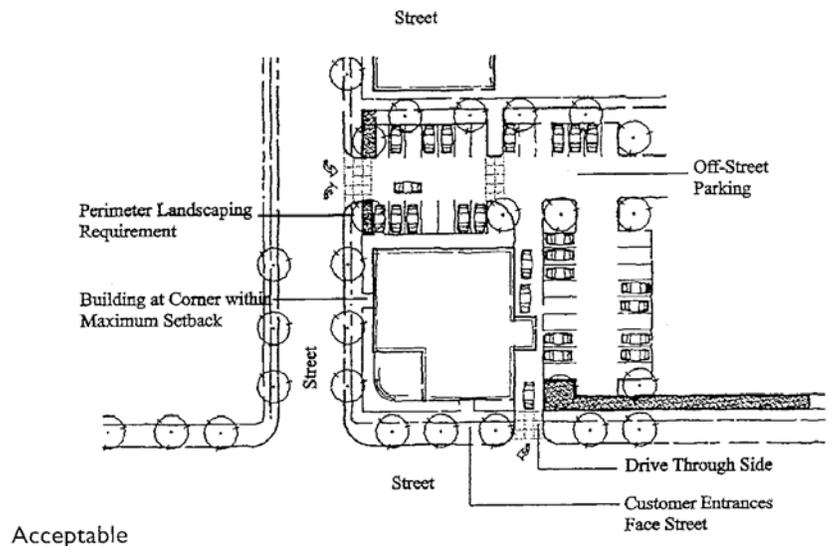
This section supplements the standards contained Sections 2.3.110 through 2.3.180. It provides standards for drive-up and Drive-through Uses and Facilities

A. Drive-Up/Drive-In/Drive-Through Uses and Facilities.

When drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety.

1. The drive-up/drive-through facility shall orient to an alley, driveway, or interior parking area, and not a street [Figure 2.3.190.A(1)];
2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner);
3. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way; and
4. The minimum spacing of drive-up, drive-in, and drive-through facilities receiving access onto the same street is 400 linear feet along that street’s block face (same side of street).

Figure 2.3.190.A(1) – Drive-Up and Drive-Through Facilities



Chapter 2.4 —Industrial (I) Districts

Sections:

- 2.4.100 Industrial Districts – Purpose**
- 2.4.110 Industrial Districts – Allowed Uses**
- 2.4.120 Industrial Districts – Setback Yards and Buffering**
- 2.4.130 Industrial Districts – Lot Coverage**
- 2.4.140 Industrial Districts – Site Layout and Design**
- 2.4.150 Industrial Districts – Building and Structure Height**

2.4.100 Purpose

Chapter 2.4 accommodates a range of industrial and commercial land uses in two Industrial Districts, Industrial Commercial (IC) and General Industrial (GI). Both districts are intended to provide for land use compatibility while providing a high-quality environment for businesses and employees. The GI district is also intended to provide suitable locations for heavy industrial uses (e.g., raw materials processing; and manufacturing, assembly, packaging or distribution of heavy or large goods) that would not otherwise be compatible in other districts. Chapter 2.4 guides the orderly development of industrial areas based on the following objectives:

- Provide for efficient use of land and public services;
- Provide appropriately zoned land with a range of parcel sizes for industry;
- Provide transportation options for employees and customers;
- Locate business services close to major employment centers;
- Ensure compatibility between industrial uses and nearby commercial and residential areas;
- Provide appropriate design standards to accommodate a range of industrial users;
- Provide attractive locations for business to locate; and
- Accommodate mixed-use development of light industrial areas.

2.4.110 Land Uses Allowed in the Industrial Districts

Table 2.4.110 identifies the land uses that are allowed in the Industrial Districts. The specific land use categories are described and uses are defined in Chapter 1.3 and 1.4.

Key:

P = Permitted, subject to site/land use review

S = Permitted with standards

CU = Conditional Use permit required (Chapter 4.4)

N = Not permitted

Uses	Status of Use in District	
	General Industrial (GI)	Industrial Commercial (IC)
Use Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)		
Residential Categories		
Household Living		
All Residential Uses (Household Living and Group Living) allowed, if: <ul style="list-style-type: none"> - lawfully existing as of [effective date], or - new dwelling built in conjunction with a permitted commercial or industrial use (residential use is allowed <i>above</i> ground floor only) <p>Group Living Uses shall conform to the provisions in Section 2.2.200.</p>	P N	P P
Commercial Categories		
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities), per Section 2.3.190.A for uses in IC District	P	S
Bed and Breakfast Inn	N	N
Educational Services, not a school (e.g., tutoring or similar services)	N	CU
Entertainment, Major Event	N	CU
Offices	P	P
Outdoor Recreation, Commercial	N	CU
Parking Lot (when not an accessory use)	CU	CU

2.4 – Industrial (I) Land Use Districts – Permitted Uses

Uses	Status of Use in District	
Use Categories <i>(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)</i>	General Industrial (GI)	Industrial Commercial (IC)
Quick Vehicle Servicing or Vehicle Repair (See also Drive-Up Uses)	P	S
Retail Sales and Service, <ul style="list-style-type: none"> - less than 10,000 square feet floor area - greater than 10,000 square feet floor area, per Section 2.4.140 See also, Drive-Up Uses	CU N	P CU+S
Self-Service Storage	P	CU
Industrial Categories		
Industrial Service (See also Drive-Up Uses) <ul style="list-style-type: none"> - fully enclosed (e.g., office) - not enclosed 	P P	P CU
Manufacturing and Production <ul style="list-style-type: none"> - fully enclosed - not enclosed 	P P	P CU
Warehouse and Freight Movement	P	CU
Waste-Related	CU	N
Wholesale Sales, per Section 2.4.140 <ul style="list-style-type: none"> - fully enclosed - not enclosed 	S S	S CU+S
Institutional Categories		
Basic Utilities	P	P
Colleges	N	CU
Community Service	CU	CU

2.4 – Industrial (I) Land Use Districts – Permitted Uses

Uses	Status of Use in District	
Use Categories <i>(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)</i>	General Industrial (GI)	Industrial Commercial (IC)
Daycare, adult or child day care; does not include Family Daycare (12 or fewer children) under ORS 657A.250	N	CU
Parks and Open Space <ul style="list-style-type: none"> - pedestrian amenities - parks and recreation facilities - other open space 	P CU P	P CU P
Religious Institutions and Houses of Worship, <ul style="list-style-type: none"> - lawfully existing as of <i>[effective date]</i> - new 	P N	P CU
Schools <ul style="list-style-type: none"> - lawfully existing as of <i>[effective date]</i> - new 	P N	P N
Other Categories⁴		
Accessory Structures (with a permitted use)	P	P
Agriculture – Animals, when <ul style="list-style-type: none"> - existing use as of <i>[effective date]</i> - accessory to a permitted industrial use - new use 	P P N	P N N
Agriculture – Nurseries and similar horticulture (See also, Wholesale and Retail Uses)	P	CU
Buildings and Structures Exceeding the Height Limits in Table 2.3.120	CU	CU
Mining	CU	N

Key:

- P = Permitted, subject to site/land use review
- S = Permitted with standards
- CU = Conditional Use permit required (Chapter 4.4)
- N = Not permitted

2.4 – Industrial (I) Land Use Districts – Permitted Uses

Uses	Status of Use in District	
Use Categories <i>(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)</i>	General Industrial (GI)	Industrial Commercial (IC)
Radio Frequency Transmission Facilities <ul style="list-style-type: none"> - within height limit of district - exceeds height limit (free-standing or building-mounted facilities) 	<p style="text-align: center;">P</p> <p style="text-align: center;">CU</p>	<p style="text-align: center;">P</p> <p style="text-align: center;">CU</p>
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	CU	CU
Temporary Uses (limited to “P” and “CU” uses), per Section 4.9.100.	P/CU	P/CU
Transportation Facilities (operation, maintenance, preservation, and construction in accordance with the City’s Transportation System Plan)	P	P

Key:

- P = Permitted, subject to site/land use review
- S = Permitted with standards
- CU = Conditional Use permit required (Chapter 4.4)
- N = Not permitted

2.4.120 Industrial Districts – Setback Yards; Industrial Buffers

A. Purpose. Setback yards and buffers provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.

B. Applicability. The setback yard and buffer standards in subsections 2.4.120.C-F are minimum standards that apply to buildings, accessory structures, parking areas, mechanical equipment, and other development, but not buffers as required under subsection F). In granting a Conditional Use Permit, the approval body may increase the standard yards and/or buffers consistent with the criteria in Chapter 4.4. The approval body may also decrease the standard yards and/or buffers through the CUP process, provided that all applicable building and fire safety codes (subsection G) are met.

C. Front and Street Yard Setbacks.

1. General Industrial (GI) District: Minimum of 20 feet;
2. Industrial-Commercial (IC) District: Minimum of 10 feet

D. Rear Yard Setbacks.

A minimum of 10 feet is required where an Industrial district abuts a Commercial district or another Industrial district, except common wall buildings with zero-setback are allowed. Fire Codes must be met. Where abutting a Residential District, a minimum of 30 feet, and conformance with the RL height step-down standards in Section 2.2.170.C, is required.

E. Side Yard Setbacks. There are no required side-yard setbacks, except a minimum of 30 feet and conformance with the RL height step-down standards in Section 2.2.170.C is required when an Industrial District (GI or IC) abuts an RL District.

F. Buffering Other Yard Requirements.

1. Buffering. The approval body may require landscaping, fences, walls or other buffering that exceed the landscaping standards in Chapter 3.2 when it finds through Site Design Review (Chapter 4.2), Conditional Use Permit review (Chapter 4.4), and/or Master Planned Development review (Chapter 4.5), as applicable, that more or different buffering is necessary mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties.
2. Pedestrian Access. The approval body may require the construction of pedestrian access ways through required buffers to ensure pedestrian connections within large developments, between multiple development phases, or connecting to public sidewalks, walkways, or multi-use pathways. Access way design shall conform to Section 3.1.300.

2.4 – Industrial (I) Land Use Districts – Lot Coverage; Site Layout and Design; Building and Structure Height

2.4.130 Industrial Districts – Lot Coverage

A. General Industrial (GI) District: Maximum lot coverage, 90 percent; maximum area of impervious surfaces, 90 percent.

B. Industrial Commercial (IC) District: Maximum lot coverage, 80 percent; maximum area of impervious surfaces, 80 percent.

2.4.140 Industrial Districts – Site Layout and Design

A. Development Compatibility. Industrial uses and developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) and to provide compatibility with adjacent uses to the extent practicable. The following standards shall apply to all development in the General Industrial and Industrial Commercial Districts:

1. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other non-industrial areas to the maximum extent practicable; and
2. The City may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), to mitigate adverse impacts that cannot be avoided, as provided in Section 2.4.120.

B. Large-Scale Commercial Development – IC District Only. Developments containing 40,000 square feet or more commercial, retail, wholesale, or office floor area in an Industrial-Commercial (IC) District shall have pedestrian-oriented design. This standard is satisfied when the approval body finds that a development meets the all of the following criteria:

1. The architectural standards in Section 2.3.170 are met on all buildings. For the purpose of meeting the build-to line standards in subsection 2.3.170.B(4), the build-to line is parallel to all abutting street property lines at a distance of 20 feet from the street property line; and
2. Developments containing more than one building, including commercial or industrial subdivisions containing outlying commercial pads, shall meet the commercial block layout standards in Section 2.3.150.D.

C. Landscape Area – Minimum 5 percent of site in GI and 10 percent of site in I-C.

2.4.150 Industrial Districts – Building and Structure Height

The maximum allowable height of buildings and structures in the GI and IC districts is 35 feet, except that taller buildings and structures are allowed when approved as part of a Conditional Use Permit, provided they conform to the RL height step-down standards in Section 2.2.170.C.

Chapter 2.5 — Park, Recreation or Open Space (PRO-S) District

Sections:

2.5.100	Purpose
2.5.200	Permitted Uses
2.5.300	Conditional Uses
2.5.400	Development Standards and Requirements

2.5.100 Purpose

- A. It is the purpose of this zone to preserve and protect park, recreation and open space lands that contribute to the general welfare and safety, the full enjoyment or the economic well-being of persons who reside, work or travel in, near or around them.
- B. This zone may be established, when found necessary, in order:
1. To preserve any existing open land type of use that has been established or is proposed; to encourage development around it, such as a golf course, country club, park and recreation facility, etc., and investments have been or will be made in reliance upon the retention of such open type use.
 2. To buffer an otherwise incompatible use or zone.
 3. To preserve and maintain wetlands, creeks, natural drainage ways, lakes (natural or artificial) areas unsuitable for intensive development by virtue of physical limitations and environmental control areas for the protection of resource areas and wildlife habitat.
 4. To preserve a valuable scenic vista or an area of historical significance.
 5. To preserve sensitive lands.
- C. When establishing this zone, due regard shall be given the percentage of a total holding being zoned, the investment made or proposed to be made by private or public interests in reliance upon the retention of the open space, the proper balancing of public and private interest that are affected by such action.
- D. When used as a buffer, the land being zoned as a PRO-S District shall be part of the holding that creates the necessity for the buffer.
- E. In each instance, when this zone is established, the Planning Commission and City Council must establish the findings and purpose for establishment of the zone or the values to be obtained, encouraged or preserved .

2.5.200 Permitted Uses

- A. Public parks and playgrounds.
- B. Golf courses and country clubs, if compatible with the stated purposes of adoption.
- C. Historical areas, structures, interpretive signs and monuments.
- D. Natural features and vistas unique to the urban growth area.
- E. Community and Recreation Centers.
- F. Accessory structures and uses normal and incidental to uses permitted in this Section.
- G. Agricultural uses.
- H. Recreational facilities, to include tennis courts, swimming pools, etc., which may be indoor or outdoor.
- I. Nature preserves, land trusts, and conservation areas.
- J. Wetland and/or wildlife mitigation areas.
- K. Interpretive signs.
- L. Benches.
- M. Trails and pathways.
- N. Lights.

2.5.300 Conditional Uses

- A. Private recreation uses involving no above ground structure except dressing rooms, swimming pool covers, recreation shelters or comfort stations.
- B. Cemeteries, provided the only accessory buildings are chapels, administration and maintenance buildings and the only interment facilities are at ground level or below, and no mounds extend above ground level.
- C. Public and semi-public buildings related to health and safety services—fire stations, substations, reservoirs, waste water treatment facilities—essential to the physical, social and economic welfare of the area.
- D. Equestrian arenas, trails and paths and support facilities.

2.5.400 Development Standards and Requirements

Trails and pathways shall be constructed according to Chapter 3.1 Access and Circulation or as specified as a condition of approval for a Conditional Use Permit or a Master Planned Development Permit.

Chapter 2.6 — Public Facilities District

Sections:

- 2.6.100 Purpose**
- 2.6.200 Allowed Land Uses**
- 2.6.300 Development Standards**
- 2.6.400 Vision Clearance**
- 2.6.500 Parking**
- 2.6.600 Solar Access**
- 2.6.700 Landscaping**
- 2.6.800 Loading Standards**

2.6.100 Purpose

It is the purpose of this zone to provide for the public and quasi-public structures and services necessary for the operation, minimum health and safety, and desired present and future quality of life for the City of Creswell.

2.6.200 Allowed Land Uses

Table 2.6.200 identifies the land uses that are allowed in the Public Facilities District. The specific uses are defined in Chapter 1.4 however, uses consistent with the purpose of the district but not included in Chapter 1.4 may also be allowed.

<i>Uses</i>	<i>Status of Use in District</i>
Institutional Categories	
Basic Utilities	S
Colleges	P
Schools	P
Government Buildings	P
Fire station or substation	P
Airport	P
Community Services	CU
Museums and Interpretive Centers	CU
Libraries	CU
High impact recreation facilities such as sports complexes, stadiums, equestrian arenas, golf courses, and swimming pools.	CU
Bus or train terminal	CU

P = Permitted, subject to site/land use review

N = Not permitted

S = Permitted with standards

CU = Conditional Use permit required (Chapter 4.4)

2.6.300 Development Standards

Except as otherwise provided in this Section, the development standards in Table 2.6.300 apply to all uses, structures, buildings, development, and major remodels in this zone. Heights of conditional use structures that are not buildings shall be reviewed through the conditional use permit process. See Article 3 for additional development standards.

Table 2.6.300 Development Standards for Public Facilities District	
Standard	
Minimum Lot Area* (square feet) *Development must conform to lot width, depth, yard setback and coverage standards.	No Standard
Minimum Lot Width For flag lots, width is measured at the front building line.	No Standard
Minimum Lot Depth	No Standard
Building/Structure Height* Maximum Height	36 ft.
<u>Building Height Transition</u> required adjacent to RL District, per section 2.2.170	Yes
Lot Coverage When minimum loading space, parking, and setbacks are provided	100%
Minimum Landscape Area (% site area)	10%

2.6.400 Vision Clearance

Vision clearance shall be provided in accordance with Section 3.1.200(N).

2.6.500 Parking

Off-street parking shall be provided in accordance with Chapter 3.3.

2.6.600 Solar Access

For the purpose of protecting solar access, the north side setback shall be sufficient to insure that the proposed structure shall not shade the south facing walls and/or the rooftops of permitted buildings in the Residential Districts, nor the rooftops of permitted buildings in the Commercial Districts, nor the protected area of adjacent vacant north lots in the Residential Districts between the hours of 9:30 a.m. and 2:30 p.m. on December 21st.

The Planning Commission during site review may grant exceptions to this setback requirement allowing the shading of all or a portion of the south facing walls, rooftops, or protected areas,

after finding that substantial difficulties exist with respect to topography, north facing slopes, unusual lot configurations and orientation and practical building design.

2.6.700 Landscaping

Landscaping shall be consistent with Chapter 3.2 Landscaping, Street Trees, Fences and Walls.

2.6.800 Loading Standards

All necessary loading spaces for public facilities shall comply with Section 3.3.500, Loading Areas.

Chapter 2.7 — Flood Plain (FP) Overlay

Sections:

- 2.7.100 Purpose**
- 2.7.200 Designation of Special Flood Hazard Areas**
- 2.7.300 Designation of the Administrator**
- 2.7.400 Provisions for Flood Hazard Reduction**
- 2.7.500 Review of all Proposed Construction Required**
- 2.7.600 Criteria and Standards**
- 2.7.700 Site Investigation Report**
- 2.7.800 General Requirements**
- 2.7.900 Grading, Excavating and Filling - General Requirements**
- 2.7.910 Variances**
- 2.7.920 Fees**

2.7.100 Purpose

The FP Flood Plain Overlay designation shall be applied in any zone hereinafter set forth where the area is subject to inundation by flooding shall be shown on the Creswell Flood Hazard Map and the Creswell Zoning Map, which designate regulated floodways and areas subject to a one (1) percent or 100-year flood. Its purpose is to minimize property loss, danger of injury and health hazards. To accomplish such purposes, floor elevations will be established by the City prior to issuing any building permits.

- A. The Flood Plain Overlay establishes special concern requirements for the placement and construction of buildings and development site improvements in areas that may be subject to flooding or surface water in order to safeguard the life and health of people in the area of the general public.
- B. The Flood Plain Overlay shall be any zone in combination with the symbol "FP" as an overlay district of special concern. (For example, R/FP means a Residential Zone with combining Flood Plain District regulations.)
- C. The regulations governing the /FP Overlay shall be those of the zone in which it lies and additionally, the provisions of this Section applicable to the development.

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

2.7.200 Designation of Special Flood Hazard Areas

- A. The area of Creswell's jurisdiction within the flood hazard area identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Lane County Oregon and incorporated cities, dated June 2, 1999, with accompanying Flood Insurance Maps, is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the Creswell City Hall. The City Council may adopt subsequent Flood Insurance Maps and studies and make them applicable without a change to this Ordinance.
- B. In areas where base flood elevations have not been provided in accordance with Section A above, the City Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer this Section. When only approximate flood information is available, the property owner shall be cautioned that the property is within an identified flood hazard area.

2.7.300 Designation of the Administrator

The City Administrator has the authority to make all necessary inquiries and determinations to obtain assurances that compliance with this Section is achieved. In areas of special flood hazard, the City Administrator may review all development proposals to determine that the requirements of this Section have been satisfied and that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334. Where applicable, a requirement to obtain such permits can be made a condition for approval of any application within areas of flood hazard.

2.7.400 Provisions for Flood Hazard Reduction – Land Use Review Permits

All structures being erected, repaired, or relocated in areas of special flood hazard must first obtain a land use review permit. The degree of flood hazard will dictate precautions that must be taken to protect the structure and contents from base flood levels unless exempted by the current state building code or amendments. A land use review permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 2.7.2 A. The land use review permit shall be for all structures including manufactured homes and for all development including fill and other activities.

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

2.7.500 Review of All Proposed Construction Required

Notwithstanding any other provision of this Ordinance, any proposed construction or development within any area of special flood hazard shall require review to assure compliance with the provisions of Sections 2.7.600 through 2.7.900 of this Ordinance. Review to assure compliance with the provisions of Sections 2.7.600 through 2.7.900 of this Ordinance shall include a conditional use permit process for all development proposed within any area of special flood hazard as identified in the Creswell Flood Hazard Map. Where other review is required, (i.e., site review or conditional use review triggered by the base zone) the determination of compliance with the standards of Sections 2.7.600 through 2.7.900 may be combined with and made part of that review.

2.7.600 Criteria and Standards

Land Use Review Permits (Type I), Site Review Approval (Type III), Conditional Use Permits (Type III) and other land use approvals for development within the flood hazard area may be approved by the City Administrator, the Planning Commission or the City Council (whichever is appropriate) after determination that:

- A. The proposed development site will not during potential future flooding be so inundated by flood water so as to result in injury to property or to the health, safety and welfare of residents or potential residents of the immediate area as well as the general public (for example those that might be exposed to flood damage by needing to travel on roads through areas experiencing flooding or those who might suffer impacts from debris carried by flood waters).
- B. All new construction, relocation or substantial improvements of structures within "FP" areas shall have the lowest floor (including basement and mechanical systems) elevated to at least one (1) foot above the 100-year flood level. Non-residential structures may be floodproofed in lieu of the elevation of the lowest floor. Flood proofing plans shall be prepared by an engineer licensed by the State of Oregon to practice civil or structural engineering.
- C. No improvements are proposed that will have a serious tendency to change the flow of surface water during potential future flooding so as to endanger the health, safety and welfare of residents or potential residents or other property in the area.
- D. That emergency vehicles such as ambulances, police and fire will have access to the site during occurrence of any such flooding, for the purpose of evacuating residents or inhabitants of any residential structures or living quarters within the Flood Plain area.
- E. The lowest floor elevation, (including basement and mechanical systems) foundation elevation, ground elevation or top of floodproofing elevation required in conjunction with building permit issuance shall be certified in mean sea level datum by a Land Surveyor and the certification filed with the City Recorder. The certifications must be filed within 30 days of completion of that part of the structure to be certified. An unsatisfactory certification will not be accepted. Failure to comply will represent a Creswell Code infraction.

- F. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages and shall be constructed with materials and utility equipment resistant to flood damage. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- G. All new and replacement water supply and sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system. New and replacement sewage systems shall also be designed to minimize or eliminate discharge from the systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- H. All proposals shall be consistent with the need to minimize flood damage, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage and shall have adequate drainage provided to reduce exposure to flood damage. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated by the applicant for proposals and other proposed developments that contain at least 50 lots or 5 acres (whichever is less).
- I. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this criteria must either be certified by a registered engineer or architect or meet or exceed the following minimum criteria:
1. A minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.
 2. The bottom of all openings shall be not higher than one (1) foot above grade.
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2.7.700 Investigation Report

As a part of the review prior to approval, a site investigation report shall be required that provides information on the site of the development and adjacent land that is likely to be affected. Site Investigation Reports will require third party review at the expense of the applicant. The site investigation report shall provide topographic information of the area in sufficient detail to assess accurately potential flooding elevations based on the recognized definition of area flood potential; identify existing natural drainage ways and potential drainage ways; and other characteristics of the area and their significance as related to the proposed

development flooding potential. A description of whether and the extent to which a watercourse will be altered or relocated as the result of proposed development shall be included in the report. The report also may serve to refine boundaries shown on the Comprehensive Plan and/or Zoning Map that classify land areas within the Flood Plain Overlay. In an effort to site structures as far away from any watercourses and protected areas as possible, the report shall include elevations of the 10-year and 50-year floods and location of any proposed structures in relation to these elevations. The purpose of including and mapping these elevations is to show that risk has been minimized to the greatest extent possible. The report shall comply with the standards for the kind of area being investigated and the kind of development being proposed.

The site investigation report shall be prepared by a person or team of persons qualified by experience and training to assemble and analyze physical conditions in a flood potential area. The person or team shall be employed by the applicant but shall be subject to approval as to qualifications by the City. The site investigation report shall also be reviewed by a qualified third party as retained by the City. The comments and recommendations of the third party reviewer shall be incorporated into the findings prepared by the City.

2.7.710 Alterations and Relocations of Watercourses

- A. Generally, no alterations or relocations of watercourses should be allowed unless the primary function of the action is to restore ecological functioning. Alteration or relocation requires approval of the U.S. Army Corps of Engineers (ACE) and possibly the Department of State Lands (DSL). If a watercourse is to be altered or relocated, notice shall be provided to adjacent properties, Department of Environmental Quality (DEQ), and Oregon Department of Fish and Wildlife (ODFW). Proof of notification and required state and federal permits shall be submitted to the Federal Insurance Administration.
- B. When an alteration or relocation does occur, maintenance within the altered or relocated portion of the watercourse shall be provided so the flood carrying capacity is not diminished.
- C. Alterations or relocations, including stabilization projects, shall not degrade fish and wildlife habitat or the physical processes that create and maintain habitat, or cause increased flood hazard or erosion to other properties and shall be subject to the following provisions:
 - 1. Any culverts that are used on fish-bearing streams must conform with ODFW standards for fish passage and protection.
 - 2. Bridges or other crossing must allow for uninterrupted downstream movement of wood and gravel, must be close to perpendicular to the stream as possible, be designed to minimized fill and to pass 100-year flood flows allowing full channel migration and conveyance of 100-year flood water flows.
 - 3. Alterations must maintain natural meander patterns, channel complexity and floodplain connectivity. Such characteristics must be restored as part of the alteration.
 - 4. The applicant shall identify the channel migration zone for the stream at the project site

and for a reasonable reach upstream and downstream of the site, and shall not undertake actions as part of the alteration that would in any way inhabit the channel.

5. Wherever feasible as part of an alteration, existing culverts not in compliance with ODFW fish habitat requirements must be removed or replaced with those meeting the standards.
6. Alteration projects shall not result in blockage of side channels. If at the time of alteration there are known barriers to fish passage into side channels, they shall be removed.
7. If man-made side channels are part of an alteration project for irrigation, industrial, or similar purposes they shall be adequately screened and conform to all state and federal requirements.

2.7.800 General Requirements

A. In a special flood hazard area where base flood elevations have not been established:

1. The applicant shall be notified that the building site is in an Approximate Study Flood Hazard Area and extra precautions may be appropriate to assure that the building site will be reasonably safe from flooding.
2. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure. All manufactured homes must be anchored to prevent flotation, collapse, or lateral movement, shall be installed using methods and practices that minimize flood damage, and shall be installed within 30 days of placement. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors and shall be installed in a manner to comply with State standards.
3. A time extension to the tie-down requirement may be granted for hardship by the Building Official between May and October based on written appeal. A request shall contain a time schedule for achieving compliance and an agreement not to remonstrate against enforcement action for failure to comply.
4. Require that development greater than 50 lots or five acres, whichever is the lesser, include within such proposals base flood elevation data.

B. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 2.7.200.B, the City shall:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not

the structure contains a basement.

2. For all new or substantially improved floodproofed structures:
 - a. Verify and record the actual elevation (in relation to mean sea level), and
 - b. Maintain the floodproofing certifications required in Section 2.7.200.A.
3. Maintain for public inspection all record pertaining to the provisions of this Section.
4. Apply the following standards for construction and improvements of residential structures other than manufactured homes (see subsection 6 below).
 - a. Require that all construction and substantial improvements of residential structures have the lowest floor (including the basement and mechanical systems) elevated to one (1) foot above the base flood elevation. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
 - b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
5. Apply the following standards to all construction and improvements of non-residential structures:
 - a. Require that all new construction and substantial improvements of nonresidential structures have the lowest floor (including the basement and mechanical systems) elevated to one (1) foot above the base flood elevation; or
 - b. Require that, together with attendant utility and sanitary facilities, all new construction and substantial improvements of nonresidential structures shall:

- (1) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in this Section.
 - (4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in part 2.7.800.B.4.b. of this Section.
 - (5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level.)
6. Apply the following standards to all construction and improvements of manufactured homes:
- a. All manufactured homes must be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over the top or frame tie to ground anchors.
 - b. All manufactured homes to be placed or substantially improved within Zones A1-A30, AH, and AE on sites:
 - (1) Outside of a manufactured home park or subdivision,
 - (2) In a new manufactured home park or subdivision,
 - (3) In an expansion to an existing manufactured home park or subdivision, or
 - (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood;

Shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one (1) foot about the base flood elevation and

be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

- c. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-A30, AH, and AE that are not subject to the above manufactured home provisions be elevated so that either:
 - (1) The lowest floor of the manufactured home is at least one foot above the base flood elevation, or
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.
7. Require that all recreational vehicles placed on sites within Zones A1-30, AH, or AE either:
- a. Be on the site for fewer than 180 consecutive days,
 - b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions or
 - c. Meet the permit requirements in Section 2.7.400 and the anchoring requirements for manufactured homes.

C. In all designated regulatory floodways the City shall:

- 1. Require that no partitions or land divisions be permitted, if the development site for the structure is inside the floodway boundary or unless an engineering analysis can demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood levels during the occurrence of a base flood discharge. The analysis shall also be reviewed by a qualified third party as retained by the City. The comments and recommendations of the third party reviewer shall be incorporated into the findings prepared by the City.
- 2. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

3. Mobile homes on single lots or in new or improved mobile home parks or subdivisions are prohibited in designated regulatory floodways.
- D. Replacement in kind shall comply with standards for new construction.
- E. Requirements of this Section shall not apply when specifically waived in accordance with Federal or State laws governing the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places.
- F. Development permitted under this subsection shall also be subject to the requirements of Sections 2.7.800.A2 and B.
- G. Adjacent communities and the Department of Land Conservation and Development shall be notified prior to any alteration or relocation of a watercourse, and evidence of such notification shall be furnished to the Federal Insurance Administration.
- H. Maintenance shall be required within the altered or relocated portion of altered or relocated watercourses so that the flood carrying capacity is not diminished.

2.7.900 Grading, Excavating and Filling - General Requirements

All areas identified as special flood hazard are subject to the following:

- A. No development will occur within 50 feet of any primary or secondary stream channel, including but not exclusive to the Coast Fork of the Willamette River, Camas Swale and Hill Creek and no swale or other low area necessary to discharge water downstream during periods of flooding shall be obstructed unless a grading plan is approved in accordance with Article 3.
- B. Channel improvement or bank protection shall be performed only after receiving approval of a site review permit.
- C. The site review permit shall not authorize any work that is not in compliance with local zoning or other local, state or federal regulations pertaining to the operations authorized by the permit. The permit holder is responsible for obtaining the necessary approvals and permits before proceeding under the site review permit.
- D. Require that in riverine situations, adjacent communities and Division of State Lands State Coordinating Officer be notified prior to any alteration or relocation of a watercourse, and that copies of such notification be submitted to the Federal Administrator.
- E. That the flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

2.7.910 Variances

- A. The issuance of the variance described in this Section is for flood plain management purposes only and is generally limited to a lot size less than one-half acre. Insurance premium rates are determined by statute and will not be modified by the granting of a variance.
- B. Variances shall not be issued by the City within any designated regulatory floodway if any increase in base flood discharge would result.
- C. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- D. Variances shall only be issued by the City upon showing good and sufficient cause based on scientific technical data compiled by a surveyor, engineer or architect submitted by the applicant. There must be a determination that failure to grant the variance would result in exceptional hardship to the applicant. It must be determined that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with local laws or ordinances.
- E. In all cases, the applicant is charged with the responsibility of obtaining all technical or other evidence for review and filing.
- F. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- G. The applicant shall be notified in writing that:
 - 1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and,
 - 2. Such construction below the base flood level increases risks to life and property.
- H. Records will be maintained on all variance actions, including justification for their issuance, and reported in the annual or biennial report submitted to the Administrator.
- I. Variances may be issued for new construction and substantial improvements and for other development necessary for conduct of a functionally dependent use provided that items C through H of Section 2.7.910 are met and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

2.7.920 Fees

Fees established by the resolution of the City Council for the floodplain permits or variances will be required by this Section to defray the cost of processing the application.

Chapter 2.8 — Airport (A) Overlay

Sections:

- 2.8.100 Purpose**
- 2.8.200 Imaginary Surface and Noise Impact Boundary Delineation**
- 2.8.300 Height Limitations on Allowed Uses in Underlying Zone**
- 2.8.400 Procedures**
- 2.8.500 Land Use Compatibility Requirements**
- 2.8.600 Water Impoundments within Approach Surfaces**
- 2.8.700 Wetland Mitigation, Creation, Enhancement and Restoration within Area Regulated in Chapter 2.8, Airport Overlay**
- 2.8.800 Nonconforming Uses**
- 2.8.900 Avigation Easement**

2.8.100 Purpose

The purpose of the Airport Overlay District is to encourage and support the continued operation of Creswell Municipal Airport (Hobby Field) by establishing compatibility and safety standards to promote air navigational safety and to mitigate the impact of the airport on surrounding land uses. The Airport Overlay shall be used in conjunction with the underlying district, which shall control the primary land use but is subject to the additional standards and limitations imposed by this Overlay. All Overlay approaches and zones shall be consistent with the Airport Layout Plan currently approved and/or adopted, and hereafter amended and updated.

2.8.200 Imaginary Surface and Noise Impact Boundary Delineation

The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, approach surface, horizontal surface, conical surface and transitional surface are delineated for the area and maps are available at the Creswell City Hall. All lands, waters, and airspace, or portions thereof that are located within these boundaries or surfaces are subject to the requirements of this Overlay.

2.8.300 Height Limitations on Allowed Uses in Underlying Zone

All uses permitted by the underlying zone must comply with the height limitations in this Section. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations shall apply.

- A. Except as provided in subsections B and C of this Section, no structure or tree, plant or other object of natural growth is permitted to penetrate an airport imaginary surface.
- B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height.

- C. Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Department of Aviation, and the FAA. Applications for height variances must follow the procedures for other variances in Chapter 5.1, Variances, and are be subject to such conditions and terms as recommended by the Department of Aviation and the FAA.

2.8.400 Procedures

Refer to Chapter 4.1, Types of Review Procedures, for materials to be included with building permits, land use review permits, or any other permits or approval required by this Ordinance. In addition to those requirements, the following shall be submitted:

- A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The City Administrator will provide the applicant with appropriate base maps upon which to locate the property.
- B. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.
- C. If a height variance is requested, letters of support from the airport sponsor, the Department of Aviation, and the FAA.

2.8.500 Land Use Compatibility Requirements

Applications for development or building permits for properties within the boundaries of this Overlay zone must comply with the requirements of this Section as provided herein.

- A. Noise within Noise Impact Boundaries. Within airport noise impact boundaries, land uses must be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5. A declaration of anticipated noise levels must be attached to any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries. In areas where the noise level is anticipated to be at or above 55 Ldn (also abbreviated DNL by some sources), prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant is be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 Ldn.
- B. Outdoor lighting. No new or expanded industrial, commercial, or recreational use is permitted to project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses must incorporate shielding in their designs to reflect light away from airport approach surfaces. No use is permitted to imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.
- C. Glare. No glare producing material, including but not limited to unpainted metal or reflective

glass, is permitted to be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.

- D. Industrial emissions. No new industrial, mining, or similar use, or expansion of an existing industrial, mining, or similar use is permitted to cause emissions of smoke, dust, or steam as a part of its regular operations that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority may impose such conditions as necessary to ensure that the use does not obscure visibility.
- E. Communications Facilities and Electrical Interference. No use is permitted to cause or create electrical interference with navigational signals or radio communications between an airport and aircraft. Proposals for the location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within this Overlay zone must be coordinated with the Department of Aviation and the FAA prior to approval. Approval of cellular and other telephone or radiocommunication towers on leased property located within airport imaginary surfaces are to be conditioned to require their removal within 90 days following the expiration of the lease agreement. A bond or other security is required to ensure this result.
- F. Bird Strike Hazards. Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as create bird strike hazards.
- G. Use prohibitions and development standards in Runway Protection Zone (RPZ).
Notwithstanding the underlying zoning, the following land use limitations apply to the RPZ:
1. New residential development is prohibited.
 2. Public assembly facilities are prohibited.
- H. Landfills. No new sanitary landfills, sewage lagoons, sewage sludge disposal facilities or similar facilities are permitted within 5,000 feet from any airport runway used by only piston-type aircraft or within 10,000 feet of any airport runway used by turbojet aircraft. Expansions of existing landfill or sewage treatment or disposal facilities within these distances are permitted only upon demonstration that the landfills are designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion must be provided to the airport sponsor, Aviation and the FAA, and any approval must be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collisions is not likely to result.

2.8.600 Water Impoundments within Approach Surfaces

Any use or activity that would result in the establishment or expansion of a water impoundment must comply with the requirements of this Section. No new or expanded water impoundments of

one-quarter acre in size or larger are permitted:

- A. Within an approach surface and within 5,000 feet from the end of a runway; or
- B. On land owned by the airport sponsor that is necessary for airport operations.

2.8.700 Wetland Mitigation, Creation, Enhancement and Restoration within Area Regulated in Chapter 2.8, Airport Overlay

- A. Notwithstanding the requirements of this Ordinance, wetland mitigation, creation, enhancement or restoration projects located within areas regulated under this Chapter are allowed upon demonstration of compliance with this requirements of this Section. When conflicting provisions exist, the more restrictive provision applies.
- B. Wetland mitigation, creation, enhancement or restoration projects existing or approved on the effective date of this Ordinance and located within areas regulated under this Chapter are recognized as lawfully existing uses.
- C. To help avoid increasing safety hazards to air navigation near public use airports, the establishment of wetland mitigation banks in the vicinity of such airports but outside approach surfaces is encouraged.
- D. Applications to expand wetland mitigation projects in existence as of the effective date of this Ordinance, and new wetland mitigation projects, that are proposed within areas regulated under this Chapter are to be considered utilizing the review process applied to applications for Chapter 4.4, Conditional Use Permits, and are permitted upon demonstration that:
 - 1. It is not practicable to provide off-site mitigation; or
 - 2. The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge, and the area proposed for mitigation is located outside an approach surface.
- E. Wetland mitigation permitted under subsection D must be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or approach surfaces.
- F. Applications to create, enhance, or restore wetlands that are proposed to be located within approach surfaces or within areas regulated under this Chapter, and that would result in the creation of a new water impoundment or the expansion of an existing water impoundment, must be considered utilizing the review process applied to applications under Chapter 4.4, Conditional Use Permits, and are permitted upon demonstration that:
 - 1. The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge; and

2. The wetland creation, enhancement or restoration is designed and will be maintained in perpetuity in a manner that will not increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.
- G. Proposals for new or expanded wetland mitigation, creation, enhancement, or restoration projects regulated under this Section must be coordinated with the airport sponsor, the Department of Aviation, the FAA and FAA's technical representative, the Oregon Department of Fish & Wildlife (ODFW), the Oregon Department of State Lands (DSL), the US Fish & Wildlife Service (USFWS), and the US Army Corps of Engineers (Corps) as part of the permit application.
- H. A decision approving an application under this Section must require, as conditions of approval, measures and conditions deemed appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces.

2.8.800 Nonconforming Uses

- A. These regulations are not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations may not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance. Chapter 5.2, Non-Conforming Uses and Developments, governs non-conforming uses and developments.
- B. Notwithstanding subsection A, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation or Airport owner, must install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation or Airport owner, so that the structures become more visible to pilots.
- C. No land use or limited land use approval or other permit can be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Ordinance.

2.8.900 Avigation Easement

Within this Overlay zone, the owners of properties that are the subjects of applications for land use or limited land use decisions, for building permits for new residential, commercial, industrial, institutional or recreational buildings or structures intended for inhabitation or occupancy by humans or animals, or for expansions of such buildings or structures by the lesser of 50% or 1,000 square feet, must, as a condition of obtaining such approval or permits, dedicate an avigation easement to the airport sponsor. The avigation easement must be in a form acceptable to the airport sponsor and must be signed and recorded in the deed records of the County. The avigation easement must allow unobstructed passage for aircraft and ensure safety and use of the airport for the public. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits.

Chapter 2.9 — Resort Commercial (R/C) Overlay

Sections:

- 2.9.100 Purpose**
- 2.9.200 Permitted Uses**
- 2.9.300 Height Restrictions**
- 2.9.400 Planned Unit Development Procedures Required**

2.9.100 Purpose

The Resort Commercial Overlay is intended to designate those areas identified by the Creswell Comprehensive Plan as suitable for accommodating large-scale concentrations of recreationally-oriented uses. It is the intent of this overlay that such uses represent an internally consistent development pattern that is compatible and closely related to the recreational resources upon which they rely. Examples of such resources are lakes or other bodies of water, golf courses and related amenities, amusement centers and the like. Recreational uses allowed in this overlay must also be compatible with adjacent agricultural uses. Traditional residential and commercial uses shall not be permitted within this subzone except when shown as necessary to support the primary recreationally oriented uses. The burden of proof is on the applicant to show that all aspects of the development are clearly related to the recreational resource.

2.9.200 Permitted Uses

The following uses are permitted in the Resort Commercial Overlay, subject to the provisions of 2.9.300 and 2.9.400 of this Chapter and subject to any additional requirements of the underlying Commercial zone:

- A. Motels, hotels, and convention centers.
- B. Single-family dwellings, townhouses, dwellings subject to ORS Ch. 94 and other residential uses primarily marketed under time-sharing provisions.
- C. Clubhouses.
- D. Restaurants.
- E. Sports and playground facilities.
- F. Facilities shown to be necessary to the support and service primary recreational uses and that are consistent with the intent of this overlay.
- G. Other recreationally-oriented uses consistent with the development plans for the overlay and that are approved by the Planning Commission.

2.9.300 Height Restrictions

The height of structures or objects in this overlay shall not exceed the maximum height prescribed by the underlying commercial zone. Because of the proximity of some portions of this overlay to the Airport Overlay, all persons involved in development within this overlay zone should check to assure compliance with the Airport Overlay requirements.

2.9.400 Master Planned Development Procedures Required

Development within the Resort Commercial Overlay shall be subject to the provisions of Chapter 4.5, the Master Planned Development procedures. Specifically, no segment or phase of a development within the Resort Commercial Overlay shall be approved until a conceptual plan for the entire development has been approved by the Planning Commission, pursuant to the requirements of Chapter 4.5. Facilities and improvements proposed for a development must be shown to conform to Creswell Public Facilities Plan(s) and the Creswell Comprehensive Plan. The provisions of Chapter 4.5 shall be implemented by the Planning Commission within the guidelines set out in part 2.9.100 of this Section.

Chapter 2.10 — Riparian Protection and Wetlands (RPW) Overlay

Sections:

2.10.100 Purpose

2.10.200 Establishment of the Riparian Protection and Wetlands Overlay Boundary

2.10.300 Limitations on Use

2.10.400 Procedures

2.10.500 Hardship Variances

2.10.600 Restoration and Enhancement Exceptions

2.10.700 Appeals

2.10.800 Enforcement

2.10.100 Purpose

A. The primary purposes of the Riparian Protection and Wetlands (RPW) Overlay are to:

1. Protect and enhance water quality;
2. Achieve and maintain compliance with State and Federal laws and water quality standards;
3. Prevent property damage during floods and storms;
4. Limit development activity in designated riparian corridors and wetlands;
5. Protect native plant species;
6. Maintain and enhance fish and wildlife habitats; and
7. Conserve scenic and recreational values of riparian areas and wetlands.

2.10.200 Establishment of the Riparian Protection and Wetlands Overlay Boundary

A. The RPW Overlay consists of three component areas defined in subsection C that follows and generally describes: a) the area within the river channel's banks, b) the protective overlay zone as measured from the top of the bank, and c) wetlands. Areas developed prior to adoption of this Section are acknowledged as pre-existing conditions and are allowed to continue as non-conforming uses as governed by Section 5.2 of this Code.

B. For the purposes of this Chapter, development means buildings and any other development requiring a building permit, or any alteration of land in the overlay by fill, grading, heavy equipment crossings, or construction of an impervious surface, including paved or gravel parking areas or paths and any land clearing activity such as removal of trees or other vegetation.

C. The three components of the RPW Overlay zone are defined as:

1. The area within the channel limits of a water feature (from top of one bank to top of the opposite bank) identified in (b) of this subsection. For a given stream, river, or channel the top of bank is the same as the “bankfull stage (See Chapter 1.3, Definitions).”
2. The Overlay zone measured horizontally upland from the top of bank is as follows:
 - a. Overlay zone from top of bank: In average cubic feet per second (CFS)

<u>Average Stream Flow (CFS)</u>	<u>Overlay Zone</u>
1,000 CFS or more	75 feet
Less than 1,000 CFS	50 feet

Figure 2.10.200.C(1) – Typical Stream Diagram

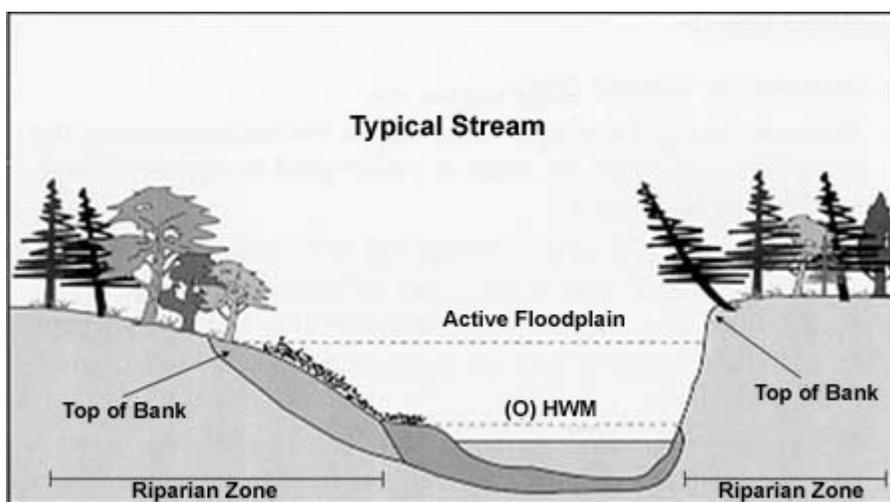
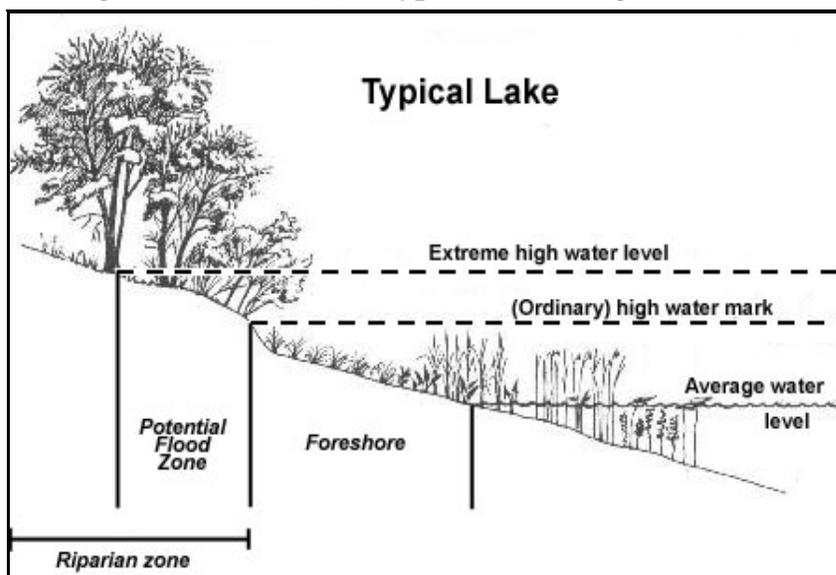


Figure 2.10.200.C(2) – Typical Lake Diagram



3. The Overlay zone also includes:
 - a. Wetlands, including those mapped on the Statewide Wetlands Inventory or National Wetland Inventory; or
 - b. Water (as mapped by the Natural Resource Conservation Service); or
 - c. Soils listed as hydric or soils with inclusions of hydric soils (as listed by the Natural Resource Conservation Service)
4. The provisions of the RPW Overlay do not exempt persons or property from state or federal laws that regulate protected lands, water, wetland, or habitat areas. In addition to the restrictions and requirements of this Section, all proposed development activities within any jurisdictional wetland are also subject to applicable state and federal agency standards, permits and approval, including but not limited to the Department of State Lands (DSL) and Army Corps of Engineers (ACE). Copies of application materials submitted to all state and federal agencies (such as but not limited to DSL and ACE) for permitting must be included in the application to the City in order for it to be deemed complete.

2.10.300 Limitations on Use

- A. In addition to the requirements of the underlying zone, the following limitations and exceptions shall apply:
 1. Removal of Vegetation. The removal of vegetation from the RPW overlay is prohibited, except for the following uses after City Administrator approval:
 - a. Replacement of vegetation with native riparian species as is necessary for restoration activities;
 - b. Removal of non-native vegetation and replacement with native plant species;
 - c. For the development of water-related or water-dependent uses, provided they are designed and constructed to minimize impact on the existing riparian vegetation;
 - d. Removal of emergent in-channel vegetation that has the potential to cause flooding;
 - e. Removal of excess debris deposited by a flood event;
 - f. Removal of trees demonstrated to be a potential hazard to property or human life;
 - g. In-channel erosion or flood control measures that have been approved by DSL, ACE, or any other state or federal regulatory agency.

2.10– Riparian Protection and Wetland (RPW) Overlay

2. Building, Paving, and Grading Activities. Within the RPW overlay, the placement of structures or impervious surfaces, including grading and the placement of fill, is prohibited except as stated below. Exceptions to the RPW overlay restrictions may be made for the following uses, provided they are designed and constructed to minimize adverse impacts to the riparian area:
 - a. Replacement of existing structures with structures located on the original building footprint that do not disturb additional riparian surface area;
 - b. Streets, roads, and paths that are included in the Creswell Transportation System Plan and Creswell Parks and Open Space Master Plan;
 - c. Water-related and water-dependent uses, including the drainage facilities, water and sewer utilities, flood control projects, and drainage pumps;
 - d. Routine maintenance or replacement of existing public facilities projects and public emergencies, including emergency repairs to public facilities;
 - e. In-channel erosion or flood control measures that have been approved by DSL, ACE, or another state or federal regulatory agency, and that utilize bio-engineering methods.
3. Land Partitions and Property Line Adjustments. Property boundary amendments that would create parcels that cannot be developed in conformance with RPW overlay regulations are prohibited.
4. Site Maintenance. The limitations imposed by this Section do not preclude the routine maintenance of structures. Maintenance of lawns, planted vegetation and landscaping shall be kept to a minimum and not include the spraying of pesticides or herbicides. Vegetation shall be replanted with native species. Maintenance trimming of existing trees shall be kept at a minimum and under no circumstances can the trimming maintenance be so severe as to compromise the tree’s health, longevity, and resource functions. Vegetation within utility easements shall be kept in a natural state and replanted when necessary with native plant species.
5. Hazardous Tree Removal. Hazardous trees are those that pose an obvious and immediate health, safety, or welfare threat to persons or property. Tree removal not reviewed as part of a vegetation report, except in emergency circumstances, shall be reviewed by the City Administrator and may be subject to the requirements of Tree Removal permitting in Section 3.2.500. Any trees removed are required to be replaced by like native species or alternate approved native species.

2.10.400 Procedures and Approval

- A. The procedure for reviewing any development within the RPW overlay is as follows:
 1. Any development or vegetation removal proposal within the RPW overlay shall be

submitted to the City Administrator. The proposal will be reviewed through a Type III procedure as defined in Chapter 4.1.400 of this Code.

2. Copies of application materials submitted to all state and federal agencies (such as but not limited to DSL and ACE) for permitting must be included in the application to the City in order for it to be deemed complete.
3. The applicant shall be responsible for the preparation of a professional quality map showing the precise location of the top-of-bank, 100-year flood elevation, wetlands, wetland edge (if present), riparian setback, significant vegetation, soil types, site improvements or other relevant primary features. The application also shall include:
 - a. Grading Site Plan. The grading plan shall include information on terrain, drainage, location of proposed and existing structures, and finished elevations.
 - b. Vegetation Report. This report shall consist of a survey of existing native vegetation and proposed alterations. Where the removal of native vegetation is proposed, measures for re-vegetation and enhancement with native plant species shall be included. A list of native plants is available at City Hall. Any hazardous trees as described in Section 2.10.300.A.5 proposed for removal shall be surveyed.
4. Approval of any development activity within the RPW overlay shall be contingent upon demonstration by the applicant that:
 - a. DSL/ACE has issued a permit before any physical alteration takes place within the wetlands; or
 - b. Notice from DSL/ACE has been provided that states no permit is required; or
 - c. Activities are as noted in Sections 2.10.300.A.2 or 2.10.300.A.4 above, and are possible exceptions to the RWP overlay restrictions; or
 - d. Activities are shown to meet the criteria in Section 2.10.500, Hardship Variances, or Section 2.10.600, Restoration and Enhancement Exceptions, that follow.

2.10.500 Hardship Variances

For any existing lot or parcel demonstrated to have been rendered not buildable by application of this Code and/or when a RPW Overlay map error has been verified, the property owner may apply for a hardship variance for waiver of land development restrictions and prohibitions found under 2.10.300, Limitations on Use. A decision regarding hardship variances will follow the Class B procedures and standards of Chapter 5.1, Variances.

2.10.600 Restoration and Enhancement Exceptions

Permanent alteration of the riparian area by placement of structures or impervious surfaces may

be permitted upon demonstration that equal or better protection for the remaining on-site Riparian Protection Overlay area will be ensured through restoration of riparian areas, enhanced buffer treatment or similar measures, subject to the requirements of Section 2.10.400, Procedures and Approval. In no case shall such alterations occupy more than 50% of the width of the riparian area measured from the upland edge of the corridor.

2.10.700 Appeals

Planning Commission decisions can be appealed to the City Council using the procedures described in Article 4 of this Code.

2.10.800 Enforcement

This Chapter shall be enforced in accordance with Chapter 1.5, Enforcement, of this Code.