

Division V. GENERAL STANDARDS

Chapter 17.128 GENERAL STANDARDS

17.128.010 Minimum requirements.

In interpreting and applying this title, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

17.128.020 Completion of a structure.

A structure not completed within one year of beginning construction shall constitute a violation of this title unless a performance guarantee is provided to the city in accordance with Section 17.216.010.

17.128.030 Lots of record.

A lot of record is a plot of land that meets one or more of the following criteria, pursuant to ORS 92.010 to 92.190:

- A. The plot of land was lawfully created through a subdivision or partition plat prior to annexation to the city;
- B. The plot of land was created through a deed or land sales contract recorded with Yamhill County prior to adoption of the first City of Carlton Zoning Ordinance (Dec. 11, 1969); or
- C. The plot of land was created through a deed or land sales contract recorded with Yamhill County prior to January 1, 2007 and the subject plot of land would have complied with the applicable planning, zoning, subdivision or partition regulations in effect, if any existed, at the time it was created.
- D. Requests to validate a lot of record shall follow the procedures in ORS 92.010 to 92.190. **and are subject to the Type I ministerial procedure per Section 17.188.010.**

17.128.040 Lots abutting a partial street.

New structures ~~that are proposed to be~~ constructed on lots abutting an existing public street that does not meet the minimum standards of Chapter 17.64 for right-of-way width shall ~~provide setbacks sufficient~~ **be set back** to allow for the future widening of the right-of-way. **For this purpose, the Future Street Plan of the Carlton Transportation System Plan shall be used for identifying the appropriate street classification, shown as existing or proposed. In addition to the minimum front and street side yard setbacks of the underlying zone, all new structures shall be set back to at least half the minimum right-of-way width of the respective street classification. Measurements for this purpose shall be taken from existing street centerline at a 90-degree angle toward the subject property.** Building permits shall not be issued unless yard setbacks equal to the minimum yard requirements of the zoning district plus **half** the required minimum ~~additional~~ right-of-way width ~~is~~ **are** provided.

17.128.050 Boundary street requirements.

- A. The owner(s) of property upon which application for permits for new construction shall be responsible, at a minimum, for sidewalk construction and improvement along all property frontages of all boundary streets.
- B. Prior to approval of an application for a permit for new construction where all boundary streets do not meet or exceed the requirements of Standard Specifications for Public Works Construction in the City of Carlton the following action shall be taken:
 - 1. A partial street improvement, including curbing, sidewalk and piped storm drainage shall be installed in conformance with plans reviewed and approved by the city engineer in all boundary streets; or an improvement deferral agreement or non-remonstrance agreement, see Section 17.128.030, shall be filed.
 - 2. A partial street improvement, referenced in subsection (B)(1) of this section, shall consist of a pavement width equal to three-fourths of the width designated for the boundary street by the City of Carlton, Transportation System Plan or twenty-four (24) feet, which ever is the greater.
 - 3. The city may require all or a portion of the improvements be deferred if it is in the interest of the city to do so because of programmed future construction or safety considerations.

17.128.060 Reserved.

17.128.070 Unsafe building.

Nothing in this title shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe.

~~17.128.080 Limitations on buildings.~~

~~In an R-1 district there shall be only one main building on a lot.~~

Chapter 17.132 GENERAL EXCEPTIONS

17.132.010 General exception to building height.

Projections such as chimneys, spires, domes, elevator shaft housing, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of the underlying zone.

17.132.020 Height exceptions for public buildings.

Public or quasi-public buildings, hospitals, places of worship, and educational institutions may be constructed to a height not to exceed forty-five (45) feet provided the required yards are increased one foot for each foot of additional building height above the height regulation for the zone.

17.132.030 Public dedications.

~~Setback restrictions of this title shall not apply to existing structures whose setback is reduced by a public dedication.~~ **Where an existing street setback or required landscaping must be reduced by a public dedication, the setback or landscaping requirements of this ordinance which are no longer met as a result of the dedication shall not apply to the structure or landscaping. Further encroachment into the setback or reduction of landscaping beyond the reduction caused by the public dedication is not permitted.**

17.132.040 Miscellaneous setback exceptions.

Setback limitations stipulated elsewhere in this title may be modified as follows:

- A. Bus shelters that are intended for use by the general public and are under public ownership and/or control shall be exempt from setback requirements.
- B. Side and rear yards of underground structures may be reduced to three (3) feet except all openings into the structure, including doors, windows, skylights, plumbing, intake and exhaust vents, shall meet the minimum setbacks of the district.

Chapter 17.136 TRANSPORTATION IMPROVEMENT PROJECTS

17.136.010 Purpose.

The transportation improvement projects process is intended to provide for the approval of projects identified in the adopted City of Carlton, Transportation System Plan and for the review of other transportation improvement projects.

17.136.020 Permitted uses.

Except where otherwise specifically regulated by this title, the following improvements are permitted outright in all districts **and are not subject to land use approval.**

- A. Normal operation, maintenance, repair, and preservation activities on existing transportation facilities.
- B. Installation of culverts, sidewalks, curbing, median fencing, guardrails, lighting and similar types of improvements within existing rights-of-way.
- C. **Improvement Pp** projects specifically identified in the City of Carlton, Transportation System Plan.
- D. Acquisition of right-of-way for public road, highways, and other transportation improvements designated in the City of Carlton, Transportation System Plan.
- ~~E. Construction of a street or road as part of an approved subdivision or partitioning.~~

17.136.030 ~~Conditional uses~~ **Reserved.**

~~Construction, reconstruction, or widening of highways, road, bridges or other transportation projects that are:~~

- ~~A. Not improvements designated in the City of Carlton, Transportation System Plan.~~
- ~~B. Not designed and constructed as a part of an approved subdivision, partitioning or planned unit development.~~

17.136.040 ~~Review standards~~ **Reserved.**

~~Projects requiring a conditional use permit shall be reviewed and findings made to comply with the following criteria:~~

- ~~A. The project is compatible with existing land use and social patterns, including noise generation and safety.~~
- ~~B. The project is designed to minimize avoidable environmental impacts to wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.~~
- ~~C. The project preserves or improves the safety and function of the facility through access management and other design features.~~
- ~~D. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plans and other requirements of this title.~~

Chapter 17.140 USES PERMITTED IN ALL ZONES

17.140.010 Permitted uses.

The following uses and activities are permitted in all zones:

- A. Placement and maintenance of underground or above ground wires, cables, pipes, guys, support structures, pump stations, drains, and detention basins within rights-of-ways by public agencies and utility companies for telephone, TV cable, or electrical power transmission, or transmission of natural gas, petroleum products, geothermal water, water, wastewaters, sewage and rainwater.
- B. Railroad tracks and related structures and facilities located within rights-of-ways controlled by a railroad operator.