

Chapter 65

Philomath Low-Density Residential Zone (PR-1)

65.005 Purpose. The Philomath Low-Density Residential Zone is intended to provide for urban development, primarily single-family dwellings, within the Philomath Urban Growth Boundary prior to annexation through the provision of urban services in accordance with a municipal service agreement. [Ord 90-0069]

65.010 Application. The Philomath Low-Density Residential Zone shall apply to unincorporated areas designated for Low Density Residential Development in the Philomath Comprehensive Plan which are provided municipal water and sewer service and are subject to a delayed annexation agreement or municipal service agreement. [Ord 90-0069]

65.015 Permitted Uses. The following uses are allowed in the Philomath Low-Density Residential Zone:

- (1) Single-family dwelling.
- (2) Home occupation.
- (3) Day care for fewer than thirteen children.
- (4) Residential home.
- (5) Duplex, on corner lots or parcels only.
- (6) Accessory use or structure.
- (7) Public utilities.
- (8) Accessory dwelling unit, in conjunction with a single-family dwelling on a lot or parcel, subject to the specific use standards in BCC 91.050. [Ord 90-0069, Ord 2018-0285, Ord 2018-0286]

65.020 Conditional Uses. The following uses may be allowed in the Philomath Low Density Residential Zone by conditional use permit approved by the Planning Official:

- (1) Church or community center.
- (2) Park, playground, fire station or library.
- (3) Nursery school or day care center.
- (4) Nursing home.
- (5) Golf course, country club, or other recreational or athletic club.
- (6) Public or private school.
- (7) Professional office, except veterinarian.
- (8) Mobile home or manufactured dwelling park. [Ord 90-0069]

65.025 Minimum Parcel or Lot Size.

- (1) For parcels or lots in the Philomath Low-Density Residential Zone which are subject to a delayed annexation agreement or municipal services agreement, the minimum parcel or lot size shall be determined by the type of use as follows:
 - (a) Single-family dwelling: 7,000 square feet.
 - (b) All conditional uses: 7,000 square feet.
 - (c) Duplex: 5,000 square feet for each dwelling unit.
- (2) Parcels or lots in the Philomath Low-Density Residential Zone which are not subject to a delayed annexation agreement or a municipal services agreement shall have a five (5) acre minimum parcel or lot size. [Ord 90-0069, Ord 96-0118]

65.030 Siting Standards. All structures allowed in the Philomath Low-Density Residential Zone shall be sited in compliance with BCC Chapter 99 and the following additional standards:

- (1) A setback to a road right-of-way shall be at least fifteen (15) feet, except an attached or detached garage shall be at least twenty (20) feet.
- (2) A side setback shall be at least eight (8) feet, unless a common or impervious wall is provided in conformance with the zero lot line development standards provided in BCC 65.035.
- (3) A rear setback shall be at least fifteen (15) feet.
- (4) Obstructions greater than two and one-half (2.5) feet in height shall not be located within twenty (20) feet of an intersection of two streets or a street and railroad, or within ten (10) feet of an intersecting street and alley.
- (5) A non-residential structure shall not be built within a setback abutting a road. No setback is required for structures of 120 square feet or less. A side or rear setback for a non-residential structure may be reduced to three (3) feet if the structure:
 - (a) Is detached from other buildings by five (5) feet or more;
 - (b) Does not exceed a height of twenty (20) feet; and
 - (c) Does not exceed an area of 500 square feet.
- (6) A structure which is not a water dependent use shall be placed at least fifty (50) feet from the ordinary high water line of any river or major stream. In the case of a creek or minor stream, a structure which is not a water dependent use shall be placed at least twenty-five (25) feet from the ordinary high water line.
- (7) A structure shall not exceed thirty-five (35) feet in height. Structures such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, agricultural buildings, and other similar objects not used for human occupancy are not subject to the building height limitations of this code.
- (8) Buildings in complexes on a parcel or lot shall be separated at least sixteen (16) feet from other buildings or one foot for each foot of building height, whichever is greater.
- (9) All buildings on a parcel or lot shall occupy not more than thirty-five percent (35%) of the parcel or lot area.
- (10) All off-street parking areas and road approaches shall be paved with an asphaltic concrete or Portland cement concrete. [Ord 90-0069, Ord 92-0092, Ord 96-0118]

65.035 Zero Lot Line Development Standards.

- (1) Two single-family residences may be attached at a common wall if:
 - (a) Appropriate easements for common maintenance have been recorded.
 - (b) The common wall complies with all building code requirements.
- (2) Where no common wall is utilized, the side setback for a single-family residence may be reduced to zero if:
 - (a) The wall of the residence with the reduced side setback is impervious with no penetrations including windows, screens or vents, and complies with all building code requirements.
 - (b) The adjoining residence is located at least fifteen (15) feet from the impervious wall.
 - (c) An easement for the maintenance of the impervious wall has been obtained from the adjoining property.
 - (d) Overhangs and other architectural features attached to the impervious wall do not extend into the adjoining side setback.
 - (e) The character and design of the impervious wall is continuous.
 - (f) The residence with the reduced side setback diverts rainwater runoff away from the adjoining property. [Ord 90-0069]

Philomath Medium-Density Residential Zone (PR-2)

65.105 Purpose. The Philomath Medium-Density Residential Zone is intended to provide for urban development of one to four family dwellings within the Philomath Urban Growth Boundary prior to annexation through the provision of urban services in accordance with a municipal service agreement. [Ord 90-0069]

65.110 Standards for Application. The Philomath Medium-Density Residential Zone shall apply to unincorporated areas designated for Medium Density Residential Development in the Philomath Comprehensive Plan which are provided municipal water and sewer service and are subject to a delayed annexation agreement or municipal service agreement. [Ord 90-0069]

65.115 Permitted Uses. The following uses are allowed in the Philomath Medium-Density Residential zone subject to applicable siting standards:

- (1) Single-family dwelling.
- (2) Home occupation.
- (3) Day care for fewer than thirteen children.
- (4) Residential home.
- (5) Duplex, triplex, or fourplex.
- (6) Residential facility.
- (7) Accessory use or structure.
- (8) Public utilities.
- (9) Manufactured dwelling.
- (10) Accessory dwelling unit, in conjunction with a single-family dwelling on a lot or parcel, subject to the specific use standards in BCC 91.050. [Ord 90-0069, Ord 2018-0285, Ord 2018-0286]

65.120 Conditional Uses. The following uses may be allowed in the Philomath Medium Density Residential Zone by conditional use permit approved by the Planning Official:

- (1) All uses identified in BCC 65.020.
- (2) Condominium conversion of an existing duplex, triplex, or fourplex. [Ord 90-0069]

65.125 Minimum Parcel or Lot Size.

- (1) For parcels or lots in the Philomath Medium-Density Residential Zone which are subject to a delayed annexation agreement or municipal services agreement, the minimum parcel or lot size shall be determined according to the type of use as follows:
 - (a) Single-family dwelling: 5,000 square feet.
 - (b) All conditional uses: 5,000 square feet.
 - (c) Duplex, triplex or fourplex: 3,600 square feet for each dwelling unit.
- (2) Parcels or lots in the Philomath Medium-Density Residential Zone which are not subject to a delayed annexation agreement or a municipal services agreement shall have a five (5) acre minimum parcel or lot size. [Ord 90-0069, Ord 96-0118]

65.130 Siting Standards. All structures allowed in the Philomath Medium-Density Residential Zone shall be sited in compliance with BCC Chapter 99 and the following additional standards:

- (1) A setback to a road right-of-way shall be at least fifteen (15) feet, except a garage shall be at least twenty (20) feet.
- (2) A side setback shall be at least eight (8) feet, unless a common or impervious wall is provided on a lot line, in conformance with zero lot line development standards in BCC 65.135.

- (3) A rear setback shall be at least fifteen (15) feet.
- (4) No obstructions including walls, structures, fences or shrubs shall extend greater than two and one-half (2.5) feet in height within twenty (20) feet of a point of two intersecting streets or a street and railroad or within ten (10) feet of a point of an intersecting street and alley.
- (5) A non-residential structure shall not be built within a setback abutting a road. No setback is required for structures of 120 square feet or less. A side or rear setback for a non-residential structure may be reduced to three (3) feet if that structure:
 - (a) Is detached from other buildings by five (5) feet or more;
 - (b) Does not exceed a height of twenty (20) feet; and
 - (c) Does not exceed an area of 500 square feet.
- (6) A structure which is not a water dependent use shall be placed at least fifty (50) feet from the ordinary high water line of any river or major stream. In the case of a creek or minor stream, a structure which is not a water dependent use shall be placed at least twenty-five (25) feet from the ordinary high water line.
- (7) A structure shall not exceed thirty-five (35) feet in height. Structures such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, agricultural buildings, and other similar objects not used for human occupancy are not subject to the building height limitations of this code.
- (8) Buildings in complexes on a parcel or lot shall be separated at least sixteen (16) feet from other buildings or one foot for each foot of building height, whichever is greater.
- (9) All buildings on a parcel or lot shall occupy not more than forty percent (40%) of the parcel or lot area.
- (10) A minimum of twenty percent (20%) of the parcel or lot area, or 1,000 square feet, whichever is greater, exclusive of any driveway, roadway, parking area or public easement, shall be landscaped with plantings and ground cover as a usable open space area.
- (11) Central garbage collection areas and other accessory mechanical and service facilities shall be screened with a sight obscuring fence or landscaping.
- (12) All off-street parking areas and road approaches shall be paved with an asphaltic concrete or Portland cement concrete. [Ord 90-0069, Ord 92-0092, Ord 96-0118]

65.135 Zero Lot Line Development Standards.

- (1) Two single-family residences may be attached at a common wall if:
 - (a) Appropriate easements for common maintenance have been recorded.
 - (b) The common wall complies with all building code requirements.
- (2) Where no common wall is utilized, the side setback for a single-family residence may be reduced to zero if:
 - (a) The wall of the residence with the reduced side setback is impervious with no penetrations including windows, screens or vents, and complies with all building code requirements.
 - (b) The adjoining residence is located at least fifteen (15) feet from the impervious wall.
 - (c) An easement for the maintenance of the impervious wall has been obtained from the adjoining property.
 - (d) Overhangs and other architectural features attached to the impervious wall do not extend into the adjoining side setback.
 - (e) The character and design of the impervious wall is continuous.
 - (f) The residence with the reduced side setback diverts rainwater runoff away from the adjoining property. [Ord 90-0069]

Philomath High-Density Residential Zone (PR-3)

65.205 Purpose. The Philomath High-Density Residential Zone is intended to provide for urban development of multi-family dwellings within the Philomath Urban Growth Boundary prior to annexation through the provision of urban services in accordance with a municipal service agreement. [Ord 90-0069]

65.210 Standards for Application. The Philomath High-Density Residential Zone shall apply to unincorporated areas designated for High-Density Residential development in the Philomath Comprehensive Plan which are provided municipal water and sewer service and are subject to a delayed annexation agreement or municipal service agreement. [Ord 90-0069]

65.215 Permitted Uses. The following uses are allowed in the Philomath High-Density Residential Zone:

- (1) Single-family dwelling.
- (2) Home occupation.
- (3) Day care for fewer than thirteen children.
- (4) Residential home.
- (5) Multi-family dwelling.
- (6) Residential facility.
- (7) Accessory use or structure.
- (8) Public utilities.
- (9) Manufactured dwelling.
- (10) Accessory dwelling unit, in conjunction with a single-family dwelling on a lot or parcel, subject to the specific use standards in BCC 91.050. [Ord 90-0069, Ord 2018-0285, Ord 2018-0286]

65.220 Conditional Uses. The following uses may be allowed in the Philomath High-Density Residential Zone by conditional use permit approved by the Planning Official:

- (1) All uses identified in BCC 65.020.
- (2) Condominium conversion of an existing duplex, triplex, or fourplex.
- (3) Club, lodge or fraternal organization. [Ord 90-0069]

65.225 Minimum Parcel or Lot Size.

- (1) For parcels or lots in the Philomath High-Density Residential Zone which are subject to a delayed annexation agreement or municipal services agreement, the minimum parcel or lot size shall be determined according to the type of use as follows:
 - (a) Single-family dwelling: 5,000 square feet.
 - (b) All conditional uses: 5,000 square feet.
 - (c) Duplex, triplex or fourplex: 3,600 square feet for each dwelling unit.
 - (d) Any other multi-family dwelling: 2,500 square feet per dwelling unit.
- (2) Parcels or lots in the Philomath High-Density Residential Zone which are not subject to a delayed annexation agreement or a municipal services agreement shall have a five (5) acre minimum parcel or lot size. [Ord 90-0069, Ord 96-0118]

65.230 Siting Standards. All structures allowed in the Philomath High-Density Residential Zone shall be sited in compliance with BCC Chapter 99 and the following additional standards:

- (1) A setback to a road right-of-way shall be at least fifteen (15) feet, except a garage shall be at least twenty (20) feet.
- (2) A side setback shall be at least eight (8) feet, unless a common or impervious wall is provided in conformance with zero lot line development standards provided in BCC 65.235.

- (3) A rear setback shall be at least fifteen (15) feet.
- (4) No obstructions including walls, structures, fences or shrubs shall extend greater than two and one-half (2.5) feet in height within twenty (20) feet of a point of two intersecting streets or a street and railroad or within ten (10) feet of a point of an intersecting street and alley.
- (5) A non-residential structure shall not be built within a setback abutting a road. No setback is required for structures of 120 square feet or less. A side or rear setback may be reduced to three (3) feet for a non-residential structure if the structure:
 - (a) Is detached from other buildings by five (5) feet or more;
 - (b) Does not exceed a height of twenty (20) feet; and
 - (c) Does not exceed an area of 500 square feet.
- (6) A structure which is not a water dependent use shall be placed at least fifty (50) feet from the ordinary high water line of any river or major stream. In the case of a creek or minor stream, a structure which is not a water dependent use shall be placed at least twenty-five (25) feet from the ordinary high water line.
- (7) A structure shall not exceed thirty-five (35) feet in height. Structures such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, agricultural buildings, and other similar objects not used for human occupancy are not subject to the building height limitations of this code.
- (8) Buildings in complexes on a parcel or lot shall be separated at least sixteen (16) feet from other buildings or one foot for each foot of building height, whichever is greater.
- (9) The courtyard area of a garden apartment building shall be a minimum width of sixteen (16) feet or one and one-quarter (1.25) feet for each foot of building height, whichever is greater.
- (10) A minimum of twenty percent (20%) of the parcel or lot area, or 1,000 square feet, whichever is greater, exclusive of any driveway, roadway, parking area or public easement, shall be landscaped with plantings and ground cover as a usable open space area.
- (11) Central garbage collection areas and other accessory mechanical and service facilities shall be screened with a sight obscuring fence or landscaping.
- (12) All off-street parking areas and road approaches shall be paved with an asphaltic concrete or Portland cement concrete. [Ord 90-0069, Ord 92-0092, Ord 96-0118]

65.235 Zero Lot Line Development Standards.

- (1) Two single-family residences may be attached at a common wall if:
 - (a) Appropriate easements for common maintenance have been recorded.
 - (b) The common wall complies with all building code requirements.
- (2) Where no common wall is utilized, the side setback for a single-family residence may be reduced to zero if:
 - (a) The wall of the residence with the reduced side setback is impervious with no penetrations including windows, screens or vents, and complies with all building code requirements.
 - (b) The adjoining residence is located at least fifteen (15) feet from the impervious wall.
 - (c) An easement for the maintenance of the impervious wall has been obtained from the adjoining property.
 - (d) Overhangs and other architectural features attached to the impervious wall do not extend into the adjoining side setback.
 - (e) The character and design of the impervious wall is continuous.
 - (f) The residence with the reduced side setback diverts rainwater runoff away from the adjoining property. [Ord 90-0069]