

Division IV. SUPPLEMENTAL STANDARDS FOR SPECIAL USES

Chapter 17.108 SPECIAL USES—GENERAL PROVISIONS

17.108.010 Applicability of special use standards.

Special uses included in this chapter are uses, which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zoning district. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

17.108.020 Process.

The status of a special use as a permitted or conditional use is set forth in the underlying zoning district. Conditional uses shall be processed in accordance with the criteria and procedures specified in Chapter 17.152. Permitted uses shall be reviewed for compliance with the standards of Chapters 17.60 through 17.104 of this title in the manner specified in the particular special use section. Special uses that are conditional uses in the underlying zoning district shall be reviewed for compliance with the standards of Chapters 17.60 through 17.104 during the review of the conditional use permit. In addition to any specific requirements under the special use, the following information shall be included with the application submittal:

- A. A description of the proposed use and specific reason for the request.
- B. A vicinity map indicating the relationship of the proposed use to the surrounding area.
- C. A site plan of the property, including existing and proposed improvements, and other information necessary to address the requirements and conditions associated with the use.
- D. A building profile of proposed new or remodeled structures, as applicable.
- E. Information addressing the criteria set forth under Chapter 17.152.

Chapter 17.112 PLANNED UNIT DEVELOPMENT (PUD)

17.112.010 Purpose.

- A. To produce a development which would provide development opportunities not easily achieved from traditional lot-by-lot development while protecting the city's goals of overall density and character.
- B. To allow flexibility which will encourage a more creative approach that will result in a more efficient, aesthetic, and desirable use of open area, while substantially maintaining the same population density and area coverage permitted in the district in which the project is located.
- C. To allow flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas, and to best utilize the site potential characterized by special features of geography, topography, size and shape.

17.112.020 Area of application.

Planned unit developments may be established on parcels of land that are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of this chapter.

17.112.030 Applicant.

Planned unit development projects may be applied for:

- A. By the owner of all the property involved, if under one ownership; or
- B. Jointly by all owners of the property in the area proposed for the planned unit development project, if there is more than one owner.

17.112.040 Uses permitted.

In a planned unit development only the following uses are permitted:

- A. Residential uses.
- B. Recreational facilities including, but not limited to, tennis courts, swimming pools, and playgrounds.
- C. Open space uses.
- D. Schools, libraries, community halls, and places of worship.
- E. Offices, buildings, and facilities required for the operation, administration, and maintenance of any planned unit development and for recreation purposes such as: golf courses, recreation rooms, and vehicle storage areas.
- F. Convenience establishments of a commercial and service nature, including delicatessen, coffee shops, convenience stores, restaurants, laundry, and dry-cleaning establishments, beauty shops and barber shops, (but specifically excluding drive-in services gas stations and a repair garage) provided:

1. Such convenience establishments are an integral part of the general plan of development for the planned unit development and provide facilities related to the needs of the prospective residents;
2. Such convenience establishments and their parking areas will not collectively occupy more than one acre per one hundred (100) dwelling units;
3. Such convenience establishments will be located, designed, and operated to efficiently serve frequent trade and to serve the needs of persons residing in the planned unit developments;
4. Such convenience establishments will not, by reason of their location, construction, or operation, have adverse effects on residential uses within or adjoining the district, or create traffic congestion or hazards to vehicular or pedestrian traffic.

17.112.050 Development requirements.

Planned unit developments shall comply with the applicable general development standards of Chapters 17.60 through 17.104 of this title. Underlying zoning lot dimensions and areas need not be met in a planned unit development.

- A. Site Adaptation. To the maximum extent possible, the plan and design of the development shall assure that natural or unique features of the land and environment are preserved.
- B. Lot Arrangement. All lots within the development shall be designed and arranged to have a maximum of two hundred (200) feet walking distance, or frontage on, open space or recreation areas.
- C. Density of Development. ~~Permitted density of development in all PUD's shall be determined in accordance with the following procedures:~~ **PUDs shall meet the minimum and maximum net density specified for the subject zoning district.**
 - ~~1. Determine total gross site area (G.S.A.);~~
 - ~~2. Multiply the G.S.A. by .85 to determine the net site area (NSA);~~
 - ~~3. Deduct from the N.S.A. Any acres of twenty (20) percent or greater slope that will be developed, proposed commercial areas, and other nonresidential uses to determine net developable site area (NDSA). Open space areas and hillside areas that will be in open space areas are not required to be deducted;~~
 - ~~4. Determine maximum density of development in accordance with the appropriate method below:~~
 - ~~a. SR district developments: Multiply NDSA by six units per acre.~~
 - ~~b. R-3 district: Multiply NDSA by fourteen (14) units per acre.~~
- D. Amount of Open Space. The required amount of open space or outdoor recreational area shall be at least twenty (20) percent of the gross area.
- E. Structure Setback Provisions. Yard setbacks for lots on the perimeter of the project shall be the same as that required for the subject-zoning district. Detached structures shall maintain a minimum side yard setback from interior space lines of three (3) feet or meet the Uniform Building Code requirement for firewalls. A minimum front yard setback of twenty (20) feet

shall be required for any garage opening facing a public street. Otherwise the minimum setbacks of the underlying zone do not apply.

- F. Zero Side Yard Setback. Zero side yard dwelling units authorized in a planned unit developments shall meet the following use and development standards:
1. Number of Attached Units. No more than six dwelling units, each on a lot held in separate ownership.
 2. Yards Adjacent to a Street. This chapter does not relieve the requirements of this title for yards adjacent to a street.
 3. Maintenance Easement. As a condition of issuance of a permit for any building having an exterior wall contiguous to a property line, the applicant shall furnish an easement from the owner of the property adjacent to said wall providing for ingress, egress, and use of such adjacent property for the purpose of maintaining, repairing, and replacing the building. Said easement shall be appurtenant to the property on which the building is located and shall be approved as to form by the city attorney and shall be recorded with Yamhill County prior to issuance of the permit.
- G. Circulation.
1. Streets within a PUD shall comply with the applicable standards of Chapter 17.64;
 2. Roads and pedestrian and bikeway paths shall be an integrated system designed to provide efficient and safe circulation to all users. Developments should be designed to minimize the length of roadway;
 3. Pedestrian/bikeways shall be clearly signed and have adequate crossing facilities where warranted.
- H. Off-Street Parking. Off-street parking requirements shall be as specified in Chapter 17.68. Parking may be provided on each lot or in clustered parking areas. The city if warranted by reduced lot sizes, type of street, and/or traffic volumes, may require additional off-street parking for guests and recreational vehicles.
- I. Utilities. In addition to other requirements set forth herein, the following shall apply:
1. All sewer and water provisions shall be approved by the city before construction of such improvements;
 2. All utility services shall be placed underground;
 3. Provisions shall be made for fire prevention, including service water lines, non-freeze hydrants, and free emergency access for fire fighting equipment around buildings;
 4. Provision shall be made for control of site storm water drainage, as required by Chapter 17.72.
- J. Homeowners Association. A non-profit incorporated homeowners association, or an alternative acceptable to the city attorney, shall be required for improving, operating, and maintaining common facilities, including open space, streets, drives, service and parking areas, and recreation areas. The following principles shall be observed in the formation of any homeowners association and shall be reviewed by the city attorney:

1. A homeowners association shall be set up before approval of the final plat, or any portion thereof;
2. Membership shall be mandatory for each homeowner and any successive buyer;
3. The open space restrictions shall be in perpetuity;
4. The homeowners association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
5. Home owners shall pay their pro rated share of the cost or the assessment levied by the association shall become a lien on the property;
6. The association shall be able to adjust the assessment to meet changes needed;
7. No change in open space use or dissolution of homeowners association shall occur without a public hearing before the Planning Commission and approval by the City Council.

17.112.060 Process.

Planned unit developments shall be processed in accordance with the submittal requirements and procedures established in Chapter 17.176. Approval shall only be granted if the requirements of this chapter and all other applicable requirements of this title are met.

17.112.070 Modification of approval.

A new public hearing shall be required if any one of the following changes is proposed to an approved planned unit development site plan:

- A. Increase or decrease of ten (10) percent (or more) in the number of dwelling units.
- B. Increase or decrease of ten (10) percent (or more) in the area devoted to open space or recreational space.

Chapter 17.116 MANUFACTURED HOMES

17.116.010 Purpose.

The following general standards are applicable to all manufactured homes sited on individual lots within the City of Carlton.

17.116.020 General standards.

- ~~A. The manufactured home shall be multi-sectional and shall enclose a space of no less than one thousand (1,000) square feet.~~
- ~~B. 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 eighteen (18) inches above grade. The foundation must be constructed of concrete or concrete block.~~
- ~~C. The manufactured home shall have a roof with a nominal pitch of no less than three (3) feet in height for each twelve (12) feet in width.~~
- ~~D. Roofing material shall be composition asphalt, fiberglass, wood shake, or tile.~~
- ~~E. The exterior siding must be horizontal lapped wood siding or a siding of equivalent appearance.~~
- ~~F. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting current performance standards specified by state law for single-family dwellings.~~
- ~~G. The manufactured home shall have a garage or carport containing not less than two hundred (200) square feet of covered vehicle/storage space. The garage shall be constructed of materials that are similar in color, material, and appearance to the manufactured home. The garage or carport shall be constructed prior to occupancy.~~
- ~~H. Transportation mechanisms, including wheels, axles, and hitch must be removed prior to occupancy.~~
- ~~I. The manufactured home shall be provided with gutters and downspouts to direct storm water away from the placement site.~~
- ~~J. All utilities shall be connected to the manufactured home in compliance with city and state requirements prior to occupancy.~~
- ~~K. The manufactured home shall be constructed and maintained in conformance with the state and federal safety construction standards, applicable at the time of placing the manufactured home. The home shall bear the Oregon "Insignia of Compliance".~~
- ~~L. A manufactured home shall not be placed within an acknowledged historical district or adjacent to a historic landmark.~~

17.116.030 Process.

The city shall review compliance with the standards of this chapter administratively during the review of applicable building permits and set-up permits.

Chapter 17.120 MANUFACTURED HOME DWELLING PARKS

17.120.010 Purpose.

The following standards shall apply to the design and development of all manufactured **home dwelling** parks in the City of Carlton.

17.120.020 General standards.

- A. Any lot or site used for a manufactured **home dwelling** park and any modifications to a manufactured **home dwelling** park shall comply with the provisions of ORS 446.002 to ORS 446.210 and Manufactured **Home Dwelling** Park Standards, adopted as Oregon Administrative Rule, Chapter 814, Subdivision 3, Manufactured **Home Dwelling** Parks, Sections 28.010 to 28.170, inclusive.
- B. All parks shall require a minimum of **three one** acres.
- C. Density. The maximum **net** density of a manufactured **home dwelling** park shall not exceed **ten (10) twelve (12)** units per **gross net** acre.
- D. Minimum Area. The minimum area to be contained on a manufactured home space by a manufactured home and its accessory structures shall be three thousand five hundred (3,500) square feet.
- E. Setbacks. The following setback standards shall apply:
 - 1. General park development: setbacks for structures other than manufactured homes, carports and related accessory buildings shall comply with the minimum residential setbacks in the underlying zone.
 - 2. Manufactured homes:
 - a. Front: five (5) feet minimum to the sidewalk; eight (8) feet minimum to the curb;
 - b. Side and rear: fifteen (15) feet minimum to any adjacent manufactured home; ten (10) feet minimum to any adjacent nonresidential structure;
 - c. Manufactured homes on the periphery of a manufactured home park shall maintain the same setback as required for the front, side and rear yard in the underlying zone.
 - 3. Accessory structures:
 - a. Front: five (5) feet minimum to the sidewalk; eight (8) feet minimum to the curb;
 - b. Adjacent side and rear: six (6) feet minimum to any adjacent manufactured home, or, nonresidential structure.
 - 4. Carports:
 - a. Front: twenty (20) feet minimum to the sidewalk or curb, if a sidewalk is not provided;
 - b. Side and rear: carports attached to, or within three (3) feet of, the manufactured home shall comply with the setbacks for the manufactured home. Otherwise, the setback provisions for accessory structures shall apply.
- F. Minimum Width. No manufactured home space shall be less than forty (40) feet in width at its driveway frontage.

- G. Boundaries of Space. The boundaries of each manufactured home space shall be clearly marked by permanent markers.
- H. ~~Driveways~~ **Drive Aisles**. All ~~driveways~~ **drive aisles** shall be paved with an asphaltic material or concrete and shall be a minimum of twenty (20) feet in width. In addition, if parking is to be permitted along the ~~driveways~~ **drive aisles**, a minimum width of thirty (30) feet is required. All ~~driveways~~ **drive aisles** shall be adequately designed as to permit safe, easy access by emergency vehicles.
- I. Parking. A minimum of two off-driveway parking spaces shall be provided for each manufactured home space.
- J. Walks. Provisions shall be made for a walk from each manufactured home to each ~~driveways~~ **drive aisles**. All walks must be hard surfaced, well-drained and not less than thirty-six (36) inches in width.
- K. Patio. Each manufactured home space shall have a slab or patio or concrete, asphalt or flagstone or similar substance not less than twenty (20) feet in length and ten (10) feet in width adjacent to each manufactured home parking site.
- L. Storage Area. A storage space in a building having a gross floor area of at least sixty (60) square feet shall be constructed and completed prior to occupancy of the manufactured home for storing the outdoor equipment and accessories necessary to residential living.
- M. Accessory Buildings. Accessory buildings that are placed on a manufactured home space shall be sited in a manner so as not to hinder or restrict access to the side and rear yard areas adjacent to the manufactured home.
- N. Manufactured Home Space Coverage. Not more than forty-five (45) percent of a manufactured home space may be occupied by a manufactured home and its accessory structures.
- O. Signs. All signs shall be in accordance with Chapter 17.80 of this title.
- P. Lighting. Common driveways and walkways must be adequately lighted.
- Q. Skirting. All manufactured homes shall have skirting around the exterior of the manufactured home or they may be situated upon a continuous foundation meeting the approval of the city building code.
- R. Open Space. A minimum of at least five thousand (5,000) square feet per twenty-five (25) manufactured home spaces or portion thereof shall be provided for a recreational play area group or community activities. No approved open space area shall contain less than five thousand (5,000) square feet. The floor area of indoor facilities, such as a community building, may be included in calculating the open space requirement.
- S. Utilities. All utility services shall be underground. The applicant shall furnish the city with proper easements for reading the meters and for inspecting water and sewer lines. All meters and water lines shall be inspected while being installed and the installation shall meet city standards. The park owners to city standards shall maintain all meters and water and sewer lines.
- T. Sewer and Surface Drainage. Adequate provisions shall be for sewage disposal and surface drainage and plans for such must have prior approval of the health department and the city engineer before a manufactured home park is approved. All sewer lines and drainage facilities shall be inspected while being installed and the installation shall meet city standards.

- U. Additions to Manufactured Homes. Carports, cabanas, ramadas, awning and all other structures, whether defined herein or not, which are situated upon a manufactured home space and are attached to the manufactured home, shall conform to the requirements of the city building code. Such additions and structures shall be considered as a portion of the manufactured home for determining the extent of lot coverage, setback lines and all other requirements for manufactured homes, as if such additions and structures were a part of such manufactured home.
- V. No part of any manufactured **home dwelling** park shall be used for the parking or storage of any heavy equipment, or trucks with a rated capacity exceeding two tons.
- W. A caretaker, owner or manager shall be responsible for keeping the manufactured **home dwelling** park, its facilities and equipment in a clean, orderly and sanitary condition.
- X. Landscaped buffer areas shall be developed around the perimeter of all manufactured **home dwelling** parks. Buffering shall comply with the standards of Chapter 17.84.
- Y. All units placed within a manufactured **home dwelling** park after the effective date of the ordinance codified in this title shall be "manufactured **homes dwellings**" as defined in Section 17.12.020.

17.120.030 Process.

Manufactured **home dwelling** parks shall be subject to the Site Design Review procedures of Chapter 17.156. Submittal requirements and review procedures shall be as specified in that section. Approval shall not be granted unless all provisions of this chapter and other applicable requirements of this title are met.

Chapter 17.124 HOME OCCUPATIONS

17.124.010 Standards.

Home occupations may be allowed as an accessory use on any property on which there is a residence, subject to the following standards and restrictions:

- A. Participation. No more than one person shall be employed whom is not a member of the family residing on the premises.
- B. Character. The character and primary use of the residence and premises shall not be changed by the use of colors, materials design, construction, lighting, landscaping or lack of landscaping.
- C. Traffic. A home occupation located on a local street, or privately maintained road serving three or more residences, shall not generate more than twenty (20) vehicle trips in one day. A "trip" is a vehicle traveling in one direction to or from a source. Twenty (20) trips are equivalent to ten (10) round trips.
- D. Noise. A home occupation shall not create noise of a type, duration or intensity that, measured at the property line, exceeds sixty (60) DBA between the hours of seven a.m. and six p.m. No noise shall be created by the home occupation between the hours of six p.m. and seven a.m. that is detectable to normal sensory perception, off the premises of the home occupation.
- E. Equipment and Process Restrictions. No home occupation shall create vibration, glare, fumes, odors, or electrical interference detectable to normal sensory perception outside the dwelling unit. In the case of electrical interference, nothing shall be used which creates visual or auditory interference in any radio or television off the premises.
- F. Hazards. No equipment, process or material shall be used which will change the fire rating or structure separation, firewall, or ventilation requirements for the structure in which the home occupation is located. No hazardous materials shall be used or stored on the property on which a home occupation located in quantities not typical of those customarily used in conjunction with activities or primary uses allowed in the zoning district.
- G. Signs. Signing shall be as provided in Chapter 17.80.
- H. On-Premise Client Contact. Customer and client contact shall be primarily by electronic media, telephone or mail, and not on the premises of the home occupation, except those home occupations, such as tutoring, counseling or personal services, which cannot be conducted except by personal contact. Services or sales conducted on the premises shall be by appointment only, and shall not be oriented toward, or attract, off-the-street customer or client traffic.
- I. Deliveries and Large Vehicle Storage. Delivery of materials to and from the premises shall not involve the use of vehicles over two ton capacity, except parcel post or private parcel delivery trucks. Vehicles over one ton capacity and used in conjunction with a home occupation shall be stored within an enclosed structure on the property. Regardless of capacity, storage of vehicles within the public right-of-way shall be prohibited.
- J. Parking. Parking spaces needed for the conduct of a home occupation shall be provided off the street, in defined areas which are appropriately designed and surfaced for that purpose,

and not located within the side or rear yard setbacks of the district. No more than two home occupation-related vehicles shall be located on the property at one time.

- K. Storage and Use of Yard Areas. Storage of tools, equipment and materials, and display of merchandise and all other activities associated with a home occupation, except as provided above for parking, shall be contained and conducted wholly within covered and enclosed structures and shall not be visible from the exterior of the containing structure(s). Home occupations that involve the care of children may use rear yard areas for playground equipment.
- L. Family ~~day~~ **child** care ~~facilities~~ **homes**, as permitted by this Code, shall not be subject to the provisions of this section.
- M. As a condition of approval, prior to commencing business, the home occupation proprietor shall obtain a business license from the City of Carlton.

17.124.020 Process.

- A. Home occupations that meet the General Standards of Section 17.124.010 and that are fully enclosed within a primary residential use are permitted outright as an accessory use to the residential use.
- B. A home occupation that is not fully enclosed within a primary structure (residence) but meets all of the General Standards of Section 17.124.010 may be permitted subject to review and approval of a minor conditional use permit pursuant to Chapter 17.152.
- C. A home occupation that exceeds one or more of the General Standards of Section 17.124.010 may be permitted subject to review and approval of a major conditional use permit pursuant to Chapter 17.152.
- D. The standards of this chapter shall govern all home occupations.
- E. If the City Manager ~~or city manager's designee~~ finds that the facts of the particular case require interpretation of existing standards, then a public hearing before the Planning Commission shall be scheduled. The procedures for conducting the public hearing shall comply with the standards in Chapter 17.196.

17.124.030 Noncompliance.

Any home occupation that does not comply with the requirement of this chapter and the provisions of the underlying district shall be a violation of this title and shall be subject to the enforcement remedies of Section 17.04.040.

Chapter 17.125 VACATION RENTAL DWELLINGS

17.125.010 Purpose.

Vacation rental dwellings are intended to meet the desire of many owners to rent their property on a short-term basis and to provide for the orderly use and regulation of such rentals to preserve the health, safety and welfare of the community. This use shall not adversely affect the residential character of the neighborhood where they are located. These standards and procedures are in addition to City ordinances and Federal and State laws and regulations.

17.125.020 Definitions

The following words and phrases shall have the meaning set forth in this Chapter.

“Incident” means an offensive activity or breach of the standards.

“Local representative” means a person with the authority to take action or make decisions concerning the management of a licensed vacation rental property.

“Overnight” means anytime between the hours of 10:00 p.m. and 7:00 a.m. on the following day.

“Rental occupant” means a person over the age of four (4) years who occupies a rented vacation rental.

“Sleeping area” means a bedroom or loft within a dwelling unit which meets the requirements of the building code as adopted by the State of Oregon.

“Surfaced” means a gravel, paved, tile, brick or concrete surface suitable for parking a vehicle.

“Vacation rental” means a dwelling unit, or any portion thereof, which is rented, or held out as available for rent, for periods of less than thirty (30) days, such as by the day or week. A dwelling which is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation and reputation are some of, but not limited to, the ways of identifying a vacation rental. It shall be a rebuttable presumption that a dwelling unit is a vacation rental if it is visited overnight by at least four (4) different vehicles over the course of a month, for three (3) consecutive months. The exchange of consideration is not necessary to meet the definition of a vacation rental if the dwelling otherwise is held out as available for occupancy for periods of less than thirty (30) days.

17.125.0130 - Standards.

A vacation rental dwelling permit license shall be issued as an accessory use provided the following standards are met:

- A. **A vacation rental shall comply with all applicable laws.** There must be no offensive noise, smoke, dust, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental dwelling that violates the Carlton Municipal Code.

- B. The use shall not adversely affect the residential character of the neighborhood.
- C. There shall not be an excessive generation of traffic created by the vacation rental **dwelling**.
- D. One (1) off-street parking space will be provided for each bedroom **/sleeping area** in the **dwelling vacation rental**, but in no event shall less than two (2) spaces be provided for each **dwelling separate vacation rental**. **All off-street parking spaces shall be surfaced.**
- E. The **dwelling vacation rental** must maintain the residential nature of the front and side yards. The lot must be landscaped and maintained as a permanent residence similar to the surrounding area.
- F. The **permittee licensee** must provide receptacles for the deposit of garbage and subscribe to a solid waste collection service for the vacation rental **dwelling**.

~~G. The permittee must obtain a business registration license from the City of Carlton.~~

~~H.G.~~ Signs for vacation rentals **dwelling**s shall comply with requirements ~~in, of~~ Chapter 17.80.

~~H.H.~~ The property owner shall designate a local representative who permanently resides within the Carlton Urban Growth Boundary, or a licensed property management company with a physically staffed office within ten (10) vehicular miles of the Carlton Urban Growth Boundary. The **property** owner may be the designated representative where the owner resides in the Carlton Urban Growth Boundary.

The local representative must be authorized by the owner of the dwelling to respond to the tenant and neighborhood questions or concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the dwelling for vacation rental purposes. The local representative must respond to complaints in a timely manner to ensure the dwelling complies with the standards for vacation rental dwellings and other city ordinances pertaining to noise, disturbances, nuisances, as well as state laws pertaining to the consumption of alcohol, or the use of illegal drugs.

- ~~H.I.~~ The following information shall be posted within the vacation rental dwelling adjacent to the front door:
1. The name of the local representative and a telephone number where the representative may be reached;
 2. The telephone number and web site address of the City of Carlton and the Carlton Police Department;
 3. The maximum number of occupants permitted to stay in the dwelling;
 4. The maximum number of vehicles allowed to be parked on the property;
 5. The number and location of off-street parking spaces; and
 6. The solid waste collection day.

J. All pets must be under control at all times. Methods of control include a leash or demonstrated effective voice command. The person having the control, custody or possession of a dog shall clean up after the dog by using a dog waste bag or other suitable method.

K. The licensee must comply with the requirements of the occupancy tax ordinance as a condition for issuance or renewal of a vacation rental license.

L. Vacation rentals shall comply with the standards in this section, whether or not the vacation rental is occupied by a renter, owner, or other person.

17.125.0240 - Process.

A. Step One Process.

1. Notice. Upon receipt of an application for a vacation rental dwelling permit, notice must be mailed at the applicant's expense to all owners of property within one hundred (100) feet of the exterior boundary of the property for which the application is made, giving the property owners notified twenty (20) days in which to respond to the city.

2. Staff review.

a. If no objections or complaints are received regarding the proposed use of the property as a vacation rental dwelling, staff may issue a vacation rental dwelling permit to the applicant. However, if staff finds that the facts of the particular case requires interpretation of existing standards, then a public hearing before the Planning Commission shall be scheduled. The procedures for conducting the public hearing shall comply with the standards found in Chapter 17.196.

b. If staff receives one (1) or more written objections from individuals affected by the proposed use regarding compliance with any of the vacation rental standards listed above, after the notice requirements of the Step One process have been met, no permit shall be issued at that time and a hearing shall be set before the Planning Commission in accordance with the Step Two process specified below.

B. Step Two Process. If the staff refers the matter to the Planning Commission for hearing, or a hearing is required as a result of a Step One mandatory referral, the application will be deemed an application for a conditional use and the conditional use requirements of Chapter 17.152 shall apply, as well as the standards for issuance of a vacation rental dwelling permit. The Development Code public hearing notice provisions and application fee requirements for a conditional use shall also apply.

Applications for vacation rental license are subject to the Type II process as described in 17.188.020 including notice to property owners as described in 17.192.020, except that notice shall be mailed at the applicant's expense to all owners of property within two hundred and fifty (250) feet of the exterior boundary of the property to where an application for vacation rental license is sought. Appeals of a Type II decision are subject appeal provisions as described in Chapter 17.204.

17.125.0350 Permit License issuance.

A vacation rental permit license shall be issued in the name of the property owner and is not transferable. **A vacation rental license shall be specific to an individual dwelling; separate licenses shall be required in the event that an owner seeks to use multiple dwellings at a single address as vacation rentals.** The permit license shall terminate and be deemed void when the permit license holder sells or transfers the property occupied or rented as a vacation rental dwelling. A conditional use permit

approved for a two-family duplex vacation rental will automatically terminate if the other half of the duplex is rented out for non-vacation use.

A. Upon receipt of the completed application, the annual license fee and attestation that the licensing standards have been met, the City shall issue a license to the applicant (not the dwelling) for a period of one year. The license may be renewed annually if all standards are met. A vacation rental licensee shall not be required to pay a business license fee in addition to the annual vacation rental license fee. The license application and annual fees established under this Chapter shall be set by the City Council, and may be changed by resolution. All fees are non-refundable.

B. All licenses shall be obtained prior to any rental of the property. The required application and license fee are due on January 1 of each year for the fiscal year commencing with that date and are delinquent on February 1. The delinquency fee will be set by resolution.

17.125.0460 Non-compliance ~~and complaints~~.

A. Non-Compliance. Any vacation rental ~~dwelling~~ unit that does not comply with the requirements of this Section and the provisions of the underlying district shall be a violation of this Ordinance and shall be subject to the enforcement remedies of Section 17.04.040.

~~B. Complaint Procedures. In addition to penalties specified in Section 17.04.040, the city may determine that an appropriate penalty is the revocation of a vacation rental permit in accordance with the following complaint procedures:~~

~~1. The Planning Commission shall review the vacation rental dwelling permit upon receipt of one (1) written complaint from an individual who is adversely affected by the proposed use. The complaint shall clearly state the nature of the objection to the vacation rental dwelling. Staff shall investigate all such complaints and the results of the investigation shall be reported to the Planning Commission at a regular meeting. The complainant and owner of the vacation rental dwelling shall be notified of the meeting. Standards of judging objections shall include, but are not limited to, the following:~~

~~i. Generation of excessive traffic;~~

~~ii. Monopoly of on-street parking spaces;~~

~~iii. Other offensive activities not in harmony with the residential neighborhood as may be determined by the Planning Commission;~~

~~iv. Compliance with vacation rental dwelling permit standards, including conditions required by the Planning Commission as a result of issuance of a vacation rental permit through the conditional use process;~~

~~2. The Planning Commission, upon hearing the evidence, may: approve the use as it exists; require the use to be terminated; or impose appropriate restrictions on the operation of the vacation rental dwelling.~~

~~3. The determination of the Planning Commission shall become final ten (10) days after the date of its written decision unless appealed to the City Council.~~

Chapter 17.126 FOOD CART PERMITS

17.126.010 Applicability.

The provisions of this section apply to food carts used in the preparation and/or sales of food and beverage items to the general public on private property. A food cart that remains on one lot for more than four hours in any one day and for more than ninety (90) days in any 12-month period must be approved following the procedures identified in Section 17.126.

17.126.020 Approval required.

Food carts are allowed as conditional uses in the DD, CB, CI and GI zoning districts and must be reviewed and approved by the planning commission following a major conditional use permit review procedure for compliance with the use and dimensional provisions of the underlying zone (not including design standards), the criteria for a conditional use permit and the provisions of Section 17.126. Food carts must also obtain approval of a city business license and all relevant county and state permits and licenses for a mobile food unit.

17.126.030 Application submission requirements.

An application for approval for the placement and operation of a food cart in the City of Carlton must include the following:

- A. A completed application form for a conditional use permit in addition to any other land use applications required by the underlying zoning district and an application fee.
- B. The initial application and each annual renewal requires the signature of the property owner authorizing the use on the site.
- C. Site plan drawn to scale including:
 1. Site dimensions.
 2. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage ways.
 3. Number and location of food carts on the site.
 4. Individual square footage of all food carts.
 5. Accessible pedestrian routes.
 6. Size and location of customer seating areas.
 7. Vehicular circulation and ingress/egress points.
 8. Parking and loading areas.
 9. Location and design elevation of all proposed structures and landscaped areas.
 10. Location and specifications of food cart pads.
 11. Location and design of fences and walls.
 12. Number and location of trash and recycling areas.
 13. Location and type of auxiliary storage.

- D. Pictures of all sides of proposed food cart(s).
- E. Proximity to bathroom and written permission for use of hand-washing facilities and bathroom(s).
- F. Disposal plan for wastewater and gray water.
- G. Exterior lighting plan indicating location, size, height, typical design, material, color, and method of illumination.
- H. Written verification that the food cart has been permitted, inspected and meets applicable county health regulations.
- I. Any additional information that may be required by the city manager to properly evaluate the proposed site plan. The city manager may waive any of the requirements above where determined that the information required is unnecessary to properly evaluate the proposal.

17.126.040 Permit terms and conditions.

Each food cart permit issued shall terminate December 31 of the year in which it is issued and shall be subject to the following minimum conditions:

- A. Food cart permits are valid for the calendar year in which they are issued and will be renewed through a minor conditional use permit application procedure, except if the use was the subject of a city code enforcement action. If an enforcement action has occurred, the use shall be reviewed at the time of renewal following the major conditional use permit review procedure.
- B. The initial application and each annual renewal requires the signature of the property owner authorizing the use on the site.
- C. The permit issued shall be specific to one property and specific to the permittee only and the permit is not transferable to others in any manner. The permittee will be responsible for compliance with all conditions of approval.
- D. The permit is specifically limited to the area approved or as modified by the City Manager, and will include a site plan indicating the area approved for the operation of one or more food carts and the location of common seating areas.
- E. A Class I—IV mobile food unit license issued by the Yamhill County Department of Health must be must be displayed on the unit at all times so it can be read from the outside. The registration must be current and valid. The vehicle registration of the mobile food unit must be displayed on the unit at all times so it can be read from the outside. The registration must be current and valid.
- F. Each food cart shall be inspected by the New Carlton Fire District once per calendar year, or as warranted by the Carlton Fire District.
- G. All food carts are subject to all applicable city, county, and state codes and regulations.
- H. It is the responsibility of the permittee holder to notify the City Manager if the food cart will be closed for more than thirty (30) days.

17.126.050 Use limitations and development standards.

The following limitations and standards shall apply to all food carts permitted after the effective date of this chapter.

- A. Use Limitations.
 - 1. Food carts shall not provide drive-through facilities and are not allowed to provide internal floor space to customers.
 - 2. Food carts must be mobile units but are not permitted to operate from a motorized vehicle. An example of a mobile unit that meets this standard includes a trailer modified for the purpose of selling food but does not include a push-cart.

- B. Size and Placement.
 - 1. Carts shall not exceed twenty-six (26) feet in length, not including the trailer hitch, or be greater than two hundred sixty (260) square feet.
 - 2. All carts shall be placed on a paved surface such as but not limited to concrete, asphalt or pavers, or other approved material excluding gravel. If new paved surface is added to a site to accommodate a cart, the parking area shall comply with applicable parking design standards contained in Chapter 17.98.
 - 3. All seating areas shall be located on the subject property at least ten (10) feet from a food cart and seating areas shall be separated from parking areas by an approved fence or barrier.
 - 4. Ingress and egress shall be safe and adequate when combined with the other uses of the property and will comply with provisions of Section 17.68.
 - 5. Food carts shall provide adequate vision clearance as required by Section 17.92.070.
 - 6. Carts shall not occupy parking needed to meet minimum vehicle and bicycle parking requirements, and shall not occupy pedestrian walkways or required landscape areas. Blocking automobile access to parking spaces shall be considered occupying the spaces.
 - 7. Carts shall be located at least three feet from the public right-of-way or back of sidewalk, whichever provides the greater distance from the public right-of-way.
 - 8. Carts shall remain at least ten (10) feet away from other food carts, buildings and parking stalls.
 - 9. Carts shall not be located within twenty-five (25) feet of an active driveway entrance as measured in all directions from where the driveway enters the site at the edge of the street right-of-way. Carts shall not occupy fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access. Customer service windows shall be located at least five feet from an active drive aisle used by cars. Each cart shall provide an awning for shelter to customers with a minimum clearance of seven feet between the ground and the awning.
 - 10. Only one cart shall be allowed on any legal lot of record.

- C. Operation and Maintenance.
 - 1. Carts shall limit the visual effect of accessory items not used by customers, including but not limited to tanks, barrels, etc. by screening with a site-obscuring fence or

landscaping, or containing them within a storage shed not to exceed one hundred (100) square feet.

2. The exterior surfaces of all carts shall be clean and free from dents, rust, peeling paint, and deterioration, and windows shall not be cracked or broken.
 3. The exterior surface of all food carts proposed to be located in the Downtown district shall be a color that is consistent with the Carlton Downtown historic color palette.
 4. Carts shall not have missing siding, skirting or roofing.
 5. Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on food and beverage cart sites shall comply with building code anchoring and engineering standards and fire code standards. Tents and canopies shall not have not tears, mold, or broken or non-functioning supports and shall be securely anchored.
 6. Unenclosed areas intended to be occupied by customers, such as areas near food cart service windows and customer seating, shall be illuminated when carts are in operation during hours of darkness;
 7. No source of outdoor lighting shall be visible at the property line adjacent to residential uses at three feet above ground level.
 8. Outdoor lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties.
 9. Food carts are exempt from land-use district density, floor-area ratio and Downtown district design guidelines and standards. Accessory items to the food cart that are not for customer use, such as barrels, tanks or containers shall be screened to substantially limit the views of such items from the street.
 10. Signage shall comply with sign code regulations. Each cart is permitted one A-Frame sign.
- D. Fire and Safety.
1. Carts shall not have components or attachments in disrepair in a manner that causes an unsafe condition.
 2. Uses shall not create tripping hazards in pedestrian or vehicular areas with items such as cords, cables and pipes.
 3. If external electric service is necessary, an underground electric service outlet providing electricity to the unit may be used. The outlet must have a ground fault interrupter and meet all applicable city, state and federal codes. The extension cord from the outlet to the mobile food unit must not be longer than ten (10) feet and must meet all city, state and federal codes.
 4. Carts shall meet fire code requirements regarding distances from other structures or combustible materials.

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5. Any cooking device within a food cart that creates grease-laden vapors shall provide an approved hood and extinguishing system, or be the type with a self-closing lid as approved by the fire marshal. Appropriate fire extinguishers are required.
 6. Propane tanks shall be stored and handled properly and be located at least ten (10) feet from combustible vegetation and trash receptacles and twenty (20) feet from a potential ignition source. Propane tanks shall remain outdoors and be secured from falling.
- E. Health and Sanitation.
1. Trash and recycle receptacles shall be provided on site, and must be emptied and maintained. Trash and recycle receptacles shall be provided at a rate of one receptacle for every food cart. Where the food cart operator proposes to provide an outdoor seating area a minimum of one twenty-gallon trash receptacle and one twenty-gallon recycle receptacle shall be provided in the common seating area.
 2. Restrooms with hand washing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.
 3. Sites containing more than one food cart shall provide a restroom facility on the same lot as the food cart.
 4. Wastewater and gray water shall be disposed of properly without harm to the environment or city infrastructure. An approved disposal plan shall detail storage and removal methods.
 5. Food carts that are fully contained; i.e., carts that provide their own water, power, and waste disposal, are permitted with no additional utility considerations beyond the permitting process and site plan approval described herein. Food carts that require a water source, power source, or waste disposal location are permitted only where the City Manager has approved site plans that show safe access and location of the aforementioned provisions. Such provisions shall be subject to all applicable building permits and system development charge requirements.

17.126.060 Legal non-conforming food carts.

- A. Food cart permits issued prior to September 14, 2015 may be renewed under the code provisions that existed at the time they were permitted, except the following new standards apply and supersede the standards in effect prior to September 14, 2015 and Section 17.126.020.
- B. Food carts shall not have any internal floor space available to customers.
- C. Food carts mobile units shall not exceed twenty-six (26) feet in length or exceed two hundred sixty (260) square feet in area.
- D. Food carts shall comply with the vision clearance requirements of Section 17.92.070.
- E. Awnings attached to a food and/or beverage cart shall have a minimum of seven feet of clearance between the ground and the awning to allow access for pedestrians under the awning.

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- F. Carts shall be located at least three feet from the right-of-way or back of sidewalk, whichever provides the greater distance from the right-of-way.
 - G. Carts shall provide at least five feet between service windows or other customer service points and an active drive aisle.
 - H. Carts shall remain at least ten (10) feet away from other food carts, buildings and parking stalls.
 - I. Carts shall not occupy off-street parking spaces, fire lanes or drive aisles necessary for vehicular circulation or fire/emergency vehicle access as determined by the manager. Carts may occupy other drive aisles. In cases where a portion of a drive aisle is occupied, at least four feet of clear maneuvering space shall be provided between the closed portion of the drive aisle and the abutting active parking spaces.
 - J. Unless otherwise specified in this section, legal non-conforming food carts shall be exempt from a finding of adequate public facilities unless it is determined that the proposed use exceeds the capacity of existing public facilities or causes unsafe conditions.
 - K. Food carts are exempt from land-use district density, floor-area ratio and Downtown district design guidelines and standards. Accessory items to the food cart that are not for customer use, such as barrels, tanks or containers shall be screened to substantially limit the views of such items from the street.
 - L. Structures used to provide shelter to customers shall only be tents, canopies and similar membrane structures. Other structures for customer shelter are not allowed. This does not preclude the use of awnings attached to and supported by a mobile unit or umbrellas designed for café or picnic tables. All canopies, tents and other membrane structures erected on food and beverage cart sites shall comply with building code anchoring and engineering standards and fire code standards. Tents and canopies associated with a food cart shall not have visible tears or mold, missing anchoring or broken and/or non-functioning supports.
 - M. Unenclosed areas intended to be occupied by customers, such as areas near food cart service windows and customer seating, shall be illuminated when carts are in operation during hours of darkness.
 - N. No source of outdoor lighting shall be visible at the property line adjacent to residential uses at three feet above ground level.
 - O. Outdoor lighting fixtures shall be oriented and/or shielded so as not to create glare on abutting properties.
 - P. Carts shall not have missing siding, skirting or roofing.
 - Q. Permits are not transferrable to new owners of the food cart. Non-conforming status is non-transferable to a new owner or operator. Legal non-conforming status of pre-existing food carts will expire on December 31, 2020.
 - R. Restrooms with hand washing facilities shall be provided for employees and customers. The restroom can be on-site or within one-quarter mile or a five-minute walk (such as at a neighboring business) and must be available during the cart's hours of operation. If the restroom is not on-site, the food cart operator shall submit written permission from an adjacent business or property owner where the facility is located.

17.126.070 Revocation or suspension of permit.

- A. A food cart permit shall be subject to revocation by the city if the application is found to include false information.
- B. A food cart permit shall be suspended if the food cart is closed for more than ninety (90) days without providing advance written notice to the City Manager.