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98-27179

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

98 JUN 11 PM 3:56

MARY SUE PENHOLLOW
COUNTY CLERK

An Ordinance Amending Title 18, *
Deschutes County Zoning Ordinance, *
of the Deschutes County Code, and *
Declaring an Emergency. *

ORDINANCE NO. 98-035

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON, ORDAINS as follows:

Section 1. AMENDMENT. Section 18.120.040, Building height exceptions, is amended to read as described in Exhibit "A," attached hereto and by this reference incorporated herein, with new language underlined and language to be deleted in ~~strike through~~.

Section 2. AMENDMENT. Section 18.108.030, Single Family Residential - RS District, is amended to read as described in Exhibit "B," attached hereto and by this reference incorporated herein, with new language underlined.

Section 3. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

DATED this 10 day of June, 1998.

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

Excused
NANCY POPE SCHLANGEN, Chair

[Signature]
ROBERT L. NIPPER, Commissioner

[Signature]
LINDA L. SWEARINGEN, Commissioner

ATTEST:

[Signature]
Recording Secretary

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18.120.040. Building height exceptions.

A. The following structures or structural parts are not subject to the building height limitations of this title: public schools, chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and other similar projections, and agricultural structures as defined in this ordinance. This exception does not apply to an Airport Development Zone, Airport Height Combining Zone or Landscape Management Combining Zone.

B. An exception (up to 36 feet) to the building height limitations for structures not otherwise exempted by ~~Subsection A~~ of this section ~~located in the EFU, MUA 10, F 1, F 2, RR 10, OS&C, RSC, RSR M, RSR 5 and FP Zones~~ may be approved upon findings that:

1. The structure is not located in a Landscape Management Zone, except when the structure is a single-family dwelling with an attached hangar located in an unincorporated community and the structure has a maximum height of 35 feet including chimneys, antennas, flag poles or other projections from the roof of the structure;

2. The structure is not located within 100 feet of any rimrock, as defined in Section 18.04.030 of this title;

3. After consultation with the applicable fire department, the proposed height does not exceed the height limitation of the department's fire fighting equipment, considering the evacuation of the building's occupants and the fire fighting requirements of the department; and

4. The proposed additional height will not adversely impact scenic views from existing nearby residences. (Ord. 98-035 § 1, 1998; Ord. 96-035 § 1, 1996; 93-043 § 20C, 1993; Ord. 92-055 § 10, 1992; Ord. 92-036 § 1, 1992)

EXHIBIT "B"

18.108.030. Single Family Residential – RS District.

C. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 30 feet in height, except as allowed under section 18.120.040 of this title.

D. Lot Requirements. The following lot requirements shall be observed, provided that the Planning Director or Hearings Body may allow smaller lots approved pursuant to this title and consistent with the Comprehensive Plan designations for preservation of forested area or significant rock outcroppings when these lots are internal to the subdivision or after a hearing if they are located on the edge of the new plat.

1. Lot Area. Every lot shall have a minimum area of 6,000 square feet.

2. Lot Width. Every lot shall have a minimum average width of 60 feet, except that a corner lot shall be a minimum of 70 feet.

3. Frontage. Every lot shall have a minimum width at the street of 50 feet, except that on an approved cul-de-sac this may be reduced to 30 feet.

4. Front Yard. The front yard shall be a minimum of 20 feet.

5. Side Yard. A side yard shall be a minimum of 5 feet for structures ~~less than~~ up to 21 feet in height. All structures greater than 21 feet in height shall have a minimum side yard of 7 feet, 6 inches, including additions thereto.

6. Rear Yard. The rear yard setback for properties which do not have a common area adjoining the rear property line shall be a minimum of 25 feet. The rear yard setback is zero (0) for properties with a rear property line which adjoins a common area that is 50 feet or greater in depth. The rear yard setback for properties which adjoin common area less than 50 feet in depth shall be calculated at 6 inches for every one foot less than 50 feet. The depth of the common area adjoining the rear yard shall be determined to be the average depth of the common area when measured at 90 degree angles at 10 foot intervals along the entire length of the rear property line.

7. Lot Coverage. Maximum lot coverage by buildings and structures shall be 35 percent of the lot area. (Ord. 98-035 § 2, 1998; Ord. 97-078 § 2, 1997)