

CHAPTER 2 ZONING

2.100 ZONING DISTRICTS

Section 2.101	RESIDENTIAL ACREAGE DISTRICT (RA)	2.1-4
2.101.01	Purpose	2.1-4
2.101.02	Permitted Uses	2.1-4
2.101.03	Conditional Uses	2.1-4
2.101.04	Dimensional Standards	2.1-5
2.101.05	Development Standards	2.1-5
Section 2.102	LOW DENSITY RESIDENTIAL (R-1)	2.1-7
2.102.01	Purpose	2.1-7
2.102.02	Permitted Uses	2.1-7
2.102.03	Conditional Uses	2.1-7
2.102.04	Dimensional Standards	2.1-8
2.102.05	Development Standards	2.1-9
Section 2.103	MEDIUM DENSITY RESIDENTIAL (R-2)	2.1-10
2.103.01	Purpose	2.1-10
2.103.02	Permitted Uses	2.1-10
2.103.03	Conditional Uses	2.1-11
2.103.04	Dimensional Standards	2.1-11
2.103.05	Development Standards	2.1-12
Section 2.104	RESIDENTIAL COMMERCIAL DISTRICT (RC)	2.1-14
2.104.01	Purpose	2.1-14
2.104.02	Permitted Uses	2.1-14
2.104.03	Conditional Uses	2.1-16
2.104.04	Dimensional Standards	2.1-16
2.104.05	Development Standards	2.1-18
Section 2.105	COMMERCIAL-CORE DISTRICT (C-1)	2.1-20
2.105.01	Purpose	2.1-20
2.105.02	Permitted Uses	2.1-20
2.105.03	Conditional Uses	2.1-21
2.105.04	Dimensional Standards	2.1-22
2.105.05	Development Standards	2.1-22
Section 2.106	COMMERCIAL-GENERAL DISTRICT (C-2)	2.1-24
2.106.01	Purpose	2.1-24
2.106.02	Permitted Uses	2.1-24
2.106.03	Conditional Uses	2.1-26
2.106.04	Dimensional Standards	2.1-27
2.106.05	Development Standards	2.1-27

Section 2.107	INDUSTRIAL DISTRICT (I)	2.1-29
2.107.01	Purpose	2.1-29
2.107.02	Permitted Uses	2.1-29
2.107.03	Conditional Uses	2.1-31
2.107.04	Dimensional Standards	2.1-32
2.107.05	Development Standards	2.1-32
Section 2.108	PUBLIC/SEMI-PUBLIC DISTRICT (P)	2.1-34
2.108.01	Purpose	2.1-34
2.108.02	Permitted Uses	2.1-34
2.108.03	Conditional Uses	2.1-34
2.108.04	Dimensional Standards	2.1-35
2.108.05	Development Standards	2.1-35
Section 2.109	NEIGHBORHOOD COMMERCIAL (NC)	2.1-36
2.109.01	Purpose	2.1-36
2.109.02	Permitted Uses	2.1-36
2.109.03	Conditional Uses	2.1-37
2.109.04	Dimensional Standards	2.1-37
2.109.05	Development Standards	2.1-38
2.109.06	NC Zone Location Requirements	2.1-38
Section 2.110	RESERVED	2.1-40
Section 2.111	RESTRICTED DEVELOPMENT OVERLAY DISTRICT (R-D)	2.1-41
2.111.01	Purpose	2.1-41
2.111.02	Application	2.1-41
2.111.03	Review of Uses	2.1-41
2.111.04	Review Process	2.1-41
2.111.05	Review Standards and Criteria	2.1-42
2.111.06	Riparian Vegetation and Forestry Management	2.1-43
2.111.07	Residential Density	2.1-43
2.111.08	Preservation Methods	2.1-43
Section 2.112	FLOOD PLAIN OVERLAY DISTRICT (F-P)	2.1-45
2.112.01	Purpose	2.1-45
2.112.02	Definitions	2.1-45
2.112.03	General Provisions	2.1-50
2.112.04	Uses - Exempt	2.1-51
2.112.05	Uses - Permitted	2.1-51
2.112.06	Conditional Use Procedures and Requirements	2.1-52
2.112.07	Flood Protection Standards	2.1-54
2.112.08	Generalized Flood Plain Areas	2.1-59
2.112.09	Variances	2.1-59
2.112.10	Variance Criteria	2.1-60
2.112.11	Warning and Disclaimer of Liability	2.1-60
Section 2.113	LIMITED USE OVERLAY ZONE (LUO)	2.1-61

2.113.01	Purpose	2.1-61
2.113.02	Requirements	2.1-61
2.113.03	Procedures	2.1-61
2.113.04	Criteria	2.1-61
2.113.05	Adoption	2.1-62
2.113.06	Official Zoning Map	2.1-62
2.113.07	Development Provisions.....	2.1-62

2.101 RESIDENTIAL ACREAGE DISTRICT (RA)

2.101.01 Purpose

To preserve low density residential areas of the City which are not presently serviced with City water and sewer for future development at urban densities. The RA district is compatible with the Single Family Residential Comprehensive Plan designation.

2.101.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the RA zone:

- A. Single-family dwelling unit, detached
- B. Manufactured homes on individual lots, subject to the provisions of Section 2.305
- C. Farming, excluding intensive livestock or poultry operations
- D. Parks and open space uses
- E. Home occupation, subject to the provisions of Section 2.306.
- F. Day care facility (Serving fewer than 13 children)
- G. Residential care home or facility
- H. Partitioning, subject to the provisions in Section 3.106.
- I. Subdivisions, including manufactured home subdivisions, subject to the provisions in Section 3.107.
- J. Accessory buildings

2.101.03 Conditional Uses

The following uses may be permitted in the RA District when authorized by the Planning Commission pursuant to Section 3.103:

- A. Cemetery
- B. Golf course
- C. Horse stables, riding clubs, and riding areas

- D. Church

2.101.04 Dimensional Standards

The following minimum dimensional standards shall be required for all development in the RA District, except for modifications permitted under Section 2.402, General Exceptions.

- A. Minimum Lot Area 5 acres
- B. Minimum Yard Setbacks
 - 1. All structures shall maintain the following minimum yard setbacks:
 - a. Front Yard 15 feet
 - Garage setback 20 feet
 - b. Rear Yard 15 feet
 - c. Side Yard (interior) 5 feet
 - d. Side Yard (adjacent to street) 15 feet
- C. Maximum Structure Height
 - 1. Principal Structure 35 feet
 - 2. Accessory structure 35 feet

2.101.05 Development Standards

All development in the RA District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Parking shall be as specified in Section 2.203
- B. Subdivisions and partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.208.
- C. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:
 - Maximum lot coverage: 35%
 - Maximum parking area coverage: 30%
 - Combined maximum lot and parking area coverage: 60%

- D. Signs. Signs in the RA District shall conform to the standards of Section 2.206
- E. Yards and Lots. Yards and lots shall conform to the standards of Section 2.209.
- F. All driveways shall be separated from an intersection by at least 20 feet.
- G. Recreational vehicles, trailers, boats and other similar vehicles shall not be parked in the front yard area of the dwelling.
- H. Accessory structures. Accessory structures as provided for in Section 2.401.
- I. Garage/Carport. A garage or carport of like material and color of the home is required. If a carport is used, than a minimum 50 square foot storage area shall be provided. The carport or garage shall be at least 240 square feet in size and shall meet building code requirements.

2.102 LOW DENSITY RESIDENTIAL DISTRICT (R-1)

2.102.01 Purpose

To preserve existing single family residential areas and provide for future single family residential housing opportunities. The R-1 zone is consistent with the Single Family Residential Comprehensive Plan designation.

2.102.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the R-1 zone:

- A. Single-family dwelling unit, detached
- B. Manufactured homes on individual lots, subject to the provisions of Section 2.305
- C. Mobile home park, subject to the provisions of Section 2.304
- D. Residential accessory structures or uses
- E. Parks and open space uses
- F. Home occupation, subject to the provisions of Section 2.306
- G. Day care facility (Serving fewer than 13 children)
- H. Residential care home or facility
- I. Partitioning, subject to the provisions in Section 3.106.
- J. Subdivisions, subject to the provisions in Section 3.107.
- K. Planned unit development subject to the provisions of Sections 2.302

2.102.03 Conditional Uses

The following uses may be permitted in the R-1 District when authorized by the Planning Commission pursuant to Section 3.103:

- A. Duplex
- B. Public facility or government structure
- C. Bed and breakfast establishment

- D. Cemetery
- E. Golf Course
- F. Church

2.102.04 Dimensional Standards

The following minimum dimensional standards shall be required for all development in the R-1 District except for modifications permitted under Section 2.402, General Exceptions.

A. Minimum Lot Area

- 1. Single-family dwelling 7,500 square feet
- 2. Duplex 10,000 square feet
- 1. Public utility structures: Lot area shall be adequate to contain all proposed structures within required yard setbacks.
- 4. Mobile home parks 5 acres
- 5. All other uses 7,500 square feet

B. Minimum Yard Setbacks

- 1. All structures shall maintain the following minimum yard setbacks:
 - a. Front Yard 15 feet
 - Garage setback 20 feet
 - b. Rear Yard 15 feet
 - c. Side Yard (interior) 5 feet
 - d. Side Yard (adjacent to street) 15 feet

C. Maximum Structure Height

- 1. Principal Structure 30 feet
- 2. Accessory structure 20 feet

D. Minimum Lot Width at Building Line 65 feet

E. Average Lot Depth 90 feet

2.102.05 Development Standards

All development in the R-1 District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Parking shall be as specified in Section 2.203
- B. Subdivisions and partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.208.
- C. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:

Maximum building coverage:	35%
Maximum parking area coverage:	30%
Combined maximum lot and parking area coverage:	60%
- D. Signs. Signs in the R-1 District shall conform to the standards of Section 2.206
- E. Yards and Lots. Yards and lots shall conform to the standards of Section 2.209.
- F. All driveways shall be separated from an intersection by at least 20 feet.
- G. Recreational vehicles, trailers, boats and other similar vehicles shall not be parked in the front yard area of the dwelling.
- H. Accessory structures. Accessory structures as provided for in Section 2.401.
- I. Garage/Carport. A garage or carport of like material and color of the home is required. If a carport is used, than a minimum 50 square foot storage area shall be provided. The carport or garage shall be at least 240 square feet in size and shall meet building code requirements.

2.103 MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

2.103.01 Purpose

The purpose of the R-2 Zone is to provide for single family and multi-family housing opportunities. The R-2 zone is consistent with the Multi-family Residential Comprehensive Plan Designation.

2.103.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the R-2 zone:

- A. Single family dwelling, detached
- B. Single family dwelling, attached
- C. Manufactured homes on individual lots, subject to the provisions of Section 2.305
- D. Duplex
- E. Multi-family housing, including apartments, townhouses, and condominiums, subject to the Site Development Review procedures of Section 3.105.
- F. Bed and breakfast establishment, subject to the Site Development Review procedures of Section 3.105.
- G. Residential care home and facility
- H. Day care facility (serving fewer than 13 children)
- I. Home occupation, subject to the provisions of Section 2.306.
- J. Parks and open space areas
- K. Residential accessory structure or use
- L. Mobile home parks, subject to the provisions of Section 2.304.
- M. Partitioning, subject to the provisions in Section 3.106.
- N. Subdivisions, including manufactured park subdivisions, subject to the provisions in Section 3.107.
- O. Planned unit development subject to the provisions of Sections 2.302

2.103.03 Conditional Uses

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103.

- A. Government or public facility structures
- B. Hospitals
- C. Churches
- D. Planned unit development subject to the provisions of Section 2.302.

2.103.04 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R-2 District except for modifications permitted under Section 2.402, General Exceptions.

A. Minimum Lot Area

- 1. Single-family dwelling, detached 5,000 square feet
Single family dwelling, attached 4,000 square feet
- 2. Duplex 8,000 square feet
- 3. Multi-family dwelling
 - a. First three units 9,000 square feet
 - b. Each additional units 2,000 square feet
- 4. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.
- 5. Mobile home park 5 acres

B. Minimum Yard Setback Requirements

- 1. All principal and accessory structures shall maintain the following minimum yard setbacks:
 - a. Front Yard 15 feet
Garage setback 20 feet
 - b. Rear Yard 10 feet
 - c. Side Yard (interior) 5 feet
 - d. Side Yard (adjacent to street) 15 feet

- C. Maximum Structure Height
 - 1. Principal Structure 30 feet
 - 2. Accessory Structure 20 feet
- D. Minimum Lot Width 50 feet
- E. Average Lot Depth 85 feet

2.103.05 Development Standards

All development in the R-2 District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Parking shall be as specified in Section 2.203.
- B. Subdivisions and partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.208.
- C. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:

Maximum building coverage:	45%
Maximum parking area coverage:	30%
Combined maximum lot and parking area coverage:	75%

- D. Multi-family residential uses (three units or more) shall comply with the following standards:
 - 2. Multi-family developments shall be subject to the Site Development procedures in Section 3.105.
 - 2. A minimum of 25 percent of the gross site area shall be used for landscaping, buffering and outdoor recreation areas. All required yard areas adjacent to a street shall be landscaped, excepting a road devoted to off-street parking, drives, and walkways.
 - 3. All multi-family residential structures within a development shall maintain a minimum horizontal separation distance of 15 feet.
 - 4. Access points to public streets shall minimize traffic congestion and avoid directing traffic onto local access streets.

5. Landscaping shall meet or exceed the following standards:
 - a. A minimum of 25% of the gross site area shall be landscaped. Such landscaping may include buffer areas or outdoor recreation facilities.
 - b. All required yards adjacent to a street shall be landscaped, save that portion developed and used for off street parking. Such landscaping may be counted in meeting requirements of the preceding section.
 - c. Refuse areas shall be screened within an enclosed area.
- E. Yards and Lots. Yards and lots shall conform to the standards of Section 2.209.
- F. Signs. Signs shall conform to the requirements of Section 2.206.
- G. Driveways shall be separated from an intersection by at least 20 feet.
- H. Recreational vehicles, trailers, boats and other similar vehicles shall not be parked in the front yard area of the dwelling.
- I. Accessory structures. Accessory structures as provided for in Section 2.401.
- J. Garage/Carport. A garage or carport of like material and color of the home is required. If a carport is used, than a minimum 50 square foot storage area shall be provided. The carport or garage shall be at least 240 square feet in size and shall meet building code requirements.

2.104 RESIDENTIAL COMMERCIAL DISTRICT (RC)

2.104.01 Purpose

To provide areas for the development of a mixture of single family, multi-family, and manufactured homes, and limited retail and service commercial uses.

2.104.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the RC zone:

- A. The following residential and non-commercial uses are permitted in the RC District:
1. Single family dwellings, detached
 2. Single family dwellings, attached
 3. Manufactured homes on individual lots, subject to the provisions of Section 2.305
 4. Duplexes
 5. Multi-family housing, including apartments, townhouses, and condominiums, subject to the Site Development Review procedures of Section 3.105
 6. Bed and breakfast establishments, subject to the Site Development Review procedures of Section 3.105
 7. Residential care homes and facilities
 8. Day care facilities
 9. Home occupations, subject to the provisions of Section 2.306
 10. Parks and open space areas
 11. Churches
 12. Partitioning, subject to the provisions in Section 3.106.
 13. Subdivisions, subject to the provisions in Section 3.107.
- B. The following commercial uses are permitted, subject to the provisions in

Section 3.105, Site Development Plan Review and the provisions in Subsection 2.103.02 (C):

1. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; television and radio broadcast studios, and, miscellaneous offices such as detective agencies, drafting services or contractors offices.
2. Professional offices and clinics including, but not limited to, medical, dental, engineering and legal services, but excluding veterinary clinics.
3. Banks and other financial institutions.
4. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, artist supplies, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, nursery or greenhouse, pet shop, sporting goods, automobile parts and accessories, department store, clothing, jewelry, gift, and other types retail activities.
5. Restaurants, bakeries, coffee and snack shops and eating and drinking establishments, but excluding taverns, bars and similar establishments.
6. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.
7. Service related businesses such as barber shops, beauty shops, tailors, advertising agencies, travel agencies, art or craft studios, self-serve laundry, dry cleaning (except bulk dry cleaning plants), self-store lockers including food storage lockers, parcel service, printing or photocopying, video rental, or other activities where the primary activity is the providing of a service to retail customers.
8. Entertainment facilities such as movie theaters, theaters, bowling alleys, amusement centers including those featuring video games.
9. Public automobile parking.
10. Accessory structures and uses customarily provided for retail activities.

- 3. Multi-family dwelling
 - a. First three units 9,000 square feet
 - b. Each additional units 2,000 square feet
- 4. Commercial Use 5,000 square feet
- 1. Mixed commercial and residential: Shall comply with the minimum for residential development.
- 6. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.

B. Minimum Yard Setback Requirements

- 1. Residential Uses
 - a. Front Yard 15 feet
 - Garage setback 20 feet
 - b. Rear Yard 10 feet
 - c. Side Yard (interior) 5 feet
 - d. Side Yard (adjacent to street) 15 feet
- 2. Commercial Uses
 - a. Front Yard None
 - b. Rear Yard
 - i. Abutting a non-residential district None
 - ii. Abutting a residential district, excluding R-3 10 feet
 - c. Side Yard
 - i. Abutting a non-residential district None
 - ii. Abutting a residential district, excluding R-3 10 feet
- 3. Mixed commercial and residential
 - a. Front Yard 5 feet
 - b. Rear Yard
 - i. Abutting a non-residential district 5 feet
 - ii. Abutting a residential district, excluding R-3 10 feet
 - c. Side Yard
 - i. Abutting a non-residential district 5 feet
 - ii. Abutting a residential district, excluding R-3 10 feet
- 4. Public
 - a. Front Yard 15 feet

	Garage setback	20 feet
b.	Rear Yard	10 feet
c.	Side Yard (interior)	5 feet
d.	Side Yard (adjacent to street)	15 feet
C.	<u>Maximum Structure Height</u>	
	1. Principal Structure	30 feet
	2. Accessory Structure	20 feet
D.	<u>Minimum Lot Width</u>	50 feet
E.	<u>Average Lot Depth</u>	85 feet

2.104.05 Development Standards

All development in the RC zone shall comply with the applicable provisions of Section 2.400. In addition, the following specific standards shall apply:

- A. Off-Street Parking. Parking shall be as specified in Section 2.205.
- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.210.
- C. Multi-family Residential. Multi-family development shall be subject to the Site Development Review procedures of Section 3.105 and shall comply with the following additional standards:
 - 1. Multi-family developments shall be subject to the Site Development procedures in Section 3.105.
 - 2. A minimum of 25 percent of the gross site area shall be used for landscaping, buffering and outdoor recreation areas. All required yard areas adjacent to a street shall be landscaped, excepting a road devoted to off-street parking, drives, and walkways.
 - 3. All multi-family residential structures within a development shall maintain a minimum horizontal separation distance of 15 feet.
 - 4. Access points to public streets shall minimize traffic congestion and avoid directing traffic onto local access streets.
 - 5. Landscaping shall meet or exceed the following standards:
 - a. A minimum of 25% of the gross site area shall be

landscaped. Such landscaping may include buffer areas or outdoor recreation facilities.

- b. All required yards adjacent to a street shall be landscaped, save that portion developed and used for off street parking. Such landscaping may be counted in meeting requirements of the preceding section.
- c. Refuse areas shall be screened within an enclosed area.

D. Commercial Uses. Commercial uses in the RC District shall be subject to the Site Development Review procedures of Section 3.105 and shall comply with the following additional standards:

- 1. The building exterior shall comply with the provisions in Section 2.105.05.B.3., of the Commercial Core zone.
- 2. Any outside storage space maintained in the RC District shall be enclosed by a 6 foot sight-obscuring fence or a hedge row not less than 3 feet high and capable of attaining a height of 6 feet.
- 3. Access points to public streets shall minimize traffic congestion and avoid directing traffic onto local access streets.
- 4. Off-street parking for commercial uses shall be provided in accordance with the standards of Section 2.205.
- 5. A minimum of 6 percent of the gross site area shall be devoted to landscaping in commercial developments.

E. Mixed Commercial and Residential Uses. Development of mixed commercial and residential uses shall be subject to the provisions in item D., above, except that the minimum landscaped area shall be 15%.

F. Signs. Signs shall conform to the requirements of Section 2.208.

G. Yards and Lots. Yards and lots shall conform to the standards of Section 2.211.

H. Accessory structures. Accessory structures as provided for in Section 2.209.10

I. Garage/Carport. A garage or carport of like material and color of the home is required. If a carport is used, than a minimum 50 square foot storage area shall be provided. The carport or garage shall be at least 240 square feet in size and shall meet building code requirements.

2.105 COMMERCIAL-CORE DISTRICT (C-1)

2.105.01 Purpose

To provide for commercial operations and services required to meet the economic needs of the City of Lafayette, while retaining the historic integrity of the core area. The Commercial district is consistent with the Commercial Comprehensive Plan designation.

2.105.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the C-1 zone, subject to the provisions in Section 3.105, Site Development Plan Review:

- A. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; television and radio broadcast studios (excluding broadcast towers and dishes), and, miscellaneous offices such as detective agencies, drafting services or contractors offices.
- B. Professional offices and clinics including, but not limited to, medical, dental, veterinarian clinics, engineering and legal services.
- C. Banks and other financial institutions.
- D. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, artist supplies, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, nursery or greenhouse, pet shop, sporting goods, automobile parts and accessories, department store, clothing, jewelry, gift, and other types retail activities.
- E. Restaurants, bakeries, drive-ins, taverns, snack shops and other types of eating and drinking establishments, including entertainment facilities accessory to the establishment.
- F. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.
- G. Service related businesses such as barber shops, beauty shops, tailors, advertising agencies, travel agencies, art or craft studios, self-serve laundry, dry cleaning (except bulk dry cleaning plants), self-store lockers including food storage lockers, parcel service, printing or photocopying, equipment

rental, video rental, or other activities where the primary activity is the providing of a service to retail customers.

- H. Entertainment facilities such as movie theaters, theaters, bowling alleys, amusement centers including those featuring video games.
- I. Public automobile parking.
- J. Churches
- K. Public and semi-public utility facilities, distribution plants and service yards; excluding radio or television transmission towers; ambulance service
- L. Second or upper story apartments.
- M. Accessory structures and uses customarily provided for retail activities.
- N. Residential care homes and facilities
- O. Day care facilities
- P. Partitioning, subject to the provisions in Section 3.106.
- Q. Subdivisions, subject to the provisions in Section 3.107.
- R. Non-profit member organizations, such as business associations, labor unions, political organizations or fraternal lodges.
- S. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage

2.105.03 Conditional Uses

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103:

- A. Government or public facility structures
- B. Cabinet shops
- C. Except as provided in Section 2.307, any otherwise permitted commercial activity, involving the processing of materials which is essential to the permitted use and which processing of materials is conducted wholly within an enclosed building.

2.105.04 Dimensional Standards

The following minimum dimensional standards, with the exception of modifications permitted under Section 2.402, shall be required for all development in the Commercial District.

- A. Minimum lot area: No limitation
- B. Minimum yard setbacks:
 - 1. Front Yard None
 - 2. Rear Yard
 - a. Abutting a non-residential district None
 - b. Abutting a residential district, excluding R-3 10 feet
 - 3. Side Yard
 - a. Abutting a non-residential district None
 - b. Abutting a residential district, excluding R-3 10 feet
- C. Maximum Third Street Front Yard Setback: 10 feet
- D. Maximum structure height: 50 feet

2.105.05 Development Standards

All developments in the C-1 District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-Street Parking. Off-street parking shall comply with the following provisions:
 - 1. Parking space, dimension and improvement requirements shall comply with Section 2.203. All parking spaces shall be located behind the primary building. For corner lots, this shall be identified as being opposite, and furthest from, the primary building access.
 - 2. As an alternative to providing the on-site parking required item “1.” above, the owner may contribute to an City Council adopted municipal parking fund, an amount equivalent to the parking spaces required by the proposed use.
- B. Building Design.

1. Orientation. Primary structures shall be oriented toward Third Street. A public entrance shall be provided onto Third Street.
 2. Landscaping/pedestrian amenities. If a building is setback from Third Street, at least 50% of the setback area shall be improved with pedestrian and landscaping amenities. Permitted landscaping and pedestrian amenities include plants, planters, shrubbery, benches, tables, etc.
 3. Siding materials. Exterior siding materials visible from the street right-of-way shall be wood or masonry, or such other material indistinguishable in appearance from wood or masonry. Such wood type siding as horizontal lap, shingle, and board and batten are acceptable. Acceptable wood substitutes such as vinyl, aluminum, and pressed wood product shall only be permitted as a horizontal lap siding. Such masonry type siding as brick and stone are acceptable; stucco material is prohibited. Acceptable masonry substitutes include masonry veneer and concrete or other similar material formed to simulate rock or brick.
- C. Signs. Signs in the C-1 District shall be subject to the provisions of Section 2.206 , Signs.
- D. Subdivisions and Partitions. All subdivisions and partitions shall be reviewed in accordance with the provisions of Section 3.107, Subdivisions and Planned Unit Developments.
- E. Design Review. Development within the C-1 zone shall be subject to the provisions in Section 3.105, Site Development Review.
- F. Outdoor Display. There shall be no outdoor display or storage of materials or merchandise within a designated alleyway, roadway or sidewalk that would impede pedestrian or vehicular traffic except during community retail sales events. Safety precautions shall be observed at all times.
- G. Minimum Landscaped Area. In addition to the specific requirements in item "B." above, all areas not containing structures or parking shall be landscaped.

2.106 COMMERCIAL-GENERAL DISTRICT (C-2)

2.106.01 Purpose

To provide areas for the broad range of commercial operations and services required to meet the economic needs of the City of Lafayette. The Commercial General District is consistent with the Commercial Comprehensive Plan designation.

2.106.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the C-2 zone, subject to the provisions in Section 3.105, Site Development Plan Review:

- A. Day care facilities
- B. Partitioning, subject to the provisions in Section 3.106.
- C. Subdivisions, subject to the provisions in Section 3.107.
- D. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; television and radio broadcast studios (excluding broadcast towers and dishes), and, miscellaneous offices such as detective agencies, or contractors offices.
- E. Professional offices and clinics including, but not limited to, medical, dental, veterinarian (excluding farm animals), engineering and legal services.
- F. Banks and other financial institutions.
- G. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, artist supplies, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, nursery or greenhouse, pet shop, sporting goods, automobile parts and accessories, department store, clothing, jewelry, gift, and other types retail activities.
- H. Restaurants, bakeries, drive-ins, snack shops and other types of eating and drinking establishments, including entertainment facilities accessory to the establishment.
- I. Retail and service related stores such as TV and radio sales and service, bicycle shop, gunsmith, small equipment rental (excluding commercial or industrial equipment), upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use.

- J. Service related businesses such as barber shops, beauty shops, tailors, advertising agencies, travel agencies, art or craft studios, self-serve laundry, dry cleaning (except bulk dry cleaning plants), self-store lockers including food storage lockers, parcel service, printing or photocopying, video rental, or other activities where the primary activity is the providing of a service to retail customers. This section includes exterminating and pest control services.
- K. Amusement and recreation facilities such as auditoriums, stadiums, arcades, bowling alleys, miniature golf courses, movie theater, theater and indoor skating rinks.
- L. Public automobile parking.
- M. Accessory structures and uses customarily provided for retail activities.
- N. Automobile service station, including towing services and vehicle washing and polishing facilities, and services, and, subject to the development provisions in Section 2.308.
- O. New and used automobile, truck (less than 16,000 lbs. gross vehicle weight), motorcycle, trailer, recreational vehicle, and boat sales, service and storage, subject to the provisions in Section 2.308.
- P. Retail tire sales; vehicle service and repair.
- Q. Moving and storage, warehouse for short term storage, including mini-warehouse and cold storage.
- R. Lumber yard and contracting supplies for lumber, stone, masonry, and special trade contracting facilities and storage and sales, such as floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting.
- S. Feed and seed stores; wholesale distribution of sand, gravel, bark dust, sawdust, compost.
- T. Welding shop, blacksmith.
- U. Public utility structures and buildings, such as pump stations, reservoirs, electric substations, and necessary right-of-way for identified public utilities.
- V. Mortuary.
- W. Ambulance service.
- X. Auction house (no livestock); second hand stores.

- Y. Bulk cleaning and laundry plants.
- Z. Recreational vehicle park.
- AA. Research laboratories.
- BB. Accessory structures and uses customarily provided for retail activities.
- CC. Single family residence in-conjunction with a permitted commercial use of the property.
- DD. Second or upper story apartments.
- EE. Non-profit member organizations, such as business associations, labor unions, political organizations or fraternal lodges.
- FF. Business schools
- GG. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage

2.106.03 Conditional Uses

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103:

- A. Government or public facility structures
- B. Concrete mixing or batching plants
- C. Cabinet shops
- D. Commercial or vehicle machine shops; auto body painting and repair.
- E. Taverns, bars and similar types of establishments, including entertainment facilities accessory to the establishment.
- F. Lumber and wood products processing plants, including saw mills and paper mills
- G. Manufacturing, assembly, testing and repair of components, devices, equipment and systems of an electronic or electromechanical nature, and precision equipment.
- H. Manufacturing, compounding, bottling, processing, packaging, or treatment of food and beverage products

- I. Manufacturing, compounding, processing, assembling, packaging, treatment or fabrication or such facilities to include cosmetics, drugs, glass, leather, paint, ceramics, paper, perfume, plaster, plastics, stone, textiles, rubber, wood, metal products and chemicals

2.106.04 Dimensional Standards

The following minimum dimensional standards, with the exception of modifications permitted under Section 2.402, shall be required for all development in the Commercial District.

- A. Minimum lot area: No limitation
- B. Minimum yard setbacks:
 - 1. Front Yard None
 - 2. Rear Yard
 - a. Abutting a non-residential district None
 - b. Abutting a residential district, excluding R-3 10 feet
 - 3. Side Yard
 - a. Abutting a non-residential district None
 - b. Abutting a residential district, excluding R-3 10 feet
- C. Maximum structure height: 50 feet

2.106.05 Development Standards

All developments in the Commercial General District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-Street Parking. Off-street parking shall be as specified in Section 2.203.
- B. Signs. Signs in the Commercial General District shall be subject to the provisions of Section 2.206.
- C. Subdivisions and Partitions. All subdivisions and partitions shall be reviewed in accordance with the provisions of Section 3.107.
- D. Design Review. All new development and expansion of an existing structure or use in the Commercial General District shall be subject to the Site Development Review procedures of Section 3.105. As a part of the design

review process the City may impose the following conditions on a new or expanding development:

1. Limit or prohibit access to local streets which principally serve residential uses;
 2. Require a traffic impact analysis;
 3. Limit or prohibit access to Third Street; and
 4. Require the additional dedication of right-of-way and/or street improvements where necessary to meet City street standards.
 5. Property re-zoned from C-1 to C-2 shall be subject to the design standards in Section 2.105.05.A., B. and C.
- E. Outdoor Display. There shall be no outdoor display or storage of materials or merchandise within a designated alleyway, roadway or sidewalk that would impede pedestrian or vehicular traffic except during community retail sales events. Safety precautions shall be observed at all times.
- F. Outdoor Storage. Outdoor storage areas abutting or facing a residential district shall be enclosed by a sight obscuring fence or landscaped buffer.
- G. Minimum Landscaped Area. All development shall provide a minimum landscaped area equal to 6 percent of the gross site area.

2.107 INDUSTRIAL DISTRICT (I)

2.107.01 Purpose

The purpose of the I Zone is to provide areas suitable for warehousing, primary and secondary processing, packaging, fabricating of finished goods and equipment with related outdoor storage and incidental sales. The Industrial zone is appropriate in those areas designated Industrial in the Comprehensive Plan where the location has access to an arterial street or highway and where the noises, lights, odors, and traffic will not conflict with residential areas.

2.107.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the Industrial Zone, subject to the provisions in Section 3.105, site Development Review.

- A. Dwelling for a caretaker to be located on the premises.
- B. Partitioning, subject to the provisions in Section 3.106.
- C. Subdivisions, subject to the provisions in Section 3.107.
- D. Public utility structures and buildings, such as pump stations, reservoirs, sewage treatment plants, electric substations, and necessary right-of-way for identified public utilities.
- E. Commercial activities:
 - 1. Vehicle repair and maintenance, including electric motor repair, paint and body shop, tire recapping and similar automotive repair facilities.
 - 2. Automobile service station, including towing services and vehicle washing and polishing facilities, and services, and, subject to the development provisions in Section 2.308.
 - 3. New and used large truck (over 16,000 lbs. Gross vehicle weight), farm equipment, heavy construction equipment, logging equipment and boat rental, sales and service.
 - 4. Warehouse for short term storage, including mini-warehouse.
 - 5. Lumber yard and contracting supplies for lumber, stone, masonry or metal.

6. Special trade contracting facilities, such as; floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting.
7. Cabinet shop.
8. Welding and blacksmith shop.
9. Machine shop, and sales, service and repair of machinery
10. Bulk cleaning and laundry plants.
11. Accessory structures and uses customarily provided for retail activities.

F. Manufacturing and Assembly, Secondary Processing

1. Food processing, including canning, freezing, drying, bottling and similar food processing and preserving, including warehousing and distribution. BUT EXCLUDING processes which involve the slaughter of animals.
2. Textile mill products including apparel and other finished products made from fabrics and similar materials.
3. Furniture and fixtures including retail wood products.
4. Printing, publishing, and allied industries.
5. Rubber and plastic manufacturing; BUT EXCLUDING processing or manufacturing of the raw material.
6. Leather and leather goods; BUT EXCLUDING leather tanning and finishing.
7. Cement, glass, clay and stone products manufacturing.
8. Fabricated metal products, BUT EXCLUDING forgings, plating, coating and engraving, ordnance and accessories.
9. Electrical and electronic equipment, machinery and supplies BUT EXCLUDING storage and primary batteries.
10. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; time pieces.

11. Freight terminals, including loading docks, storage, warehousing and wholesale distribution, cold storage lockers and similar personal storage facilities such as mini-storage warehouses.
 12. Manufacturing or distribution of equipment related to operating a farm, nursery or vineyard.
- G. Wholesale trade and distribution facilities, BUT EXCLUDING trade and distribution involving:
1. Metals and minerals
 2. Machinery and equipment
 3. Scrap and waste material
 4. Farming materials such as fertilizers, pesticides and soils.
 5. Chemicals and allied products
 6. Petroleum and petroleum products
- H. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage.

2.107.03 Conditional Uses

The following uses shall require a Conditional Use permit:

- A. Recycling depots, excluding composting; but specifically prohibiting waste transfer facilities.
- B. Wrecking, demolition, junk yards.
- C. Battery manufacture, sales and service.
- D. Petroleum products storage and distribution; asphalt plants.
- E. Feed and seed facilities, grain elevators and storage; including agricultural chemical, fertilizer, insecticide storage and distribution
- F. Chemical manufacturing including agricultural chemicals, fertilizers and insecticides.
- G. Manufacture of primary and secondary wood products, including sawmills, paper and allied products.

- H. Auction yard, including livestock.
- I. All uses not specifically identified as a permitted use in, or specifically excluded from, Section 2.107.02 or Section 2.107.03 may be established by a conditional use permit. This provision shall not apply to waste transfer facilities.

2.107.04 Dimensional Standards

The following dimensional standards, with the exception of modifications allowed under Section 2.402, shall be required for all development in the Industrial District.

- A. Lot Size:
 - 1. Minimum lot area 5,000 square feet
 - 2. Minimum lot width 50 feet
- B. Setback Requirements:
 - 1. Front yard 20 feet
 - 2. Side yard none
 - 3. Side yard adjacent to residential zone 15 feet
 - 4. Side yard adjacent to a street 20 feet
 - 5. Rear Yard none
 - 6. Rear Yard adjacent to residential zone 25 feet
 - 7. Rear Yard adjacent to a street 20 feet
- C. Maximum Building Height: 50 feet

2.107.05 Development Standards

All development in the Industrial District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street Parking. Off-street parking in the Industrial District shall conform to the standards of Section 2.205.

- B. Signs. Signs in the Industrial District shall conform to the provisions of Section 2.206.
- C. Minimum Landscaped Area. All development in the Industrial District shall provide a minimum landscaped area equal to 6 percent of the gross site area.
- D. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.208.
- E. Design Review. Development shall be subject to the provisions in Section 3.105, Site Development Review.
- F. Yards and Lots. All new development shall comply with the yard and lot standards of Section 2.209.
- G. Outdoor Storage. Outdoor storage areas abutting or facing a commercial or residential district shall be enclosed by a sight obscuring fence or landscaped buffer. The fence or landscaped buffer shall be reviewed as a part of the design review process.
- H. Access. As a part of the design review process the City may impose the following conditions on a new or expanding development:
 - 1. Limit or prohibit access to local streets which principally serve residential uses;
 - 2. Require a traffic impact analysis;
 - 3. Limit or prohibit access to Third Street; and
 - 4. Require the additional dedication of right-of-way and/or street improvements where necessary to meet City street standards.
- I. Environmental Standards. Each application shall include a list of waste products generated by the proposed use as well as appropriate State and Federal regulatory provisions for the wastes.

2.108 PUBLIC/SEMI-PUBLIC DISTRICT (P)

2.108.01 Purpose

To recognize existing public facility land uses and to provide for the development of public facility services and other public-oriented uses. The Public/Semi-Public zone shall be consistent with the Public/Semi-Public Comprehensive Plan designation.

2.108.02 Permitted Uses

Unless otherwise subject to Conditional Use provisions or requirements of this Ordinance, the following uses are permitted in the Public/Semi-Public (P) Zone and subject to a Site Plan Review:

- A. Publicly owned buildings and facilities such as city halls, community centers, libraries, schools, fire stations and police stations.
- B. Public outdoor recreation facilities such as parks, swimming pools, golf courses and playgrounds.
- C. Public utility structures and buildings, such as pump stations, communication or transmission towers, reservoirs, electric substations, water and sewage treatment facilities and necessary right-of-way for identified public utilities; including office or administrative buildings.
- D. Lands designated for public open space such as nature preserves or scenic areas.
- E. Public parking areas
- F. Public schools, kindergarten to high school
- G. Police and fire stations
- H. Uses clearly accessory and subordinate to the above.
- I. Park and ride lot: parking spaces cannot count as required parking or be used for vehicle storage.

2.108.03 Conditional Uses

The following uses may be permitted in the P District when authorized by the Planning Commission pursuant to Section 3.103.

- A. Hospital

- B. Solid waste disposal, and recycling, sites and facilities.
- C. Commercial airport.

2.108.04 Dimensional Standards

- A. Lot Size: None
- B. Setback Requirements:
 - 1. Front Yard 20 feet
 - 2. Side Yard
 - a. Abutting an a Industrial or Public/Semi-Public zone 5 feet
 - b. Abutting a residential or commercial zone 20 feet
 - 3. Side Yard adjacent to a street 20 feet
 - 4. Rear Yard 30 feet
- C. Maximum Building Height 50 feet

2.108.05 Development Standards

All development in the P District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street Parking. Off-street parking in the P District shall conform to the standards of Section 2.203.
- B. Signs. Signs in the P District shall conform to the provisions of Section 2.206.
- C. Subdivisions and Partitions. All subdivisions and partitions shall be reviewed in accordance with the provisions of Section 2.208.
- D. Design Review. All new development of expansion or an existing structure or use in the P District shall be subject to the Site Development Review procedures of Section 3.105.
- E. Access. Site access points shall be located to minimize traffic hazards.

2.109 NEIGHBORHOOD COMMERCIAL (NC)

2.109.01 Purpose

The purpose of the Neighborhood Commercial (NC) zone is to provide commercial goods and services specifically designed to serve residential neighborhoods. Suitable businesses include low intensity retail commercial and service activities, and, professional and commercial offices. The Neighborhood Commercial zone is appropriate in those areas designated Residential in the Comprehensive Plan.

2.109.02 Permitted Uses

The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the NC zone:

- A. One dwelling per each business use on the lot or parcel.
- B. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies and investment companies; and miscellaneous offices such as travel agencies, design services or contractors offices.
- C. Professional offices including, but not limited to, medical (except hospitals or other facilities providing over-night care), dental, engineering and legal services. Veterinary clinics shall exclude on-site service to farm animals.
- D. Art gallery, art or craft studio, photographic studio, picture framing.
- E. Retail Trade
 - 1. General merchandise stores.
 - 2. Food stores provided there is no processing or sale of live animals, AND EXCLUDING freezer and locker meat provisioners.
 - 3. Eating and drinking places, BUT EXCLUDING drive-in or drive-through facilities and establishments serving alcohol.
- F. Business, Professional and Social Services
 - 1. Watch, clock, and jewelry repair.
 - 2. Hair salons.
 - 3. Shoe repair.

- 4. Computer and data processing services.
- 5. Accounting, bookkeeping.
- G. Partitions, subject to the provisions in Section 3.106, Partitions.
- H. Accessory structures and uses prescribed in Section 2.209.10, Yard and Lot Standards, Accessory Structures.

2.109.03 Conditional Uses:

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103.

- A. Hardware stores.
- B. Laundries and dry cleaning.
- C. Eating and drinking places which serve alcoholic beverages as a secondary use.

2.109.04 Dimensional Standards

The following minimal dimension standards, with the exception of modifications permitted under Section 2.402, shall be required for all development in the Neighborhood commercial Zone.

- A. Minimum Lot Area 5,000 square feet
- B. Minimum Yard Setbacks:
 - 1. Front Yard 5 feet
 - 2. Rear Yard 15 feet
 - 3. Side Yard (interior) 10 feet
- C. Maximum Structure Height 30 feet
- D. Maximum Building Size 2,500 square feet

2.109.05 Development Standards

All development in the NC Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. Buildings. All new commercial buildings shall be residential in appearance.
- B. Off-street Parking and Loading. Parking shall be as specified in Section 2.203.
- C. Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 3.106.
- D. Yards and Lots. Yards and lots shall conform to the standards of Section 2.209.
- E. Signs. Signs shall conform to the requirements of Section 2.206, Signs.
- F. Accessory Structures. Accessory structures as provided for in Section 2.401, General Standards.
- G. Landscaping: A minimum of 20% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.207, Site and Landscaping Design.
- H. Lot Coverage: The maximum coverage allowed for buildings, accessory structures and paved parking shall be 80%.
- I. Screening: Yards adjacent to residentially zoned or used lot shall be screened by a six foot sight-obscuring fence, wall or hedge.
- J. Hours of operation: Businesses within the NC zone shall not open for business earlier than 7:00 am and shall close no later than 10:00 pm.
- K. Outdoor storage: The outdoor storage of materials, equipment or products shall be prohibited.

2.109.06 NC Zone Location Requirements

- A. NC zoned property shall either be located on a collector or arterial street, or be within 300 feet of a collector or arterial street.
- B. NC zoned property shall not be located adjacent to NC, RC, C-1, C-2, or I zoned property.

- C. With the exception of land located at a public street intersection, no NC zoned parcel can be located within 300 feet of another parcel zoned NC. This requirement does not apply to the partitioning of an RC zoned parcel.
- D. Establishment of the NC zone shall require a signed petition supporting the change by a minimum of 50% of the property owners within 200 feet of the subject property.

Section 2.110

RESERVED

2.111 RESTRICTED DEVELOPMENT OVERLAY DISTRICT (R-D)

2.111.01 Purpose

The purpose of the Restricted Development Overlay District is to protect the natural, scenic, and recreational qualities of lands along streams and drainage corridors identified within the City of Lafayette's Comprehensive Plan "Open Space Overlay" designation. Further, it is the intent of this Section to implement goals and policies of the Comprehensive Plan relating to the Open Space designation by establishing standards and requirements for the use of lands within the implementing R-D District.

2.111.02 Application

The provisions of this overlay district shall apply to all lands designated as "Open Space Overlay" on the City of Lafayette Comprehensive Plan Map and zoned Restricted Development Overlay District (R-D).

2.111.03 Review of Uses

Within the R-D Overlay District a conditional use permit shall be required for all new uses, use changes, intensification of uses or site alteration for uses otherwise permitted in the underlying zone except for the following activities which are not subject to review:

- A. Reasonable emergency procedures necessary for the safety or protection of property.
- B. Maintenance and repair necessary, and usual, for the continuance of an existing use.
- C. The placing by a public agency of signs, markers, aids, etc. to serve the public.
- D. Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical and natural uses of public lands, identified in a public park master plan approved by the City Council.
- E. Public utilities and facilities in conjunction with an approved development or identified as part of a master utility plan approved by the City Council.

2.111.04 Review Process

- A. Unless otherwise permitted in Section 2.111.03, all development within the R-D Overlay District, shall require approval of a Conditional Use, pursuant to Section 3.103. The application may be processed separately or in

conjunction with other required land use actions.

- B. In addition to the submittal requirements for a Conditional Use application, the applicant shall supply the following:
 - 1. Plot plan showing the following:
 - a. Location of the Overlay District Boundary.
 - b. The proximity of the activity to any adjacent streams or drainage corridors.
 - c. The location of any existing vegetative fringe along the stream or drainage and other significant vegetation.
 - 2. Statements addressing the additional review standards and criteria in Section 2.111.05.
 - 3. Any additional information determined by the City Manager to be necessary to demonstrate compliance with this zone.
- C. With the exception of partitioning, subdivisions and planned unit developments, a parcel located within the R-D Overlay District is not subject to a conditional use review if the proposed development will be located entirely outside the boundary of the Overlay District.

2.111.05 Review Standards and Criteria

In addition to the Conditional Use criteria in Section 3.103, a conditional use permit within the R-D Overlay District shall indicate how: (a) the proposal will not affect the following factors; (b) the proposal can be mitigated in some manner to minimize or eliminate potential harmful impacts regarding the following factors; or, (c) the factors do not apply to the request. The factors include:

- A. Development shall be directed away from adjacent streams and drainage corridors to the greatest possible extent.
- B. The development, change, or intensification of use shall provide the maximum possible landscaped area, open space, or vegetation between the activity and adjacent streams or drainage corridors.
- C. The fringe along streams and drainage corridors shall be maintained to the maximum extent practical to ensure scenic quality, protection of wildlife habitat, and protection from erosion. Management of the natural vegetation, including trees or forest cover, shall be subject to the requirements of Section 2.111.06.

- D. Areas of annual flooding, flood plains, and wetlands shall be preserved in their natural state to the maximum possible extent to protect water retention, overflow and other natural functions. The development shall comply with the flood plain or floodway development requirements of the Lafayette Zoning and Development Ordinance.

2.111.06 Riparian Vegetation and Forestry Management

For both permitted uses and conditionally permitted uses, vegetation removal and forestry management within the R-D Overlay District shall be subject to the following guidelines:

- A. Where a stream or river is identified, the vegetation shall be preserved by maintaining an area 50 feet on each side of, and parallel to, the high water (bank full) line. No trees over 6 inches in caliper, measured 4 feet above the ground, shall be removed from this R-D Overlay area.
- B. Where there is no natural stream flow or identified high water (bank full) line (e.g. drainage ditch), vegetation shall be preserved by maintaining an area 50 feet on each side of, and parallel to, the centerline of the stream or river. No trees over 6 inches in caliper, measured 4 feet above the ground, shall be removed from this R-D Overlay area.
- C. Forestry operations shall be conducted consistent with the Oregon Forest Practices Act.

2.111.07 Residential Density

R-D Overlay areas may not be included in the calculation of permitted residential density within a planned unit development when the applicable density is proposed to be transferred to areas outside the Overlay District boundary.

2.111.08 Preservation Methods

Where preservation is required as a condition of approval or proposed by the applicant to mitigate development impacts, any one of the following methods shall be employed to guarantee the preservation of the resource:

- A. Dedication to the City for public park or open space if recommended by the planning Commission and accepted by the City Council.
- B. Platting of the affected area within a subdivision or Planned Unit Development as an open space tract to be commonly owned and maintained by a home owners association. Such association shall show evidence of liability insurance (to be reviewed tri-annually by the City Council), provide

public safety coverage for the area and maintain the physical condition of the area as required by this Section.

- C. Creation of conservation easements, or other similar deed restrictions recommended by the Planning Commission, and adopted by the City Council which effectively prohibits construction of structures and other unauthorized uses and activities within the R-D Overlay District.

2.112 FLOOD PLAIN OVERLAY DISTRICT (FP)

2.112.01 Purpose

The purpose of the Flood Plain Overlay Zone is to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- B. Minimize expenditure of public money for flood control projects, rescue and relief efforts in areas subject to flooding.
- C. Minimize flood damage to new construction by elevating or flood proofing all structures.
- D. Control the alteration of natural flood plains, stream channels, and natural protective barriers which hold, accommodate or channel flood waters.
- E. Control filling, grading, dredging and other development which may be subject to or increase flood damage.
- F. Prevent or regulate the construction of flood barriers which may increase flood hazards in other areas.
- G. Comply with the requirements of the Federal Insurance Administration to qualify the City of Lafayette for participation in the National Flood Insurance Program.
- H. Minimize flood insurance premiums paid by the citizens of the City of Lafayette by reducing potential hazards due to flood damage.
- I. Implement the flood plain policies in the City of Lafayette Comprehensive Plan.

2.112.02 Definitions

For purposes of this Overlay Zone, the following terms shall mean:

- A. Accessory Structure - Sheds or small garages that are exempt from elevation or flood proofing requirements. This definition shall be limited to detached structures less than 480 square feet in area.
- B. Area of Special Flood Hazard - Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

- C. Base Flood Level - The flood level having a one (1) percent chance of being equaled or exceeded in any given year (100 year flood plain).
- D. Conveyance - Refers to the carrying capacity of all or a part of the flood plain. It reflects the quantity and velocity of flood waters. Conveyance is measured in cubic feet per second (CFS). If the flow is 30,000 CFS at a cross section, this means that 30,000 cubic feet of water pass through the cross section each second.
- E. Development - Any activity that has the potential to cause erosion or increase the velocity or depth of floodwater. Development may include, but is not limited to, residential and non-residential structures, fill, utilities, transportation facilities, and the storage and stockpiling of buoyant or hazardous materials.
- F. Encroachment - Any obstruction in the flood plain which affects flood flows.
- G. Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision - A parcel (or contiguous parcels) of land divided into two or more mobile/manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile/manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Ordinance.
- H. Expansion to an Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile/manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).
- I. FEMA - The Federal Emergency Management Agency, the federal organization responsible for administering the National Flood Insurance Program.
- J. Fill - The placement of any material on the land for the purposes of increasing its elevation in relation to that which exists. Fill material includes, but is not limited to, the following: soil, rock, concrete, bricks, wood stumps, wood, glass, garbage, plastics, metal, etc.
- K. Flood or Flooding - A general and temporary condition of partial or complete inundation of usually dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

- L. Flood Boundary Floodway Map (FBFM) - The map portion of the Flood Insurance Study (FIS) issued by the Federal Insurance Agency on which is delineated the Flood Plan, Floodway (and Floodway Fringe), and cross sections (referenced in the text portion of the FIS).
- M. Flood Insurance Rate Map (FIRM) - The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (flood plain) and the risk premium zones applicable to the community and is on file with the City of Lafayette.
- N. Flood Insurance Study (FIS) - The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway map and the water surface elevation of the base flood and is on file with the City of Lafayette.
- O. Flood Plain - Lands within the City that are subject to a one (1) percent or greater chance of flooding in any given year as identified on the official zoning maps of the City of Lafayette.
- P. Flood Proofing - A combination of structural or non-structural provisions, changes, or adjustments to structures, land or waterways for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area.
- Q. Floodway - The channel of a river or other watercourse and the adjacent land areas that must remain unobstructed to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Once established, nothing can be placed in the floodway that would cause any rise in the base flood elevation.
- R. Floodway Fringe - The area of the flood plain lying outside of the floodway as delineated on the FBFM where encroachment by development will not increase the flood elevation more than one foot during the occurrence of the base flood discharge.
- S. Hazardous Material - Combustible, flammable, corrosive, explosive, toxic or radioactive substance which is potentially harmful to humans and the environment.
- T. Lowest floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

- U. Manufactured home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes mobile homes as defined in sub Q., of this Section. For insurance and floodplain management purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
- V. Manufactured home park or subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- W. Mean sea level - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- X. Mobile home - means a vehicle or structure, transportable in one or more sections, which is eight feet or more in width, is 32 feet or more in length, is built on a permanent chassis to which running gear is or has been attached, and is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities. Such definition does not include any recreational vehicle as defined by sub T., of this Section.
- Y. New Construction- Any structure(s) for which the start of construction commenced on or after the original effective date of the Floodplain Overlay Zone.
- Z. Obstruction - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that it is placed where the flow of water might carry the same downstream to the damage of life or property.
- AA. Recreational vehicle - means a "camper," "motor home," "travel trailer," as defined in ORS 801.180, 801-350, and 801-565 that is intended for human occupancy and is equipped with plumbing, sinks, or toilet, and does not meet the definition of a mobile home in sub V., of this Section.
- BB. Start of Construction - The first placement or permanent construction of a structure (other than a mobile/manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing,

grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not used as part of the main structure.

For a structure (other than a mobile/manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.

For mobile/manufactured homes not within a mobile/manufactured home park or manufactured home subdivision, "start of construction" means affixing of the mobile/manufactured home to its permanent site. For mobile/manufactured homes within mobile/manufactured home parks or manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile/manufactured home is to be affixed (including at a minimum, the construction of streets with final site grading or the pouring of concrete pads, and installation of utilities) is completed.

- CC. Structure - Roofed buildings that have two or more walls, and gas or liquid storage tanks that are principally above ground.
- DD. Substantial Improvement - Any repair, reconstruction, addition, rehabilitation or other improvements of a structure, the cost of which exceeds 50% of the market or assessed value of the structure before the start of construction of the improvement:
 - 1. Before the improvement or repair is started; or
 - 2. If the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structures. The term does not include:
 - 4. Any project to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local building code enforcement official and which are the minimum necessary to assure safe living conditions.
 - 5. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places, provided,

the alteration will not preclude the structure's continued designation as an historic structure.

- EE. Watercourse - A natural or artificial channel in which a flow of water occurs either continually or intermittently in identified floodplain.

2.112.03 General Provisions

The following regulations apply to all lands in identified flood plains as shown graphically on the zoning maps. The flood plain is those areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Lafayette, Oregon," dated August 1, 1980, with accompanying Flood Insurance Rate Maps. The report and maps are incorporated in the overlay zone by this reference and are on file at the City of Lafayette. When base flood elevation data has not been provided, the City Administrator, or designee, shall have the authority to determine the location of the boundaries of the floodplain where there appears to be a conflict between a mapped boundary and the actual field conditions, provided a record is maintained of any such determination.

- A. Duties of the City Administrator, or designee, shall include, but not be limited to:
1. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
 2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
 3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 2.112.07 L, 1, are met.
- B. Use of Other Base Flood Data: When base flood elevation data has not been provided on the FIRM, or when more detailed data is available, the City Administrator, or designee, shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of this Section.
- C. Information to be Obtained and Maintained:
1. From the developer of the property, obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures.

2. For all new or substantially improved flood proofed structures:
 1. Verify and record the actual elevation as furnished by the developer (in relation to mean sea level), and,
 - b. Maintain any flood-proofing certifications required by this Section.
 3. Maintain for public inspection all records pertaining to the provisions of this Ordinance.
- D. Permitted, but not exempt, activities in the flood area shall be reviewed as a Type I-A action. Activities requiring conditional use approval shall be reviewed as a Type II action.

2.112.04 Uses - Exempt

Within a FP (FLOOD PLAIN) Overlay zone no uses, structures, vehicles, and premises shall be used or established except as provided in the applicable underlying zone and the provisions of this overlay zone. Except as provided herein all uses and floodplain development shall be subject to issuance of a determination or a conditional use permit as provided in Section 2.112.05 and 2.112.06. The following uses are exempt from the regulations of this overlay zone:

- A. Signs, markers, aids, etc., placed by a public agency to serve the public.
- B. Driveways, parking lots and other open space use areas where no alteration of topography will occur.
- C. Minor repairs or alterations to existing structures provided the alterations do not increase the size or intensify the use of the structure, and do not constitute "substantial improvement" as defined in Section 2.112.02.
- D. Customary dredging associated with channel maintenance consistent with applicable State or Federal law.
- E. Placement of utility facilities necessary to serve established and permitted uses within flood plain areas, such as telephone poles. This exemption does not apply to buildings, substations, or other types of flood plain development.

2.112.05 Uses - Permitted

If otherwise allowed in the zone, dwellings, a manufactured home on a lot, a manufactured home in a manufactured home park, and other structures that involve a building permit, including the placement of fill to elevate a structure, may be allowed subject to a written determination (flood plain development permit) that the following requirements are met:

- A. The structure is not located within a floodway.
- B. The required elevation to which the lowest floor of the structure must be elevated can be determined from the Flood Insurance Study.
- C. The structures will be located on natural grade or compacted fill.
- D. The lowest floor will be elevated to one (1) foot above the level of the base flood elevation and the anchoring requirements in Section 2.112.07 F.
- E. The Building Official has determined that any construction and substantial improvements below base flood level meet the requirements of Section 2.112.07 A. 4.
- F. The building permit specifies the required elevation of the lowest floor, any anchoring requirements and requires provision of certification under Section 2.112.06 C, prior to occupancy.
- G. A certificate signed by a licensed surveyor or civil engineer certifying that the lowest floor including basement, is at or above the specific minimum is submitted to the City Administrator, or designee, prior to use of the structure.
- H. No alteration of topography beyond the perimeter of the structure is proposed.
- I. A recreational vehicle may be located in a floodplain only during the non-flood season (June 1 through September 30), provided, it is fully licensed and ready for highway use, or meet the requirements for manufactured homes.

A recreation vehicle is ready for highway use if it is 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.

2.112.06 Conditional Use Procedures and Requirements

- A. Except as provided in Section 2.112.04 and 2.112.05, a conditional use permit shall be obtained before construction or development begins within the Flood Plain Overlay Zone. The conditional use permit shall include conditions ensuring that the Flood Protection standards in Section 2.112.07 are met.
- B. When base flood elevation data and floodway data have not been provided in accordance with Section 2.112.03, the applicant, with the assistance of the City Administrator, or designee, shall obtain any base flood elevation data or evidence available from a Federal, State or other source in order to determine compliance with the flood protection standards. If data is insufficient, the City Administrator, or designee, may require that the

applicant provide data derived by standard engineering methods.

- C. Prior to occupancy the applicant shall provide a certificate signed by a licensed surveyor or civil engineer certifying that the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved manufactured homes and structures meets the requirements of Sections 2.112.07 A., B., and, C.
- D. In addition to other information required in a conditional use application, the application shall include:
 - 1. Land elevation in mean sea level data at development site and topographic characteristics of the site.
 - 2. Base flood level expressed in mean sea level data on the site.
 - 3. Plot plan showing property location, floodplain, and floodway boundaries where applicable, boundaries and the location and floor elevations of existing and proposed development, or the location of grading or filling where ground surface modifications are to be undertaken.
 - 4. Any additional statements and maps providing information demonstrating existing or historical flooding conditions or characteristics which may aid in determining compliance with the flood protection standards of this overlay zone.
- E. Factors of Consideration - In reviewing a conditional use application for a development permit, the following factors shall be considered in making a decision on approval or denial of the permit:
 - 1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - 2. The danger that materials may be swept on to other lands or downstream to the injury of others.
 - 3. The proposed water supply and sanitation systems and the ability of those systems to prevent disease, contamination and unsanitary conditions.
 - 4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - 5. The importance to the community of the service provided by the proposed facility.

6. The requirements of the facility for a waterfront location.
 7. The availability of alternative locations not subject to flooding for the proposed use.
 8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
 10. The safety of access to property in times of flood for ordinary and emergency vehicles.
 11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
 12. Such other factors which are relevant to the purpose of this Section.
- F. Imposition of Conditions: The City may attach such conditions deemed necessary to further the purpose of this Section. Such conditions may include, but are not limited to:
1. Limitations on periods of use and operation.
 2. Imposition of operation controls, sureties, and deed restrictions.
 3. Flood-proofing measures.

2.112.07 Flood Protection Standards

In all areas of identified flood plain, the following requirements apply:

A. Dwellings and Manufactured Homes

New residential construction, substantial improvement of any residential structures, location of a manufactured home on a lot or in a manufactured home park or park expansion approved after adoption of this ordinance shall:

1. Have the lowest floor, including basement, elevated on a permanent foundation to one (1) foot above base flood elevation; and
2. Manufactured homes shall be anchored in accordance with subsection 2.112.07, F; and
3. No manufactured home shall be placed in a floodway, except in an existing manufactured home park.

4. No manufactured home shall be placed in a floodway, except in an existing manufactured home park.
 - a. No manufactured home shall be placed in a floodway, except in an existing manufactured home park.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Manufactured homes in existing manufactured home parks Manufactured homes placed on sites within existing manufactured home parks must be anchored to a permanent foundation and either:

1. Have the lowest floor at, or above, the base flood elevation; or,
2. Have the chassis supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Manufactured homes outside existing manufactured home parks must meet the requirements for residential structures.

C. Non-residential development - New construction and substantial improvement of any commercial, industrial or other non-residential structures shall either have the lowest floor, including basement, elevated to one (1) foot above the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall:

1. Be flood-proofed 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 standards in this subsection and subsection 2.112.07, G., are satisfied. This certificate shall include the specific elevation (in relation to mean sea level) to which such structures are flood-proofed.
4. Non-residential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in 2.112.07 A. (4).

5. Applicants flood-proofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the flood-protected level (e.g. a building constructed to the base flood level will be rated as one (1) foot below that level).

D. Accessory Structures such as sheds or detached garages may be exempt from elevation and flood-proofing standards providing the following development standards are met:

1. The structure cannot be more than 480 square feet in area and shall not be used for human habitation;
2. Shall be designed to have low potential for flood damage;
3. Shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwater; and,
4. Shall be firmly anchored to prevent flotation which may result in damage to other structures.

E. Fill

1. Any fill or materials proposed must be shown to have a beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions for the proposed fill or other materials.
2. Such fill or other materials shall be protected against erosion by rip-rap, vegetation cover, or bulk heading.

F. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure.
2. All manufactured homes shall be anchored to resist floatation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - a. Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations with manufactured homes more than 50 feet long requiring only one additional tie per side.
 - b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points with

manufactured homes less than 50 feet long requiring only four ties per side.

- c. All components of the anchoring system be capable of carrying a force of 4,800 pounds.
 - d. Any additions or expansions to the manufactured home be similarly anchored.
3. An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater (must be certified).

G. Construction Materials and Methods

1. All new construction and substantial improvements below base flood level shall be constructed with materials and utility equipment resistant to flood damage, and the design and methods of construction are in accord with accepted standards of practice based on an engineer's or architect's review of the plans and specifications.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damages.

H. Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system as approved by the State Health Division.
2. New and replacement sanitary sewage systems shall be designed and located to minimize flood water contamination consistent with the requirements of the Oregon State Department of Environmental Quality.
3. Electrical, heating, ventilation, plumbing, and air-conditioning equipment shall be designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

I. Developments, Generally - Residential developments involving more than one single-family dwelling, including subdivisions, manufactured home parks, multiple-family dwellings and planned developments including development regulated under A., and C., shall meet the following requirements:

1. Be designed to minimize flood damage.

2. Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
 3. Have adequate drainage provided to reduce exposure to flood damage.
 4. Base flood elevation data shall be provided by the developer. In cases where no base flood elevation is available, analysis by standard engineering methods will be required.
- J. Storage of materials and equipment - Materials that are buoyant, flammable, obnoxious, toxic or otherwise injurious to persons or property, if transported by floodwaters, are prohibited. Storage of materials and equipment not having these characteristics is permissible only if the materials and equipment have low-damage potential and are anchored or are readily removable from the area within the time available after forecasting and warning.
- K. Alteration of watercourses (floodways) - When considering a conditional use permit to allow alteration or modification of a watercourse (floodway) the following shall apply:
1. Adjacent communities, the Oregon Division of State Lands 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 submitted to the Federal Insurance Administration.
 2. Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- L. Floodways - Located within areas of flood plain established in Section 2.112.03 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential the following provisions shall apply in addition to the requirement in I.: (These provisions shall also apply to areas within a flood plain where a floodway has not been technically determined and the base flood level is three (3) or more feet above the land surface:)
1. Prohibit encroachments, including fill, new construction, substantial improvements and other development unless a technical evaluation is provided by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. This evaluation may be submitted to the Federal Emergency Management

Agency for technical review.

2. If Section 1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 2.112.07.
3. Prohibit the placement of any manufactured homes except in an existing manufactured home park.
4. The area below the lowest floor shall remain open and unenclosed to allow the unrestricted flow of flood waters beneath the structure.

2.112.08 Generalized Flood Plain Areas

Where elevation data is generalized, such as the unnumbered A zones on the FIRM, conditional use permits shall include a review and determination that proposed construction will be reasonably safe from flooding and meet the flood protection standards. In determining whether the proposed flood plain development is reasonably safe, applicable criteria shall include, among other things, the use of historical data, high water marks, photographs of past flooding, or data (e.g. an engineering study or soil and landscape analysis) may be submitted by qualified professionals that demonstrate the site is not in a floodplain. In such cases, a letter of map amendment may be required by the City Administrator.

2.112.09 Variances

- A. A variance may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the criteria in Section 2.112.10.
- B. A community shall notify the applicant in writing over the signature of a community official 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 \$25.00 for \$100.00 of insurance coverage; and, (2) such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of all variance actions as required in subsection C.
- C. A community shall: (1) maintain a record of all variance actions, including justification for their issuance; and, (2) report such variances issued in its annual report submitted to the Administrator.

2.112.10 Variance Criteria

The following criteria shall be used to review variance applications.

- A. Variances shall only be issued upon a showing that:
1. There is a good and sufficient cause;
 2. That failure to grant the variance would result in exceptional hardship to the applicant;
 3. 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 existing local laws;
 4. The variance is the minimum necessary, considering the flood hazard, to afford relief;
 5. The variance will be consistent with the intent and purpose of the provision being varied;
 6. There has not been a previous land use action approved on the basis that variances would not be allowed; and
 7. The new construction or substantial improvement is not within any designated regulatory floodway, or if located in a floodway, no increase in base flood discharge will result.

2.112.11 Warning and Disclaimer of Liability

The degree of flood protection required by this overlay zone is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasion. Flood heights may be increased by man-made or natural causes. This zone 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 zone will not create liability on the part of the City of Lafayette, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any decision lawfully made thereunder.

2.113 LIMITED USE OVERLAY ZONE

2.113.01 Purpose

The purpose of the Limited Use Overlay Zone is to reduce the list of permitted uses in a zone to those that are suitable for a particular location. Zones permit a number of uses which may be considered compatible in terms of the type and intensity of activity on adjacent properties. However, on a particular property certain permitted uses may conflict with adjacent land uses. Rather than deny appropriate permitted uses because the proposed zone would permit an objectionable use, the Limited Use Overlay can be used to identify the appropriate uses and require a conditional use permit for other uses normally permitted in the zone. It is the intent that the maximum number of acceptable uses be permitted so that the use of the property is not unnecessarily limited.

2.113.02 Requirements

When the Limited Use Overlay zone is applied, the uses permitted in the underlying zone shall be limited to those permitted uses specifically referenced in the ordinance adopting the Limited Use Overlay zone. Until the Overlay zone has been removed or amended, the only permitted uses in the zone shall be those specifically referenced in the adopting ordinance. Uses that would otherwise be permitted may only be allowed if a Conditional Use permit is approved.

2.113.03 Procedures

The Limited Use Overlay zone is applied at the time the underlying zone is being changed. It shall not be necessary to mention in the hearing notice of a rezoning application that this overlay zone may be applied.

2.113.04 Criteria

The ordinance adopting the overlay zone shall include findings showing that:

- A. No zone has a list of permitted uses where all uses would be appropriate.
- B. The proposed zone is the best suited to accommodate the desired uses.
- C. It is necessary to limit the uses permitted in the proposed zone.
- D. The maximum number of acceptable uses in the zone have been identified and will be permitted.

2.113.05 Adoption

The ordinance adopting the overlay zone shall by section reference, or by name, identify those permitted uses in the zone that will remain permitted uses. A permitted use description may be segmented to require a conditional use for distinct uses that may not be compatible.

2.113.06 Official Zoning Map

The official zoning map shall be amended to show an "-LU" suffix on any parcel where the Limited Use Overlay zone has been applied.

2.113.07 Development Provisions

Development of property located within the LUO zone shall comply with all applicable procedures or development requirements contained in the Lafayette Zoning and Development Ordinance. Compliance with these provisions is not waived, altered or otherwise modified by the LUO zone.