

CITY OF HINES ORDINANCE 329

AN ORDINANCE AMENDING OR REPEALING AND REPLACING CITY OF HINES ORDINANCES 115, 128, 133, 145, 241, 242, 245, 246, 252, 253, 276, 289, 300, AND 309.

WHEREAS, Codification is necessary when a comprehensive plan is amended to add, modify, or delete existing comprehensive plan information or policies. Formatting changes to the City's Plan were made for improved readability and understanding, improved implementation, and an increased ability to maintain and update the Plan as needed. The changes involved minor editing, but no substantive changes were made to the background information or policies. The revised Plan includes various plans that were adopted over the years by the City as separate documents (e.g., original Comprehensive Plan, urban growth boundary [UGB] amendments, Transportation System Plan [TSP], Goal 9 Rule Compliance economic study, etc.), **AND**;

WHEREAS, When highly technical plans, usually prepared by professional engineers, such as Water System Master Plans, Wastewater System Master Plans, or Park Master Plans, are adopted as part of a comprehensive plan, they often do not easily reformat and are better left as separate documents included as part of the comprehensive plan. Plans or studies prepared by professional engineers are required to be stamped by a professional registered engineer to ensure the competency of the work submitted, **AND**;

WHEREAS, The City Engineer obtained from the DLCD necessary documents that were previously included as exhibits in other ordinances. Among these documents were the Goal 9 Rule Compliance document adopted by Ordinance No. 289, the TSP adopted by Ordinance No. 253, and complete exhibits adopted by Ordinance No. 241, **AND**;

WHEREAS, Adding to the challenge, several ordinances had been renumbered by the City after they had already been adopted, which created confusion in trying to keep the ordinances straight. Because many of the ordinances were in PDF format, the amendments were retyped so the information could be codified and reformatted as necessary, **AND**;

WHEREAS, The Plan was adopted in June 1979 and acknowledged by the DLCD in 1980 as being in compliance with all current applicable statewide goals. Amendments to the Plan had been partially codified (mainly policies), but text/background amendments had not been codified or were left as separate documents. With the exception of a portion of Ordinance No. 241 and Ordinances No. 245 and 246, **AND**;

WHEREAS, The reformatted Zoning Ordinance has been the subject of a public hearing held on December 7, 2021 and after the hearing of public testimony on the same day the Hines Planning Commission voted to recommend the adoption of the reformatted Zoning Ordinance to the Hines City Council.

NOW, THEREFORE, BE IT HERBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF HINES, OREGON THAT:

1. The following document, commonly known as “the Zoning Ordinance” and attached as “Exhibit A” shall be codified in its entirety and in its current format, both in paper form and digitally in the records of the City.
2. The adoption of Exhibit A will be effective as of March 15, 2022.
3. Exhibit A will further be known as the Zoning Ordinance and will guide the City Planning Commission, City Staff in all questions for land use, building, development, and any action that pertains to or is addressed by the Zoning Ordinance.

PASSED AND ADOPTED this 8th day of FEBRUARY, 2022 with 4 Ayes, 0 Nays, 0 Abstentions, 1 Absent

Signed:

NIKKI MORGAN – signed 2/8/22
Nikki Morgan, Mayor

ATTESTED TO BY:

KIRBY LETHAM – signed 2/8/22
Kirby Letham
City Administrator/Recorder

EXHIBIT A

Title 14 ZONING

Chapter 1

INTRODUCTORY PROVISIONS

14.1.010 TITLE

This Ordinance shall be known as the City of Hines Zoning Ordinance.

14.1.020 PURPOSE

- A. To implement the Hines Comprehensive Plan as adopted by the City.
- B. To comply with ORS Chapter 195, 197 and 227.
- C. To promote the public health, safety and welfare of the citizens of the City of Hines.
- D. To repeal and replace Ordinance No. 133, and all amendments thereto.

14.1.030 DEFINITIONS

As used in this ordinance, the singular includes the plural and the masculine includes the feminine and neuter; the word “may” is discretionary, the word “shall” is mandatory. The following words and phrases shall mean:

ACCESS: A way or means of approach to provide pedestrian, bicycle, or motor vehicular entrance or exit to a property.

ACCESS CONNECTION: Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

ACCESS MANAGEMENT: The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.

ACCESSWAY: A walkway that provides pedestrian and bicycle passage either between roads or from a road to a building or other destination such as a school, park, or transit stop. Access ways generally include a walkway and additional land on either side of the walkway, often in the form

of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses.

ACCESSORY USE OR ACCESSORY STRUCTURE: A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

ALLEY: A street which affords only a secondary means of access to the property.

APARTMENT: A building (or portion thereof) consisting of separate living units designed for occupancy by five or more families living independently of each other.

AUTOMOBILE WRECKING YARD: Premises used for the commercial storage or sale of used automobile or truck parts or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof, unless said activity takes place solely within an enclosed structure.

BICYCLE: A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with two tandem wheels at least 14 inches in diameter. An adult tricycle is considered a bicycle.

BICYCLE FACILITIES: A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

BIKEWAY: Any road, path, or way that is some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation mode. The five types of bikeways are:

- A. **MULTI-USE PATH:** A paved 10- to 12-foot wide way that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
- B. **BIKE LANE:** A 4- to 6-foot wide portion of the roadway that has been designated by permanent striping and pavement marking for the exclusive use of bicycles.
- C. **SHOULDER BIKEWAY:** The paved shoulder of a roadway that is four (4) feet or wider; typically shared with pedestrians in rural areas.
- D. **SHARED ROADWAY:** A travel lane that is shared by bicyclists and motor vehicles.
- E. **MULTI-USE TRAIL:** An unpaved path that accommodates all-terrain bicycles or equestrian; typically shared with pedestrians.

BED AND BREAKFAST: An establishment in a residential district that contains up to five (5) guest bedrooms, is owner or manager occupied, provides a morning meal, and limits the length of stay to fifteen (15) days.

BOARDING HOUSE, LODGING, OR ROOMING HOUSE: A building where lodging with or without meals is provided for compensation, for over five (5) guests to a maximum of twelve (12) guests.

BUILDING: A structure or mobile home unit built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind.

CARPORT: A stationary, roofed structure or a portion of a building open on two or more sides primarily used for the parking of motor vehicles.

CHURCH: A building or edifice used primarily for religious worship.

CITY: City of Hines.

CITY ADMINISTRATOR: The duly appointed administrative officer of the City of Hines, or a person designated to fulfill the obligations as set forth in this ordinance.

CITY COUNCIL: Hines City Council.

COMMISSION: Hines City Planning Commission.

CONTIGUOUS LAND: Two (2) or more parcels or units of land, including water, under a single ownership which are not separated by an intervening parcel of land under a separate ownership (including limited access rights-of-way) which would deny access between the two (2) parcels under single ownership.

CORNER CLEARANCE: The distance from a public or private road intersection to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

CROSS ACCESS: A service drive providing vehicular access between two (2) or more contiguous sites so the driver need not enter the public street system.

DUPLEX: A building containing two dwelling units. Each dwelling unit is designed for occupancy by a single family.

DWELLING, SINGLE-FAMILY: Any building designed or used exclusively for occupancy by one family and containing one dwelling unit, including manufactured homes meeting the requirements of Chapter 9.

EASEMENT: A grant of one or more property rights by a property owner to or for use of land by the public, or another person or entity.

FAMILY: An individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit. Family shall include two or more persons with a handicap as defined in the Fair Housing Amendments Act of 1998, 42 USC § 3601 and following, living as a single housekeeping unit.

FAMILY DAYCARE PROVIDER: A day care provider which meets the requirements of ORS Chapter 443.

FARM USE: An agricultural use fully contained inside greenhouses or other structures.

FOURPLEX: A building containing four dwelling units. Each dwelling unit is designed for occupancy by a single family.

FRONTAGE ROAD: A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street.

FUNCTIONAL AREA (INTERSECTION): That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.

FUNCTIONAL CLASSIFICATION: A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

HEIGHT OF BUILDING: The vertical distance measured from the “average grade” to the highest point of the roof beams of flat roofs, to the deck line of mansard roofs, or to the center height between eaves and ridges for gable, nip, or gambrel roofs.

HOME OCCUPATION: Means a lawful occupation carried on by a resident of a dwelling unit as an accessory use within the dwelling unit or an accessory building on the lot or parcel with the dwelling unit and the occupation is incidental or secondary to residential use and provided the occupation is conducted so that the following apply:

- A. It does not give the appearance of a business.
- B. It does not change the character of the dwelling.
- C. There is no display, except by a non-illuminated sign no larger than one (1) square foot, which may not protrude more than six (6) inches from the exterior of the dwelling unit.
- D. No outside assistants are employed on-site. Family members who are also dwelling residents are permitted to be employed.
- E. There is no increase in noise outside the dwelling unit.
- F. There is only a minor increase, if any, in traffic traveling to and from the dwelling unit.

See Supplemental Provisions, Section 14.11.100 for additional requirements.

GRADE (ADJACENT GROUND): Grade is the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building between the building and a line five (5) feet from the building.

INDUSTRIAL: The making of commodities by manufacturing, assembling, fabrication, or compounding by manual labor or machinery. The term includes physical or chemical processes or combinations thereof.

- A. **LIGHT INDUSTRIAL:** Is defined as those activities listed above which occur totally within an enclosed structure. There is no odor, vibration, dust, or noise discernable to the human sensory perception beyond the exterior walls of the structure.
- B. **HEAVY INDUSTRIAL:** Is defined as those activities listed above which can occur outside an enclosed structure. The uses include outside storage, loading and unloading, stockpiling, etc. for which there is no odor, vibration, dust, or noise discernable to the human sensory perception beyond the property line of the site.

JOINT ACCESS (OR SHARED ACCESS): A driveway connecting two or more contiguous sites to the public street system.

LOT: A parcel, tract, or area of land whose boundaries have been established by some, legal instrument, which is recognized as a separate legal entity for purposes of transfer of title, has frontage upon a public or private street, and complies with the dimensional requirements of this code.

LOT AREA: The total area of the lot measured in the horizontal plane within the lot boundary lines.

LOT, CORNER: Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

LOT DEPTH: The average distance measured from the front lot line to the rear lot line.

LOT, FLAG: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way line.

LOT FRONTAGE: That portion of a lot extending along a street right-of-way.

LOT LINE, FRONT: The line on the lot facing the street from which the access to the lot is commonly made.

LOT LINE, REAR: A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot or parcel, a line ten (10) feet in length within the lot or parcel parallel to and at a maximum distance from the front lot line. In the above instance, and if the front lot line is curved and a determination of the parallel relationship to the front lot line is being made, a straight line connecting the two end points of the front lot line shall be used. In the case of a corner lot or parcel, either interior lot line may be the rear lot line, regardless of the placement of the front door.

LOT, THROUGH (or Double Frontage Lot): A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lots.

LOT WIDTH: The average horizontal distance between the side lot lines ordinarily measured parallel to the front lot line.

MANUFACTURED DWELLING:

- A. **RESIDENTIAL TRAILER:** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed before January 1, 1962.
- B. **MOBILE HOME:** A dwelling constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15,

1976, and met the construction requirements of Oregon Mobile Home law in effect at the time of construction.

C. **MANUFACTURED HOME:** A dwelling constructed to U.S. Department of Housing and Urban Development (HUD) standards since June 15, 1976, but not to State Building Code Standards.

1. For any purpose other than that set forth in subparagraph 2 of this paragraph, “manufactured home” means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction; or
2. For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, “manufactured home” has the meaning given the term in the contract.
3. “Manufactured dwelling” does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.

MOBILE HOME PARK: Any privately owned place where four or more mobile homes used for human occupancy are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is the rental of spaces.

MULTIPLE FAMILY DWELLING: Dwelling designed or intended for the residence of five or more families.

NEIGHBORHOOD CENTER: An attractor or destination for residents of surrounding residential areas. Includes, but is not limited to existing or planned schools, parks, shopping areas, transit stops, employment areas.

NON-CONFORMING ACCESS FEATURES: Features of the property access that existed prior to the date of ordinance adoption and do not conform with the requirements of this ordinance.

NON-CONFORMING STRUCTURE OR USE: A lawfully existing structure for use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

OWNER: A person, his authorized agent or representative having legal authority to use, transfer or lease land.

PARCEL: A division of land comprised of one or more lots in contiguous ownership.

PARKING PLACE: A rectangular area approximately twenty (20) feet long and ten (10) feet wide, together with maneuvering and access space for an automobile, equipment or other vehicle to park within the rectangle without the necessity of maneuvering other parked vehicles.

PEDESTRIAN FACILITIES: A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, access ways, crosswalks, ramps, paths, and trails.

PLANNING COMMISSION: City of Hines Planning Commission.

PLAT: An exact and detailed map of the subdivision of land.

PERSON: A natural person, firm, partnership, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.

PLOT PLAN: A drawing indicating the location of existing and proposed structures on a lot or parcel together with other site information as required.

PRIVATE ROAD: Any roadway for vehicular travel which is privately owned and maintained and which provides the principal means of access to abutting properties.

PUBLIC ROAD: A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.

REASONABLE ACCESS: The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the City of Hines.

RECREATIONAL VEHICLE: A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes and has a gross floor space of less than four hundred (400) square feet. The unit shall be identified as a recreational vehicle by the manufacturer.

RECREATIONAL VEHICLE PARK: Any area designed to establish, operate, manage, or maintain the same for picnicking or overnight recreational vehicle or tent camping by the general public. This includes areas open to use free of charge or through a payment of a tax or fee or by virtue of rental, lease, license, membership, association, or common ownership. This further

includes but not limited to those areas divided into two or more lots, parcels, units, or other interests for the purposes of such use. Such recreational vehicle parks as defined are not intended for residential occupancy.

RESIDENTIAL USE: A structure or use designed or used for occupancy as a human dwelling or lodging place, such as single family dwelling, duplex, apartment, boarding, lodging or rooming house, mobile home or mobile home park, or labor camp.

RESIDENTIAL CARE FACILITY: A residential care, residential training, or residential treatment facility licensed or registered by or under the authority of the Department, as defined in ORS 443.400 under ORS 443.400 to ORS 443.460, or licensed by the State of Oregon Division under ORS 418.205 to ORS 418.327 which provides residential care alone or in conjunction with treatment or training, or the combination thereof, for six to fifteen individuals who need not be related. Staff persons required to meet the licensing requirement shall not be counted in the number of facility residences and need not be related to each other or to any resident of the residential facility.

RESIDENTIAL CARE HOME: A residential treatment or training or adult foster home licensed by or under the authority of the Department as defined ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to ORS 443.500, or an adult foster home licensed under ORS 443.705 to 443.825, which provides residential care alone or in conjunction with treatment or training, or a combination thereof, of five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any residents of the residential home.

RIGHT-OF-WAY: Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility or other public purpose.

SAFE AND CONVENIENT: Bicycle and pedestrian routes that are:

- A. Reasonably free from hazards, and
- B. Provide a reasonably direct route of travel between destinations, considering that the optimum travel distance is one-half mile for pedestrians and three miles for bicyclists.

SETBACK: An area established for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained.

SIGN: An outdoor display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is used, designed or intended for advertising purposes or to inform or attract the attention of the public. The term includes the sign supporting structure, display surface and all other component parts of the sign. When dimensions of the sign are specified, the term includes the panels and frames, and the term includes both sides of the sign of specified dimension or area, but the term shall not include a sign as reasonably necessary or required by any branch or agency of the government pursuant to any public law or regulation.

SIGNIFICANT CHANGE IN TRIP GENERATION: A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding: 1) local 10 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under local jurisdiction; or 2) State exceeding 25 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under state jurisdiction.

STREET: The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic, and includes the terms road, highway, lane, place, avenue, alley or other similar designation which is commonly open to use by the public.

STRUCTURE: Something which is constructed or built having a fixed base on or fixed connection to the ground or other structure.

STUB-OUT (STUB-STREET): A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

SUBSTANTIAL ENLARGEMENTS OR IMPROVEMENTS: An increase in existing square footage or increase in assessed valuation of the structure of 25 percent or more in the square footage or assessed value.

TRACT OR AREA: The area within a measurable boundary of land or contiguous parcels of land.

TRIPLEX: A building containing three dwelling units designed for occupancy by three families.

USE: The purpose for which land or building is designed, arranged or intended, or for which it is occupied or maintained.

VEHICLE IMPOUND YARD: A vehicle impound yard is a duly licensed facility in which automobile and other vehicles are stored or impounded for a short duration pending their disposition and disbursement to other facilities. The impound yard shall be managed and screened so as to not provide visual or audio impact on surrounding land uses.

WALKWAY: A hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of access ways.

YARD: An open space on a lot which is unobstructed except as otherwise provided in this ordinance, and includes driveways.

YARD, FRONT: A yard between the side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition abutting on a street other than an alley shall be considered a front yard.

YARD, REAR: Yard between the side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.

YARD, SIDE: The yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.

Chapter 2

BASIC PROVISIONS

14.2.010 ADMINISTRATION

The City Administrator or Designate is appointed by the City Council and shall have the power and duty to enforce the provisions of this Ordinance. An appeal from a ruling by the City Administrator regarding a requirement of the Ordinance may be made only to the Planning Commission as outlined in Section 14.17.300.

14.2.020 COMPLIANCE WITH ORDINANCE PROVISIONS

- A. The land may be used, and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used, only as this ordinance shall permit.
- B. A building permit is required for all structures containing more than 200 square feet. In order to obtain the City approval of a building permit for a single-family or duplex dwelling unit and/or accessory structures, a plot plan must be prepared and presented, along with the building permit application, to the City Administrator.

The plot plan shall include the lot dimensions; proposed and existing structures, including dimensions locations and height of building; proposed and existing setbacks from all property lines; driveway locations and off-street parking areas; water and sewer locations; and sidewalk locations.

All other proposed uses require preparation and submission of a site plan. Sample plot plans/site plans are available at City Hall.

- C. A building permit is required for ALL structural changes and construction in the Commercial Zone. A permit will be issued upon land use, site review and construction plan approval by the appropriate authorities.

14.2.030 ESTABLISHMENT OF LAND USE ZONES

This ordinance hereby establishes the following land use zones for the City:

Zone	Abbreviated Designation
Single-Family Residential	RS
Large Lot Residential	RL
Multi-Family Residential	RM

Commercial	C
Downtown Commercial	C-D
Industrial	I
Open Space/Public Facilities	P

14.2.040 LOCATION OF ZONES

The boundaries of the zones listed in this ordinance are indicated on the Hines Zoning Map.

14.2.050 ZONING MAP

The official Zoning Map of the City of Hines is located in the City Council Chambers of City Hall and is hereby adopted by reference.

Zoning Map Amendments shall be dated with the effective date of the ordinance that adopts the map amendment and filed in the office of the City Administrator.

14.2.060 ZONING BOUNDARIES

Unless otherwise specified, zone boundaries are center lines of streets, lot lines, or city limits lines.

14.2.070 BUILDING PERMIT REQUIRED

Prior to the erection, movement, reconstruction, extension, enlargement, or alteration of any structure, a permit for such erection, movement, reconstruction, extension, enlargement, or alteration shall be obtained from the City Administrator. The applicant shall pay a fee as established by City ordinance at the time the application is filed.

14.2.080 FORM OF PETITIONS, APPLICATIONS AND APPEALS

All petitions, applications, and appeals provided for in this ordinance shall be made on the forms provided by City Administrator.

14.2.090 INTERPRETATION

Where a provision of this ordinance is less restrictive than another ordinance or requirement of the City, the provision or requirement which is more restrictive shall govern.

Chapter 3

RESIDENTIAL LAND USE ZONES

Article A

SINGLE-FAMILY RESIDENTIAL ZONE (RS)

14.3A.010 PURPOSE AND INTENT (*reserved for expansion*)

14.3A.020 USES

Building or structures hereafter erected, structurally altered, enlarged or moved, and land hereafter used, in the Residential (RS) Zone shall comply with the following regulations.

14.3A.100 PERMITTED USES

- A. Single-family dwellings, including manufactured homes, meeting the standards of Chapter 9.
 - 1. Each dwelling unit shall utilize two (2) of the following design features to provide visual relief along the front of the residence:
 - a. Dormers
 - b. Gables
 - c. Recessed entries
 - d. Covered porch entries
 - e. Cupolas
 - f. Pillars or posts
 - g. Bay window (minimum 12-inch projection)
 - h. Eaves (minimum six-inch projection)
 - i. Off-sets in building face or roof (minimum 16 inches)
- B. Accessory uses and accessory buildings which are customarily incidental to the above uses. Accessory uses and accessory buildings are those which are clearly incidental and subordinate to the primary use of the main building.
 - 1. Detached accessory buildings shall not be located within the required setback areas or less than six and one-half (6½) feet from the main building.
 - 2. The height of accessory buildings shall be limited to fifteen (15) feet.
 - 3. The area of an accessory building shall be limited to 800 square feet.
- C. Family Day Care Provider.

D. Name Plates and Signs:

1. One non-illuminated name plate not to exceed one and one-half (1½) square feet in area, placed flat against the building, for each dwelling containing a home occupation.
2. One temporary non-illuminated sign not to exceed eight (8) square feet in area appertaining to the lease, rental, or sale of a building or premises upon which it is located.
3. One bulletin board not to exceed twelve (12) square feet in area for each church, public library, neighborhood or community center.

E. Residential homes.

F. Transportation Improvements:

1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property.
6. Acquisition of right-of-way for public roads, highways and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

G. Gardens, orchards and crop cultivation, provided no stable or barn, cattle or other livestock or poultry is maintained in connection therewith, and that all other applicable ordinances are met.

H. The taking of boarders or leasing of rooms by a resident family providing the total number of boarders and roomers does not exceed two in any single family dwelling, nor more than four in any legally established two family dwelling.

I. Residential Care Home.

14.3A.200 USES PERMITTED SUBJECT TO STANDARDS (*reserved for expansion*)

14.3A.300 CONDITIONAL USES

Permitted with approval of the Planning Commission in accordance with Chapter 12.

- A. Home occupation. (See Section 14.11.100).
- B. Schools and libraries.
- C. Lodge for civic or fraternal organization carrying on no commercial activity.
- D. Duplexes, Triplexes, and Fourplexes.
- E. Necessary public utilities and public services, public service buildings, with safeguards against harm to adjacent or abutting residential property as required by the Planning Commission.
- F. Bed and Breakfast facilities meeting the provisions of Section 14.12.300(A).
- G. Churches.
- H. Public parks, public recreation areas, and community or neighborhood centers.
- I. Transportation Improvements:
 - 1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan; or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria.

For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

 - a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

- b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
 - c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - d. The project includes provision for bicycle and pedestrian circulation as consistent with the Comprehensive Plan and other requirements of this Ordinance.
- 2. Construction of rest areas, weigh station, temporary storage, and processing sites.
 - 3. If review under this section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
 - 4. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three (3) years.

14.3A.400 TEMPORARY USES (*reserved for expansion*)

14.3A.500 PROPERTY DEVELOPMENT STANDARDS

The following property development standards apply to all new developments in the RS Zone and are intended to provide a consistent development pattern that ensures a safe, orderly, efficient, economically viable and aesthetically pleasing environment throughout each RS Zone district.

14.3A.510 LOT DIMENSION STANDARDS

A. MINIMUM LOT SIZE/AREA

- 1. Single-Family Dwellings 7,500 square feet
- 2. Duplexes 12,000 square feet
- 3. Triplexes 15,000 square feet
- 4. Fourplexes 20,000 square feet

B. MINIMUM AVERAGE LOT WIDTH 50 feet

C. MINIMUM LOT DEPTH 100 feet

14.3A.520 SITE DEVELOPMENT STANDARDS

A. MINIMUM YARD SETBACKS

1. Front yard 20 feet
2. Rear yard 10 feet
3. Side yard 10 feet
4. Street Side yard 15 feet

B. ACCESS MANAGEMENT, DRIVEWAY AND CIRCULATION STANDARDS (See Sections 14.15.500 - 530)

C. OFF-STREET PARKING, LOADING AND UNLOADING

1. Dwellings: Two parking spaces shall be provided on the lot for each dwelling unit.
2. No parking shall be allowed within the required front yard excluding driveways.
3. Uses Other Than Dwellings (See Chapter 8 of this Ordinance).
 - a. Churches, lodges for civic and fraternal organizations: one parking space shall be provided for each four (4) seats in the main assembly room, or one parking space for each thirty (30) square feet of floor space within the main assembly room.
 - b. A minimum of two (2) bicycle parking spaces per use (one sheltered and one unsheltered) may be provided. Sheltered bicycle parking spaces may be under an eave, overhang, an independent structure, or similar cover.

D. LANDSCAPING (See Sections 14.15.200 - 250)

E. PEDESTRIAN AND BICYCLE FACILITIES (See Sections 14.15.600 - 650)

F. OUTDOOR LIGHTING (See Section 14.15.300 - 330)

G. OUTDOOR STORAGE (See Sections 14.15.700(F) and (G))

H. VISION CLEARANCE AREAS (See Section 14.11.200)

I. FLOOD ZONES, WETLANDS AND RIPARIAN AREAS (See Chapter 7, Article A)

J. GRADING AND STORM-WATER DRAINAGE (See Sections 14.15.700(C) and (D))

K. EASEMENTS (*reserved for expansion*)

L. UTILITIES (*reserved or expansion*)

M. FENCES (See Section 14.11.300)

N. SIGNS (See Chapter 10)

14.3A.530 BUILDING DEVELOPMENT STANDARDS

A. MAXIMUM BUILDING HEIGHT

Buildings, structures, or portions thereof shall not be erected to exceed a height of two and one-half (2½) stories or thirty-five (35) feet. No building shall exceed a height of thirty-five (35) feet.

B. GARAGE OR CARPORT

Each dwelling unit shall be provided with an attached or detached garage or carport capable of containing at least one standard size automobile.

C. SANITATION

Before any dwelling is occupied, it must be connected to the city sewer system at such time as the city sewer system becomes available to the property on which the dwelling is located.

14.3A.600 SITE PLAN DESIGN REVIEW CRITERIA AND PROCEDURES (*reserved for expansion*)

Article B

LARGE LOT RESIDENTIAL ZONE (RL)

14.3B.010 PURPOSE AND INTENT

The Large Lot Residential (RL) Zone is designated for areas outside the City Limits, inside the Urban Growth Boundary (UGB) that will be zoned, unless the property owner requests that the RS single-family residential zone be placed on their property upon annexation to the City. The RL Zone is intended as a buffer between existing rural residential uses and the urban residential uses in the City Limits. The RL Zone is applied to steep hillside lands that do not provide the opportunity for smaller lot sizes.

14.3B.020 USES

Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the Residential (RL) Zone shall comply with the following regulations.

14.3B.100 PERMITTED USES

- A. Single-family dwellings including manufactured homes meeting the standards of Chapter 9.
 - 1. Each dwelling unit shall utilize two (2) of the following design features to provide visual relief along the front of the residence.
 - a. Dormers
 - b. Gables
 - c. Recessed entries
 - d. Covered porch entries
 - e. Cupolas
 - f. Pillars or posts
 - g. Bay window (min. 12" projection)
 - h. Eaves (min. 6" projection)
 - i. Off-sets in building face or roof (min. 16")
- B. Public parks, public recreation areas and community or neighborhood centers.
- C. Accessory uses and accessory buildings which are customarily incidental to the above uses. Accessory uses and accessory buildings are those which are clearly incidental and subordinate to the primary use of the main building.
 - 1. Detached accessory buildings shall not be located within the required setback areas or less than six and one-half (6½) feet from the main building.

2. The height of accessory buildings shall be limited to fourteen (14) feet.

3. The area of an accessory building shall be limited to 800 square feet.

D. Family Day Care Provider.

E. Name plates and signs:

1. One non-illuminated name plate not to exceed one and one-half (1½) square feet in area, placed flat against the building, for each dwelling containing a home occupation.
2. One temporary non-illuminated sign not to exceed eight (8) square feet in area appertaining to the lease, rental, or sale of a building or premises upon which it is located.
3. One bulletin board not to exceed twelve (12) square feet in area for each church, public library, neighborhood or community center.

F. Residential care home.

G. Churches.

H. Transportation Improvements:

1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property.
6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.

7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.
- I. Gardens, orchards and crop cultivation, provided no stable or barn, cattle or other livestock or poultry is maintained.
- J. The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two in any single family dwelling, nor more than four in any legally established two family dwelling.

14.3B.200 USES PERMITTED SUBJECT TO STANDARDS (*reserved for expansion*)

14.3B.300 CONDITIONAL USES

Permitted with approval of the Planning Commission in accordance with Chapter 12.

- A. Home occupation. (See Section 14.11.100).
- B. Public schools and libraries.
- C. Lodge for civic or fraternal organization carrying on no commercial activity.
- D. Duplexes, two unit dwellings.
- E. Necessary public utilities and public services, public service buildings, with safeguards against harm to adjacent or abutting residential property as required by the Planning Commission.
- F. Bed and Breakfast facilities meeting the provisions of Section 14.12.300(A).
- G. Transportation Improvements:
 1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are (1) not improvements designated in the Transportation System Plan; or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria.

For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

- a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 - b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
 - c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - d. The project includes provision for bicycle and pedestrian circulation as consistent with the Comprehensive Plan and other requirements of this Ordinance.
2. Construction of rest areas, weigh stations, temporary storage, and processing sites.
 3. If review under this section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
 4. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three (3) years.

14.3B.400 TEMPORARY USES (*reserved for expansion*)

14.3B.500 PROPERTY DEVELOPMENT STANDARDS

The following property development standards apply to all new developments in the RL Zone and are intended to provide a consistent development pattern that ensures a safe, orderly, efficient, economically viable and aesthetically pleasing environment throughout each RL Zone district.

14.3B.510 LOT DIMENSION STANDARDS

A. MINIMUM LOT SIZE/AREA

1. Single-Family Dwellings 15,000 square feet
2. Duplexes 30,000 square feet

B. MINIMUM AVERAGE LOT WIDTH 50 feet

C. MINIMUM LOT DEPTH 100 feet

14.3B.520 SITE DEVELOPMENT STANDARDS

A. MINIMUM YARD SETBACKS

1. Front yard 20 feet
2. Rear yard 10 feet
3. Side yard 10 feet
4. Street Side yard 15 feet

B. ACCESS MANAGEMENT, DRIVEWAY AND CIRCULATION STANDARDS (See Sections 14.15.500 - 530)

C. OFF-STREET PARKING, LOADING AND UNLOADING

1. Dwellings: Two parking spaces shall be provided on the lot for each dwelling unit.
2. No parking shall be allowed within the required front yard excluding driveways.
3. Uses Other Than Dwellings (See Chapter 8 of this Ordinance).
 - a. Churches, lodges for civic and fraternal organizations: one parking space shall be provided for each four (4) seats in the main assembly room, or one parking space for each thirty (30) square feet of floor space within the main assembly room.
 - b. A minimum of two (2) bicycle parking spaces per use (one sheltered and one unsheltered) may be provided. Sheltered bicycle parking spaces may be under an eave, overhang, an independent structure, or similar cover.

D. LANDSCAPING (See Sections 14.15.200 - 250)

E. PEDESTRIAN AND BICYCLE FACILITIES (See Sections 14.15.600 - 650)

F. OUTDOOR LIGHTING (See Section 14.15.300 - 330)

G. OUTDOOR STORAGE (See Sections 14.15.700(F) and (G))

H. VISION CLEARANCE AREAS (See Section 14.11.200)

I. FLOOD ZONES, WETLANDS AND RIPARIAN AREAS (See Chapter 7, Article A)

J. GRADING AND STORM-WATER DRAINAGE (See Sections 14.15.700(C) and (D))

K. EASEMENTS (*reserved for expansion*)

L. UTILITIES (*reserved for expansion*)

M. FENCES (See Section 14.11.300)

N. SIGNS (See Chapter 10)

14.3B.530 BUILDING DEVELOPMENT STANDARDS

A. MAXIMUM BUILDING HEIGHT

Buildings, structures, or portions thereof shall not be erected to exceed a height of two and one-half (2½) stories or thirty-five (35) feet. No building shall exceed a height of thirty-five (35) feet.

B. GARAGE OR CARPORT

Each dwelling unit shall be provided with an attached or detached garage or carport capable of containing at least one standard size automobile.

C. SANITATION

Before any dwelling is occupied, it must be connected to the city sewer system at such time as the city sewer system becomes available to the property on which the dwelling is located.

14.3B.600 SITE PLAN DESIGN REVIEW CRITERIA AND PROCEDURES (*reserved for expansion*)

Article C

MULTI-FAMILY RESIDENTIAL ZONE (RM)

14.3C.010 PURPOSE AND INTENT (reserved for expansion)

14.3C.020 USES

Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the Residential (RM) Zone shall comply with the following regulations.

14.3C.100 PERMITTED USES

- A. Single-family dwellings including manufactured homes meeting the standards of Chapter 9.
 - 1. Each dwelling unit shall utilize two (2) of the following design features to provide visual relief along the front of the residence.
 - a. Dormers
 - b. Gables
 - c. Recessed entries
 - d. Covered porch entries
 - e. Cupolas
 - f. Pillars or posts
 - g. Bay window (min. 12" projection)
 - h. Eaves (min. 6" projection)
 - i. Off-sets in building face or roof (min. 16")
- B. Public parks, public recreation areas and community or neighborhood centers.
- C. Accessory uses and accessory buildings which are customarily incidental to the above uses. Accessory uses and accessory buildings are those which are clearly incidental and subordinate to the primary use of the main building.
 - 1. Detached accessory buildings shall not be located within the required setback areas or less than six and one-half (6½) feet from the main building.
 - 2. The height of accessory buildings shall be limited to fourteen (14) feet.
 - 3. The area of an accessory building shall be limited to 800 square feet.

D. Name plates and signs:

1. One non-illuminated name plate, not to exceed one and one-half (1½) square feet in area, placed flat against the building, for each dwelling containing a home occupation.
2. One (1) temporary non-illuminated sign not to exceed eight (8) square feet in area appertaining to the lease, rental, or sale of a building or premises upon which it is located.
3. One bulletin board, not to exceed twelve (12) square feet in area for each church, public library, neighborhood or community center.

E. Residential care home.

F. Boarding house.

G. Transportation Improvements:

1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property.
6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

H. Day Care Nursery/Kindergarten.

I. Duplexes.

14.3C.200 USES PERMITTED SUBJECT TO STANDARDS (*reserved for expansion*)

14.3C.300 CONDITIONAL USES

Permitted with approval of the Planning Commission in accordance with Chapter 12.

- A. Residential Care Facility.
- B. Public schools and libraries.
- C. Lodge for civic or fraternal organization carrying on no commercial activity.
- D. Triplexes, fourplexes, and multi-family dwellings. (See Section 14.12.300(E)).
- E. Necessary public utilities and public services with safeguards against non-compatibility to adjacent or abutting residential property as required by the Planning Commission.
- F. Mobile home parks.
- G. Bed and Breakfast facilities meeting the provisions of Section 14.12.300(A).
- H. Boarding house.
- I. Home occupation. (See Section 14.11.100)
- J. Transportation Improvements:
 - 1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan; or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria.

For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria.

- a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
- b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

- c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - d. The project includes provision for bicycle and pedestrian circulation as consistent with the Comprehensive Plan and other requirements of this Ordinance.
- 2. Construction of rest areas, weigh stations, temporary storage, and processing sites.
- 3. If review under this section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
- 4. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three (3) years.

K. Mini Storage Facilities.

L. Cottage Developments

The goal of the Cottage Development is to provide for Senior housing.

1. Development Standards

- a. Four cottages minimum per development; already satisfied by the original developer and not intended to continue as a requirement of new development.
- b. Lot size minimum of 3,500 square feet, per cottage lot.
- c. Cottage size minimum of 800 square feet, in addition to, and exclusive of, the required one car garage.
- d. Single-story cottages only, with one-car garage.
- e. Subject to specific setback standards as follows: 5-foot side yard, 10-foot backyard, 15-foot front yard; except on a corner lot and side yard abutting street, such setback shall then be 10 feet.
- f. Consistent architectural theme required for all cottages.
- g. Accessory buildings, including detached garages, shall have the same architectural theme as the cottages.

- h. Covenants, conditions and restrictions (CC&Rs) shall be provided that address ongoing maintenance of common area, open space area and private streets and pathways, where allowed in such developments.
- i. All entrance or monument signage within or adjacent to, and related to the Cottage Development, shall integrate the development theme into the design of the signage.
- j. The perimeters of the Development shall incorporate a decorative fence or wall, between four feet to six feet in height, containing building materials and/or design features used in, or complementary to, the structures within the Development.

2. Cottage Development Submittal Requirements

The following plans and information are required for all subsequent Cottage Development proposals:

- a. Conceptual development plan.
- b. Site plan.
- c. Landscape plan.
- d. Typical building elevations.
- e. Typical floor plans.
- f. Grading and drainage plan.
- g. Burden of proof statement addressing all standards and criteria that cannot be graphically addressed on the plans.
- h. Fire flow analysis.
- i. Traffic impact study, if required by City of Hines or ODOT.
- j. Draft Covenants, Conditions and Restrictions (CC&Rs), including the creations of or continuance of a Homeowners' Association (HOA), which will enforce the CC&Rs.
- k. Lighting plan.

3. Review of Cottage Development Proposal

All Cottage Development proposals shall undergo a public hearing before the Hines Planning Commission, which will make a recommendation to Hines Common Council.

14.3C.400 TEMPORARY USES *(reserved for expansion)*

14.3C.500 PROPERTY DEVELOPMENT STANDARDS

The following property development standards apply to all new developments in the RM Zone and are intended to provide a consistent development pattern that ensures a safe, orderly, efficient, economically viable and aesthetically pleasing environment throughout each RM Zone district.

14.3C.510 LOT DIMENSION STANDARDS

A. MINIMUM LOT SIZE/AREA

1. Single-Family Dwellings 7,500 square feet
2. Duplexes 12,000 square feet
3. Triplexes 15,000 square feet
4. Fourplexes 20,000 square feet
5. Multi-Family Structures 20,000 square feet for the first four (4) units and 2,000 square feet for each additional unit.

B. MINIMUM AVERAGE LOT WIDTH 70 feet

C. MINIMUM LOT DEPTH 100 feet

14.3C.520 SITE DEVELOPMENT STANDARDS

A. MINIMUM YARD SETBACKS

1. Front yard 20 feet
2. Rear yard 10 feet
3. Side yard 10 feet
4. Street Side yard 15 feet

B. ACCESS MANAGEMENT, DRIVEWAY AND CIRCULATION STANDARDS (See Sections 14.15.500 - 530)

C. OFF-STREET PARKING, LOADING AND UNLOADING

1. Dwellings: Two parking spaces shall be provided on the lot for each dwelling unit.
2. Every residential use of four (4) or more dwelling units may provide at least one sheltered bicycle parking space for each unit.
3. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no

garage or other easily accessible storage unit, the required bicycle parking spaces may be sheltered under an eave, overhang, independent structure, or similar cover.

4. Uses Other Than Dwellings (See Chapter 8 of this Ordinance).

- a. A minimum of two (2) bicycle parking spaces per use (one sheltered and one unsheltered) may be provided. Sheltered bicycle parking spaces may be under an eave, overhang, an independent structure, or similar cover.

D. LANDSCAPING (See Sections 14.15.200 - 250)

E. PEDESTRIAN AND BICYCLE FACILITIES (See Sections 14.15.600 - 650)

F. OUTDOOR LIGHTING (See Section 14.15.300 - 330)

G. OUTDOOR STORAGE (See Sections 14.15.700(F) and (G))

H. VISION CLEARANCE AREAS (See Section 14.11.200)

I. FLOOD ZONES, WETLANDS AND RIPARIAN AREAS (See Chapter 7, Article A)

J. GRADING AND STORM-WATER DRAINAGE (See Sections 14.15.700(C) and (D))

K. EASEMENTS (*reserved for expansion*)

L. UTILITIES (*reserved for expansion*)

M. FENCES (See Section 14.11.300)

N. SIGNS (See Chapter 10)

14.3C.530 BUILDING DEVELOPMENT STANDARDS

A. MAXIMUM BUILDING HEIGHT

Buildings, structures, or portions thereof shall not be erected to exceed a height of two and one-half (2½) stories or thirty-five (35) feet.

B. GARAGE OR CARPORT

Each dwelling unit shall be provided with an attached or detached garage or carport capable of containing at least one standard size automobile.

C. SANITATION

Before any dwelling is occupied, it must be connected to the city sewer system at such time as the city sewer system becomes available to the property on which the dwelling is located.

14.3C.600 SITE PLAN DESIGN REVIEW CRITERIA AND PROCEDURES (*reserved for expansion*)

Chapter 4

COMMERCIAL DISTRICTS

Article A

COMMERCIAL ZONE (C)

14.4A.010 PURPOSE AND INTENT (*reserved for expansion*)

14.4A.020 USES

Buildings and structures hereafter erected, structurally altered, enlarged or moved, or land hereafter used in the Commercial (C) Zone, shall comply with the following regulations. A building permit is required for ALL structural changes and construction in the Commercial Zone. A permit will be issued upon land use, site review and construction plan approval by the appropriate authorities.

14.4A.100 PERMITTED USES

Subject to site plan approval. The intent of this provision is to ensure public safety, aesthetic quality and compatibility of uses, all as set forth in this Ordinance. Therefore, the Commission shall review and approve a site plan for any development in the Commercial Zone, prior to issuance of a permit for development in said zone.

- A. Retail trade establishments in which the operation takes place solely within an enclosed building.
- B. Business, governmental or professional offices.
- C. Financial institution.
- D. Personal and business services such as barber shop, tailoring shop, printing shop, laundry or electrical repair shops.
- E. Transportation Improvements:
 - 1. Normal operation, maintenance, repair and preservation activities of existing transportation facilities.

2. Installation of culverts, pathways, medians, fencing, guardrails, lighting and similar types of improvements within the existing right-of-way.
3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property.
6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

F. Lodging (motels/hotels).

G. All dwelling units, including mobile homes, and associated improvements, provided they were in existing uses on May 8, 2001 are grandfathered, and if destroyed by fire, natural disasters, or any other unforeseen incidents out of the owner's control, may be rebuilt as a residence, or remodeled, in accordance with City of Hines zoning regulations and applicable building codes. Construction must be completed within 18 months of the incident.

14.4A.200 USES PERMITTED SUBJECT TO STANDARDS (*reserved for expansion*)

14.4A.300 CONDITIONAL USES

Permitted with approval of the Planning Commission in accordance with Chapter 12 of this ordinance.

- A. Retail trade establishments at which any part of the operation takes place outside an enclosed building.
- B. Churches.
- C. Commercial amusement.

- D. Residential uses located on the second or higher floor of a commercial structure provided there is an existing or proposed commercial use on the ground floor of the structure.
- E. Public park, public recreation areas and community centers.
- F. Recreational vehicle park.
- G. Light industrial uses provided that all activities and operations except off-street parking and loading take place wholly within an enclosed building and that it is not deemed to be incompatible with surrounding uses because of noise, odor, sight or other kinds of environmental pollution.
- H. Lodge for civic or fraternal organization.
- I. Dry cleaning establishment.
- J. Transportation Improvements:
 - 1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan; or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review. Transportation projects shall comply with the Transportation System Plan and criteria.

For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria.

- a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 - b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
 - c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - d. The project includes provision for bicycle and pedestrian circulation as consistent with the Comprehensive Plan and other requirements of this Ordinance.
- 2. Construction of rest areas, weigh stations, temporary storage, and processing sites.

3. If review under this section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional use permit review.
 4. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three (3) years.
- K. Cabins, seasonal vacation rentals and other lodging where occupancy occurs on a temporary basis.
- L. Single-Family Dwelling, subject to the following limitations:
1. Use of the building or structure located within the 'C' Zone as a single-family dwelling shall have been in existence on July 17, 2017, and shall have been consistent and ongoing by the actual applicant for a period of not less than five (5) years prior to July 11, 2017.
 2. The applicant shall establish through verifiable proof such occupancy of the building or structure located in the 'C' Zone during the time period set forth in subsection 1 above. For purposes of this section, the term "verifiable proof" shall mean written documentation sufficient to establish the property being used as a single-family dwelling during the relevant time period.
 3. The applicant shall apply for a Conditional Use Permit and shall pay for all applicable fees charged by the City for such permit.
 4. Any Conditional Use Permit granted to an applicant under this section shall be personal and shall not run with the land. Upon the grantee of such conditional use permit vacating the premises and/or transferring the property to a third party, the conditional use permit granted pursuant to this ordinance shall become void and the property shall again be subject to all of the applicable zoning ordinance regulations relating to conditional and permitted uses for the 'C' Zone, however the property shall no longer be eligible for the additional conditional use set forth in this ordinance.

14.4A.400 TEMPORARY USES (*reserved for expansion*)

14.4A.500 PROPERTY DEVELOPMENT STANDARDS

The following property development standards apply to all new developments in the C Zone and are intended to provide a consistent development pattern that ensures a safe, orderly, efficient, economically viable and aesthetically pleasing environment throughout each C Zone district.

14.4A.510 LOT DIMENSION STANDARDS

- A. MINIMUM LOT SIZE/AREA None
- B. MINIMUM AVERAGE LOT WIDTH 70 feet
- C. MINIMUM LOT DEPTH 100 feet
- D. LOT COVERAGE

Structures may not occupy more than sixty (60) percent of the lot or parcel.

14.4A.520 SITE DEVELOPMENT STANDARDS

A. SETBACKS REQUIREMENTS

1. Front yard

No yards adjacent to a street shall be required except when the front lot line abuts a residential zone, in which case the yard shall be ten (10) feet.

2. Rear yard

No rear yard shall be required except when the rear lot line abuts a residential zone and there is no alley intervening, in which case the yard shall be twenty (20) feet.

3. Side yard

No side yard shall be required except when the side lot line abuts a residential zone in which case the yard shall be ten (10) feet.

4. Provisions for all required yards

- a. Only parking areas, landscaping areas or allowed display or storage areas are allowed in required yards.
- b. If a front yard is required, the first five (5) feet from the lot line shall not be used for parking or outdoor display or storage, and shall be used for landscaping.

- c. If a side yard is required, the first five (5) feet from the lot line shall be landscaped, or if desired, a parking area or allowed display or storage area may be adjacent to the side lot line providing a screening device is provided that is at least six (6) feet in height.
- d. If a rear yard is required, the first five (5) feet from the lot line shall be landscaped, or if desired, a parking area or allowed outdoor display or storage area may be adjacent to the rear lot line providing a screening device is provided that is at least six (6) feet in height.
- e. Where a side or rear yard abuts an alley, it need not be landscaped in accordance with the above provisions.

B. ACCESS MANAGEMENT, DRIVEWAY AND CIRCULATION STANDARDS (See Sections 14.15.500 - 530)

C. OFF-STREET PARKING, LOADING AND UNLOADING

1. Residential Off-Street Parking

For residential uses, same as required in residential zones.

2. Off-Street Parking: See Chapter 8.

- 3. All public and commercial parking lots and parking structures may provide a minimum of one (1) bicycle parking space for every ten (10) motor vehicle parking spaces.

D. LANDSCAPING (See also Sections 14.15.200 - 250)

All lot area not occupied by structures, parking, or open storage lots authorized as a conditional use shall be landscaped as required by the Planning Commission.

E. PEDESTRIAN AND BICYCLE FACILITIES (See Sections 14.15.600 - 650)

F. OUTDOOR LIGHTING (See Section 14.15.300 - 330)

G. OUTDOOR STORAGE (See Sections 14.15.700(F) and (G))

H. VISION CLEARANCE AREAS (See Section 14.11.200)

I. FLOOD ZONES, WETLANDS AND RIPARIAN AREAS (See Chapter 7, Article A)

J. GRADING AND STORM-WATER DRAINAGE (See Sections 14.15.700(C) and (D))

K. EASEMENTS (*reserved for expansion*)

L. UTILITIES (*reserved for expansion*)

M. FENCES (See Section 14.11.300)

N. SIGNS (See Chapter 10)

14.4A.530 BUILDING DEVELOPMENT STANDARDS

A. MAXIMUM BUILDING HEIGHT

Buildings, structures or portions thereto shall not be erected to exceed a height of forty-five (45) feet.

14.4A.600 SITE PLAN DESIGN REVIEW CRITERIA AND PROCEDURES (*reserved for expansion*)

Article B

DOWNTOWN COMMERCIAL DISTRICT (C-D)

14.4B.010 PURPOSE AND INTENT

The City goal is to strengthen the Downtown Commercial District (C-D) as the “heart” of the community and as the logical place for people to gather and create a business center. The District is intended to support this goal through elements of design and appropriate mixed use development. This district shall be designated Commercial (C) unless a property owner requests the (C-D) Zone designation on their property.

This chapter provides standards for the orderly improvement and expansion of the Downtown Commercial District based on the following principles:

- A. Efficient use of land and urban services;
- B. A mixture of land uses to encourage walking as an alternative to driving, and provide more employment and housing options;
- C. The Downtown Commercial District provides both formal and informal community gathering places;
- D. There is a distinct storefront character which identifies the Downtown Commercial District;
- E. The Downtown Commercial District is connected to neighborhoods and other employment areas;
- F. Provide visitor accommodations and tourism amenities;
- G. Transit-oriented development reduces reliance on the automobile and reduces parking needs in the Downtown Commercial District.

14.4B.020 USES

Buildings and structures hereafter erected, structurally altered, enlarged, or moved or land hereafter used in the Downtown Commercial (C-D) District shall comply with the following regulations.

14.4B.100 PERMITTED USES

Subject to Site Plan Review approval.

- A. Retail trade establishments in which the operation takes place solely within an enclosed building.
- B. Business, governmental, or professional offices.
- C. Financial institution.
- D. Personal and business service such as barber shop, tailoring shop, printing shop, laundry or dry cleaning establishment, and electrical repair shops.
- E. Public park, public recreation areas and community centers.
- F. Dry cleaning establishment.
- G. Transportation Improvements.
 - 1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities
 - 2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
 - 3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
 - 4. Landscaping as part of a transportation facility.
 - 5. Emergency measures necessary for the safety and protection of property.
 - 6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
 - 7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

14.4B.200 USES PERMITTED SUBJECT TO STANDARDS (*reserved for expansion*)

14.4B.300 CONDITIONAL USES

Permitted with approval of the Planning Commission in accordance with Chapter 12 of this ordinance.

- A. Retail trade establishments at which any part of the operation takes place outside an enclosed building.
- B. Commercial amusement.
- C. Residential uses located on the second or higher floor of a commercial structure provided there is an existing or proposed commercial use on the ground floor of the structure.
- D. Lodge for civic or fraternal organization.
- E. Transportation Improvements:
 - 1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan; or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review. Transportation projects shall comply with the Transportation system Plan and applicable standards, and shall address the following criteria.

For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria.

- a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 - b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
 - c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - d. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
- 2. Construction of rest areas, weigh stations, temporary storage, and processing sites.

3. If review under this section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
4. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.

F. Single-Family Dwelling, subject to the following limitations:

1. Use of the building or structure located within the C-D Zone as a single-family dwelling shall have been in existence on July 17, 2017, and shall have been consistent and ongoing by the actual applicant for a period of not less than five (5) years prior to July 11, 2017.
2. The applicant shall establish through verifiable proof such occupancy of the building or structure located in the C-D Zone during the time period set forth in subsection 1 above. For purposes of this section, the term “verifiable proof” shall mean written documentation sufficient to establish the property being used as a single-family dwelling during the relevant time period.
3. The applicant shall apply for a Conditional Use Permit and shall pay for all applicable fees charged by the City for such permit.
4. Any Conditional Use Permit granted to an applicant under this section shall be personal and shall not run with the land. Upon the grantee of such conditional use permit vacating the premises and/or transferring the property to a third party, the conditional use permit granted pursuant to this ordinance shall become void and the property shall again be subject to all of the applicable zoning ordinance regulations relating to conditional and permitted uses for the C-D Zone, however the property shall no longer be eligible for the additional conditional use set forth in this ordinance.

14.4B.301 LAND USE PROHIBITED

Only uses specifically listed in Sections 14.4A.100 and 14.4A.300 and uses similar to those in Section 14.4B.560(E), are permitted in this district.

14.4B.400 TEMPORARY USES (*reserved for expansion*)

14.4B.500 PROPERTY DEVELOPMENT STANDARDS

The following property development standards apply to all new developments in the C-D Zone and are intended to provide a consistent development pattern that ensures a safe, orderly, efficient, economically viable and aesthetically pleasing environment throughout the C-D Zone district.

14.4B.510 LOT DIMENSION STANDARDS

- | | |
|------------------------------|----------|
| A. MINIMUM LOT SIZE/AREA | None |
| B. MINIMUM AVERAGE LOT WIDTH | 70 feet |
| C. MINIMUM LOT DEPTH | 100 feet |

14.4B.520 SITE DEVELOPMENT STANDARDS

A. BUILDING SETBACKS

In the Downtown Commercial District, buildings are placed close to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street, and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed use buildings for a walkable Downtown Commercial District.

Building setbacks are measured from the exterior wall to the respective property line. Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following page, apply to primary structures as well as accessory structures.

The standards may be modified only by approval of a Variance, in accordance with Chapter 12 of this Ordinance.

1. Front Yard Setbacks

a. Minimum Setback

There is no minimum front yard setback required.

b. Maximum Setback

The maximum allowable front yard setback is twenty (20) feet. This standard is met when a minimum of one hundred (100) percent of the front building elevation is placed no more than twenty (20) feet back from the front property line. On parcels with more than one building, this standard applies to the largest building. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-

wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. (See also, Pedestrian Amenities Standards in Section 14.4B.550, and Architectural Standards in Section 14.4B.540 for related building entrance standards).

2. Rear Yard Setbacks

a. Minimum Setback

The minimum rear yard setback for all structures shall be eight (8) feet for street-access lots, and eight (8) feet for alley-access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking.

b. Through-Lots

For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in 14.4B.520(A)(1) shall apply.

3. Side Yard Setbacks

There is no minimum side yard setback required, except that buildings shall conform to the vision clearance standards in Chapter 8 and the applicable fire and building codes for attached structures, fire walls, and related requirements.

4. Setback Exceptions

Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features may encroach into setbacks by no more than two (2) feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code. Walls and fences may be placed on the property line.

B. BLOCK LAYOUT

This section is intended to promote the walkable, storefront character of the Downtown Commercial District by forming short blocks and orienting (placing or locating) buildings close to streets. Placing buildings close to the street also slows traffic down and provides more “eyes on the street”, increasing the safety of public spaces. The standards, as listed on the following page and illustrated above, compliment the front yard setback standards in Section 14.4B.520(A)(1).

1. Applicability

This Section applies to new Land Divisions and all of the following types of development (i.e., subject to Site Plan Review):

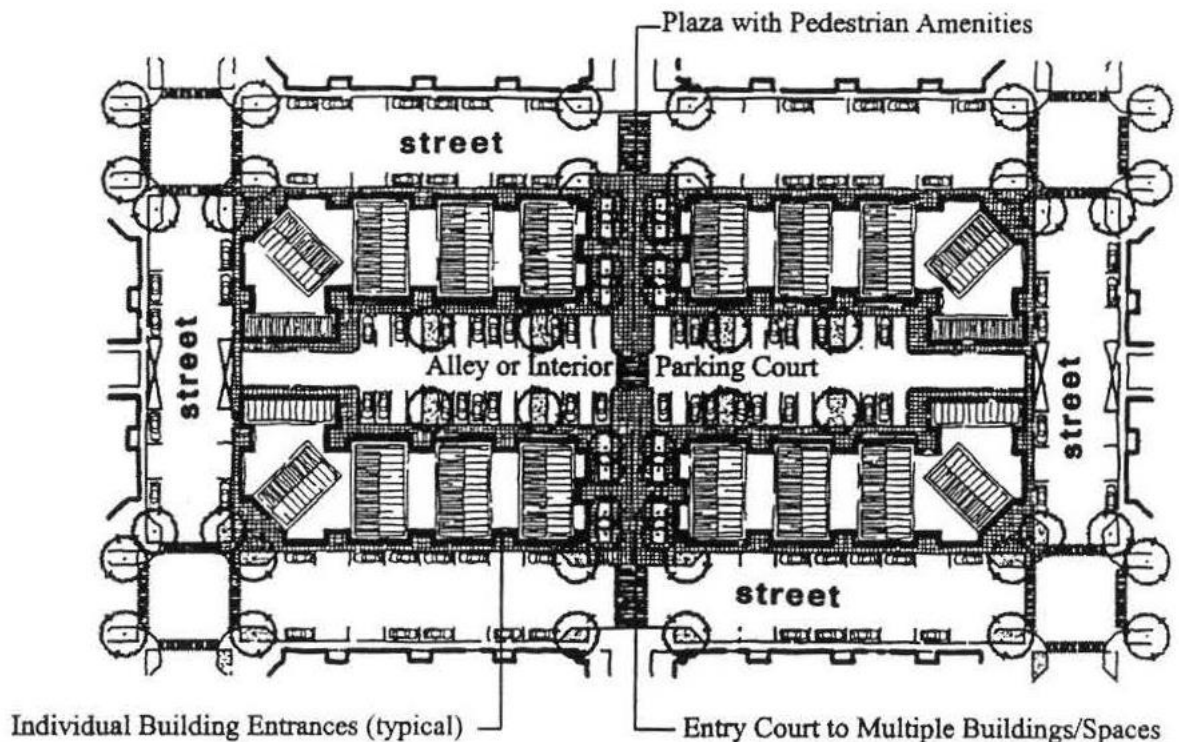
- a. Commercial and mixed use buildings subject to Site Plan Review.

- b. Residential occupancies, such as single-family dwellings, duplexes, or apartments, may be located on the second floor of a commercial structure provided there is an existing or proposed commercial use on the ground floor of the structure.
- c. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and Compliance with all of the provisions of subsections 14.4B.520(B)(2) and (3) and 14.4B.530(B), below, shall be required.

2. Block Layout Standard

New land divisions and developments which are subject to Site Plan Review shall be configured to provide an alley or interior parking court, as shown above. Blocks (areas bound by public street right-of-way) shall have a length not exceeding four hundred (400) feet, and a depth not exceeding two hundred (200) feet. Pedestrian pathways shall be provided from the street right-of-way to interior parking courts between buildings, as necessary to ensure reasonable safe, direct, and convenient access to building entrances and off-street parking.

FIGURE 14.4B-1 BLOCK LAYOUT (TYPICAL)



Exceptions to this standard may be approved when all of the provisions of subsection 14.4B.520(B)(3) (Superblock Development) below are met.

3. Superblock Developments

Commercial and mixed use developments may exceed the block width and depth standards in 'B', above, when the total floor area of those developments (i.e., one or more buildings on one or more lots) exceeds 40,000 square feet on the ground floor. These "superblock developments" shall conform to all of the standards in a-b below (See figure):

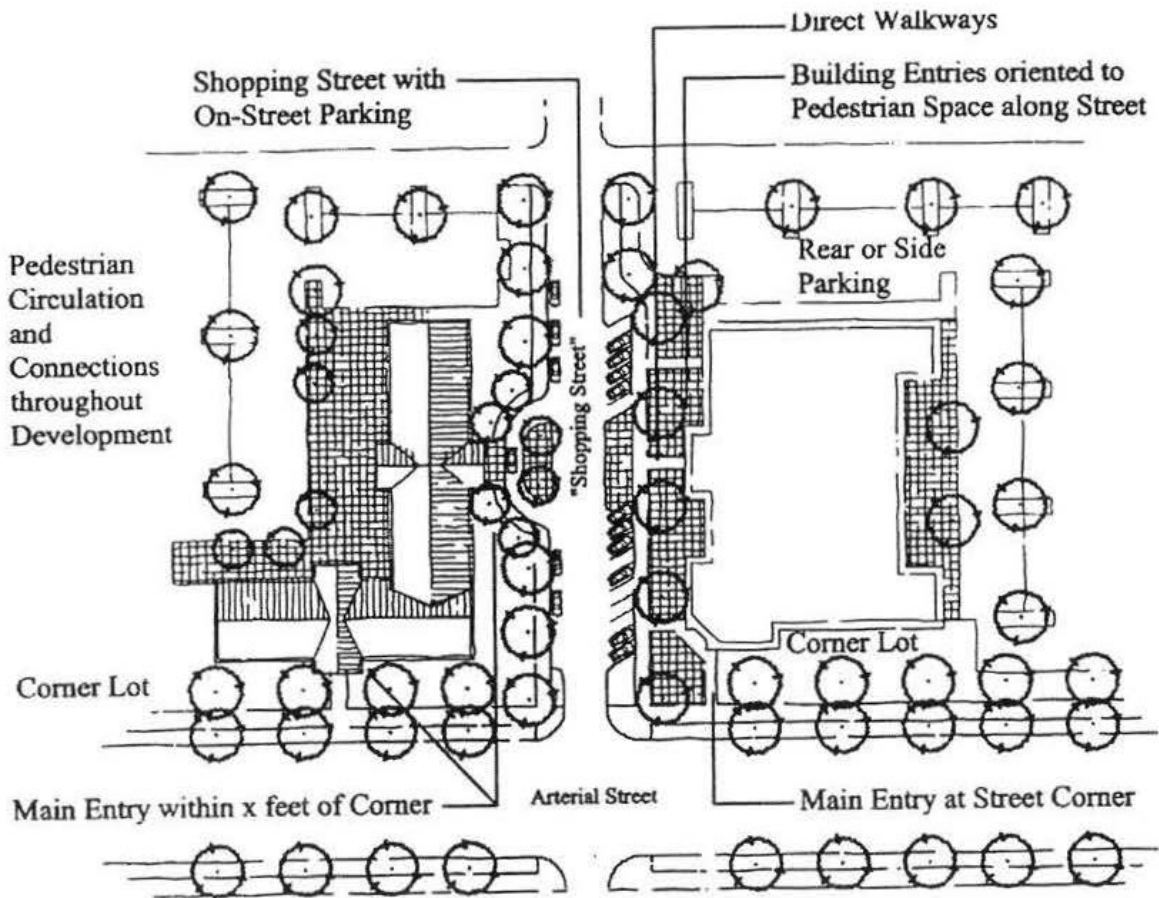
a. Create a "shopping street"

Each development has at least one street or drive designed with the basic elements of a good pedestrian-oriented shopping street: buildings oriented (placed) close to both sides of a "main street", which may be public or private; on-street parking; wide sidewalks (e.g., 8-12 feet typical), street trees; pedestrian-scale lighting and other similar enhancements.

b. Provide usable pedestrian space

Pedestrian space means a plaza or extra-wide pathway/sidewalk near one or more building entrances. Each development provides street trees or planters, space for outdoor seating, canopies or awnings, and on-street parking (in selected areas) to improve the pedestrian environment along internal private drives.

FIGURE 14.4B-2 “SUPERBLOCK” LAYOUT (TYPICAL)



4. Variances

Standards of this Section shall not be changed through a typical variance. The standard may be varied to address topographic or other physical constraint on the site in accordance with the provisions in Chapter 13.

C. LOT COVERAGE

There is no maximum lot coverage requirement, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses.

14.4B.530 BUILDING DEVELOPMENT STANDARDS

A. BUILDING HEIGHT

All buildings in the Downtown Commercial District shall comply with the following building height standards. The standards are intended to allow for development of appropriately-scaled buildings with a storefront character:

1. Maximum Height

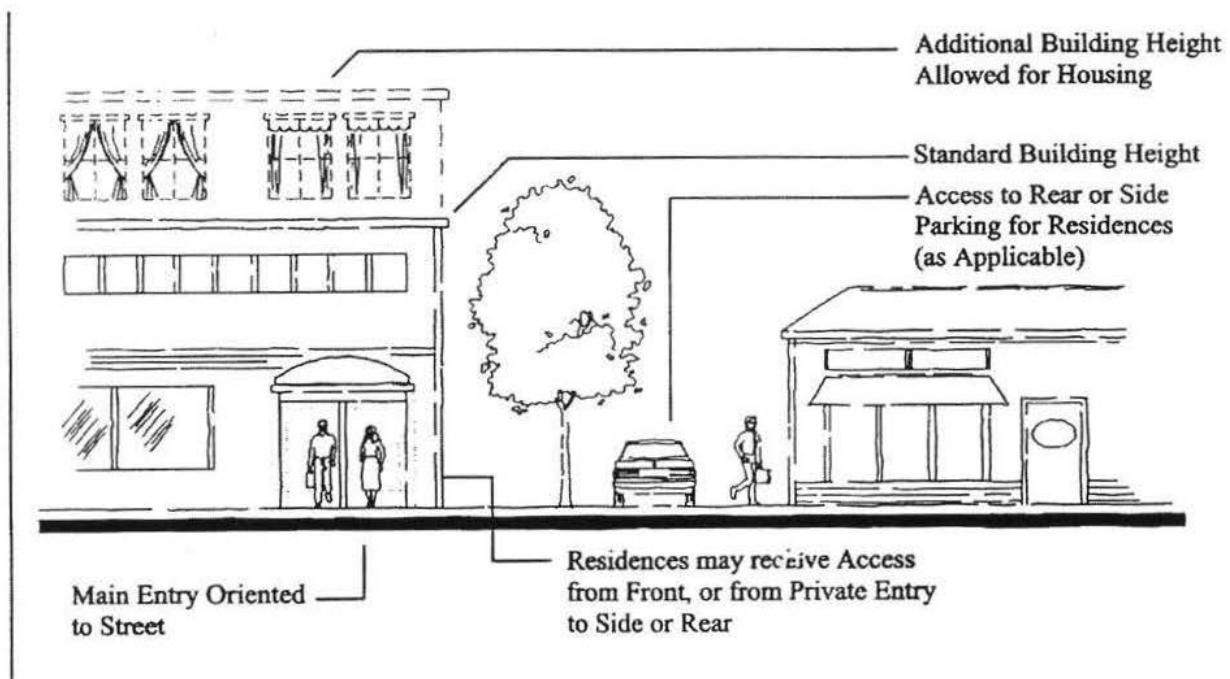
Buildings shall be no more than three stories or forty-five (45) feet in height, whichever is greater. The maximum height may be increased by ten (10) feet when housing is provided above the ground floor (“vertical mixed use”), as shown above. The building height increase for housing shall apply only to that portion of the building that contains housing.

2. Method of Measurement

“Building height” is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- a. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above the lowest grade;
- b. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in subsection 14.4B.530(A)(1) is more than ten (10) feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flag poles, and similar features which are not for human occupancy.

FIGURE 14.4B-3 BUILDING HEIGHT DIAGRAM (CREDIT FOR HOUSING)



B. BUILDING ORIENTATION STANDARDS

All of the developments listed in Section 14.4B.520(B)(1) shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

1. The minimum and maximum setback standards in Section 14.4B.520(A)(1) and (2) are met.
2. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding twenty (20) feet in length is provided between the building entrance and the street right-of-way.
3. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street which is used to comply with subsection 14.4B.530(B)(2), above. On corner lots, buildings and their entrances shall be oriented to the street corner, as shown above; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.
4. Variances

Standards of this Section shall not be changed through a typical variance. The standard may be varied to address topographic or other physical constraint on the site in accordance with the provisions in Chapter 13.

FIGURE 14.4B-4 BUILDING ORIENTATION (TYPICAL)



14.4B.540 ARCHITECTURAL GUIDELINES AND STANDARDS

A. PURPOSE AND APPLICABILITY

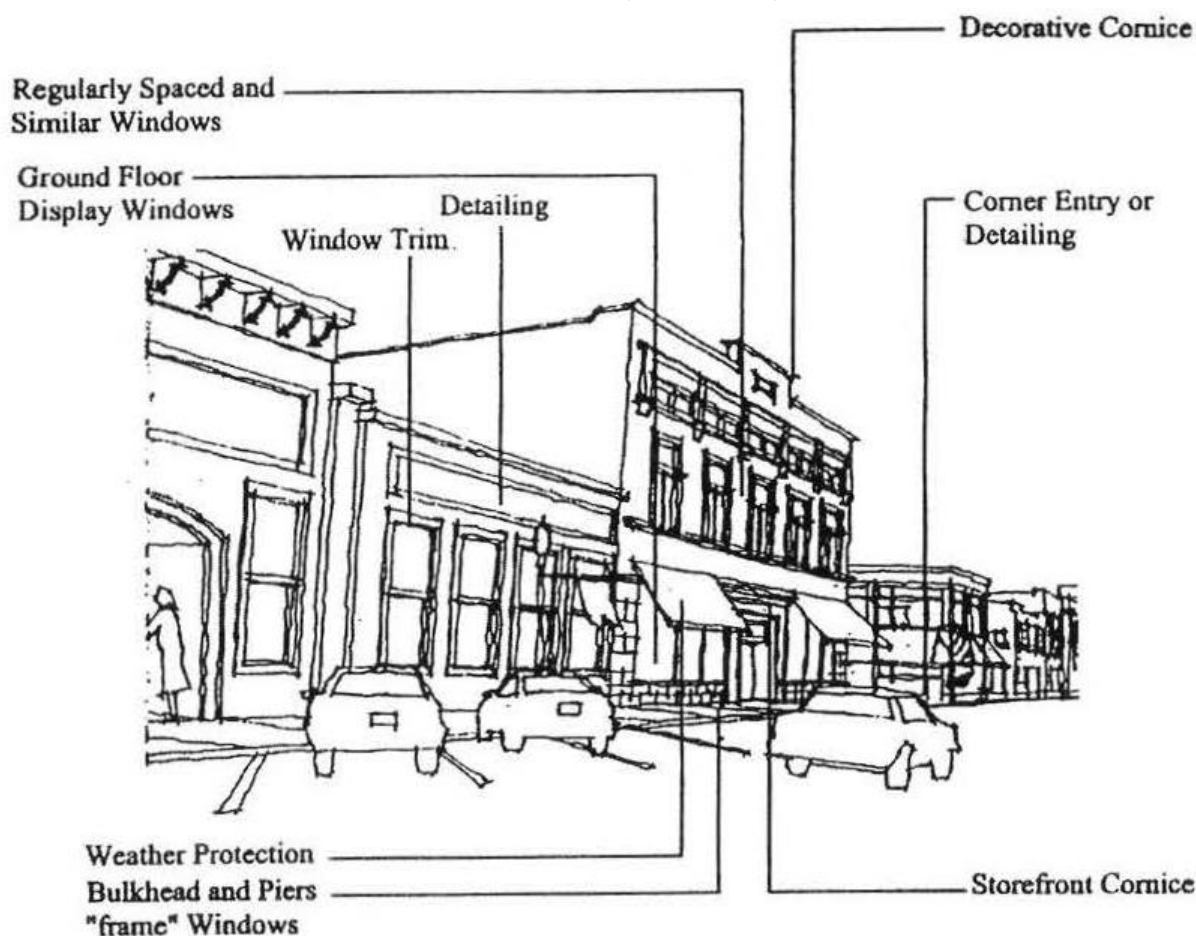
The Downtown Commercial District architectural guidelines standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles. This section applies to all of the following types of buildings:

1. Commercial and mixed use buildings subject to Site Plan Review.
2. Residential occupancies, such as single-family dwellings, duplexes, or apartments, may be located on the second floor of a commercial structure provided there is an existing or proposed commercial use on the ground floor of the structure.
3. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to Site Plan Review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

B. GUIDELINES AND STANDARDS

Each of the following standards shall be met. An architectural feature used to comply with one standard may be used to comply with another standard.

FIGURE 14.4B.540 DOWNTOWN COMMERCIAL DISTRICT BUILDING DESIGN ELEMENTS (TYPICAL)



1. Detailed Storefront Design

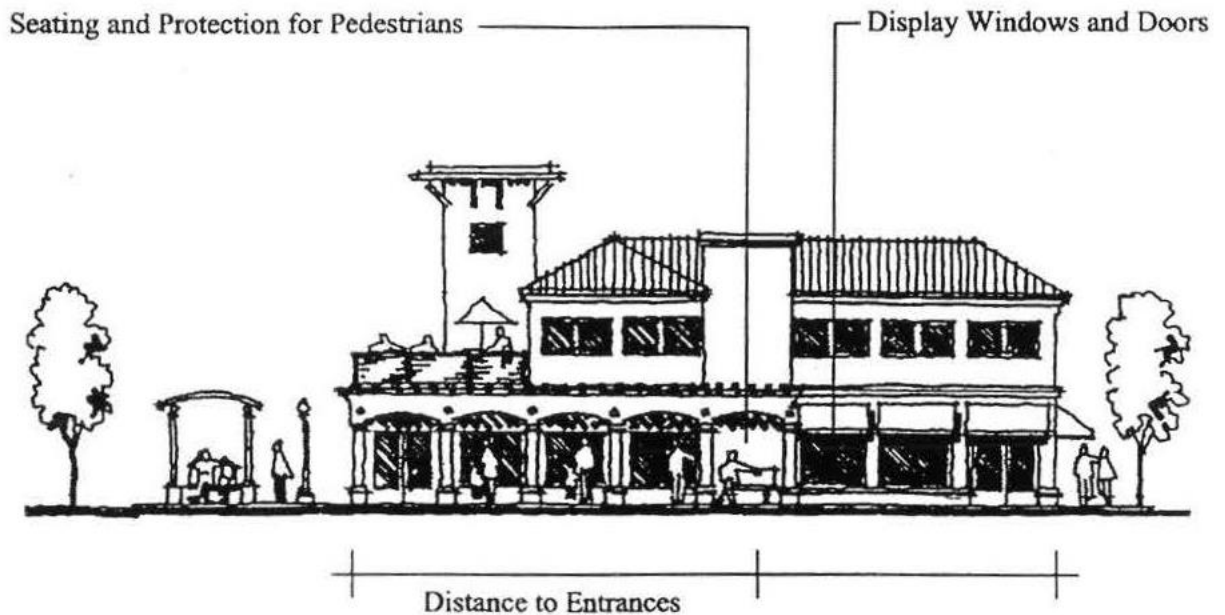
All buildings shall contribute to the storefront character and visual relatedness of Downtown Commercial District buildings. This criterion is met by providing all of the architectural features listed in a-d below, along the front building elevation (i.e., facing the street), as applicable. [Note: the example shown above is meant to illustrate required building design elements, and should not be interpreted as a required architectural style.]

- a. Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
- b. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).

- c. Large display windows on the ground-floor (non-residential uses only). Display windows shall be framed by bulkheads, piers and a storefront cornice (e.g., separates ground-floor from second story, as shown above).
- d. Decorative cornice at top of building (flat roof); or eaves provided with pitched roof.

2. Design of Large-Scale Buildings and Developments

**FIGURE 14.4B(7) DESIGN OF LARGE-SCALE BUILDINGS AND DEVELOPMENTS
(TYPICAL)**



The standards in subsection “c” below, shall apply to “Large-Scale Buildings and Developments,” as defined in a-b:

- a. Buildings with greater than [20,000] square feet of enclosed ground-floor space (i.e., “large-scale”). Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell; and
- b. Multiple-building developments with a combined ground-floor space (enclosed) greater than [40,000] square feet (e.g., shopping centers, public/institutional campuses, and similar developments).
- c. All large-scale buildings and developments, as defined in a-b, shall provide human-scale design by conforming to all of the following criteria:

- i. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as shown above. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; small-scale lighting (e.g., wall-mounted lighting, or up-lighting); and similar features. *[Note: the example shown above is meant to illustrate examples of these buildings design elements, and should not be interpreted as a required architectural style.]*
- ii. Every building elevation adjacent to a street with a horizontal dimension of more than [100] feet, as measured from end-wall to end-wall, shall have a building entrance; except that buildings elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) may not be required to meet this standard. Pathways shall connect all entrances to the street right-of-way.

14.4B.550 PEDESTRIAN AND TRANSIT AMENITIES

A. PURPOSE AND APPLICABILITY

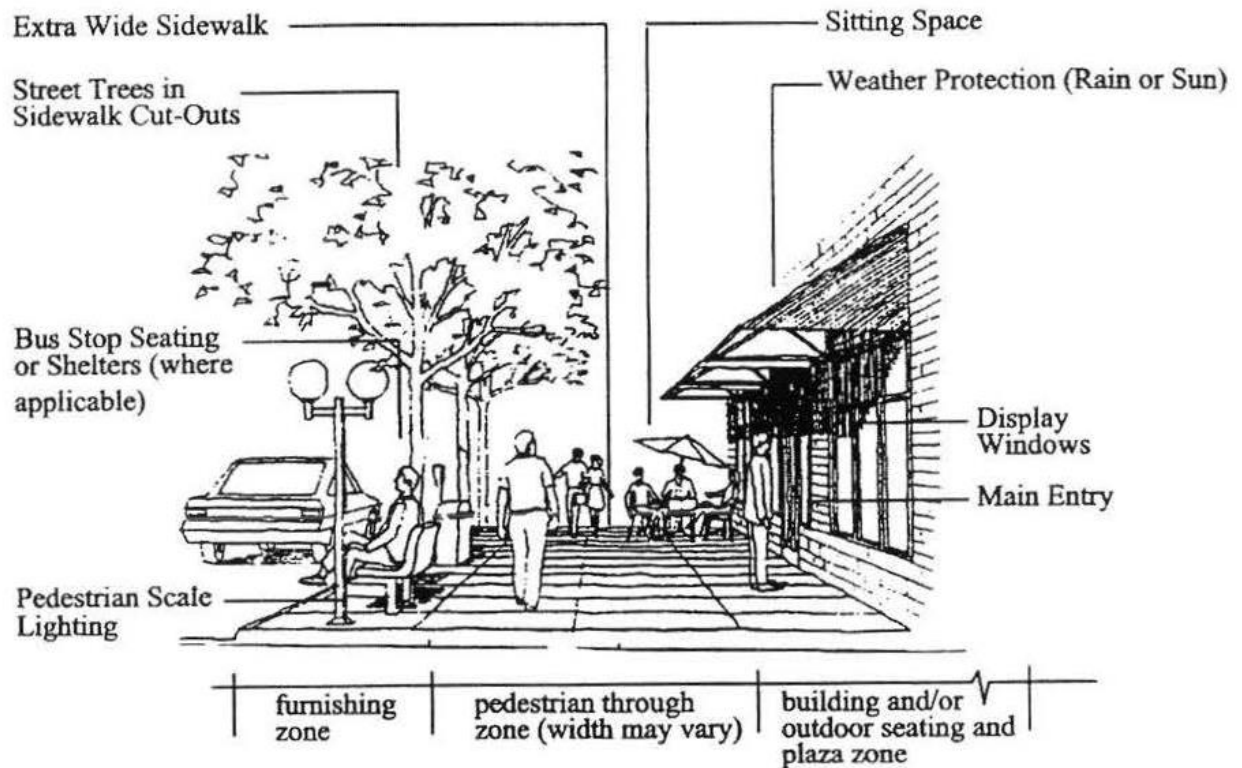
This section is intended to complement the building orientation standards in Section 14.4B.530(B), and the street standards in Section 14.15.400, by providing comfortable and inviting pedestrian spaces within the Downtown Commercial District.

Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the City's Downtown Commercial District and contribute to a walkable district. This section applies to all of the following types of buildings:

1. Commercial and mixed use buildings subject to site design review.
2. Residential occupancies, such as single-family dwellings, duplexes, or apartments, may be located on the second floor or a commercial structure provided there is an existing or proposed commercial use on the ground floor of the structure.
3. Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses).

B. GUIDELINES AND STANDARDS

FIGURE 14.4B(8) PEDESTRIAN AND TRANSIT AMENITIES (TYPICAL)



Every development shall provide one or more of the ‘pedestrian amenities’ listed in 1-4, below, and illustrated above. *[Note: the example shown above is meant to illustrate examples of pedestrian amenities. Other types of amenities and designs may be used.]* Pedestrian amenities may be provided within a public right-of-way when approved by the applicable jurisdiction.

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 10 feet);
2. Sitting space (i.e., dining area, benches or ledges between the building entrance and sidewalk, minimum of 16 inches in height and 30 inches in width;
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space).
4. Public art which incorporates seating (e.g., fountain, sculpture, etc.).

5. Transit amenity, such as bus shelter or pullout, in accordance with the City's Transportation Plan.

14.4B.560 SPECIAL STANDARDS FOR CERTAIN USES

This section provides standards for the following land uses in order to control the scale and compatibility of those uses within the Downtown Commercial District:

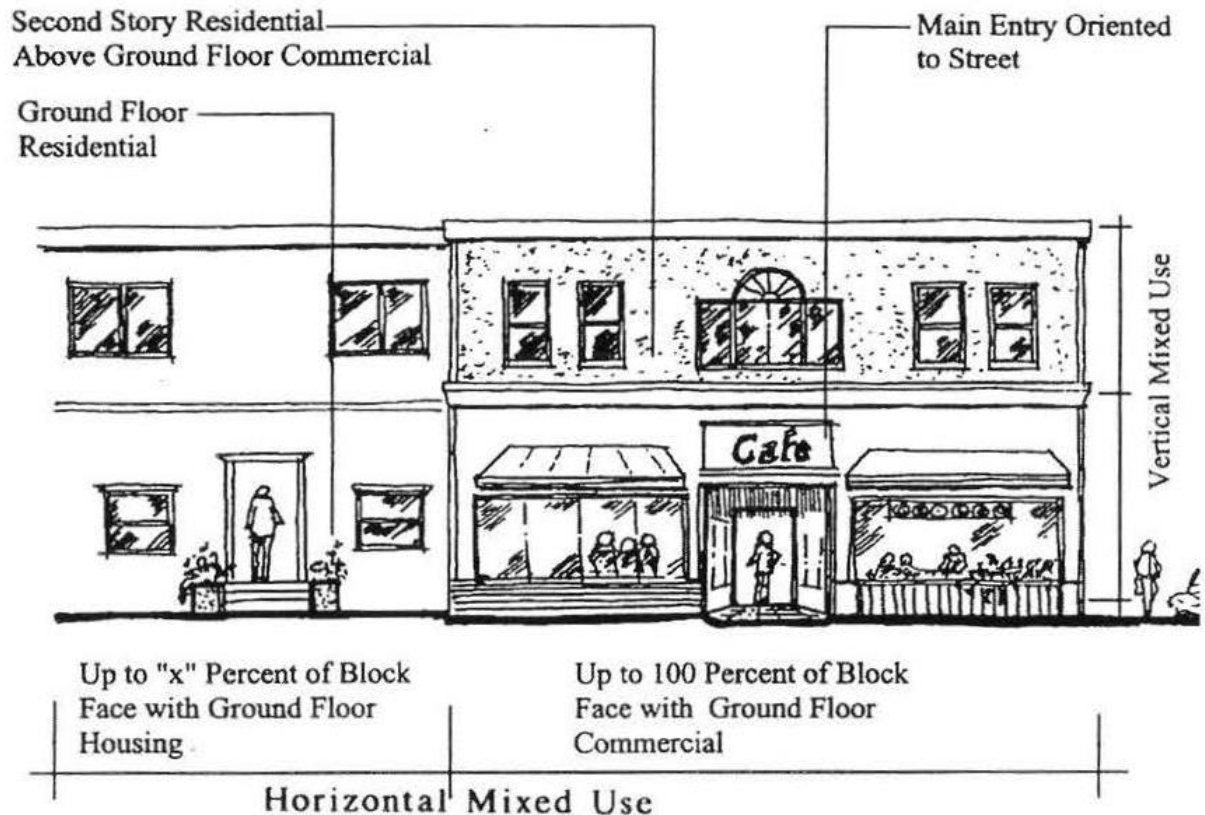
A. RESIDENTIAL USES

Higher density residential uses, such as multi-family buildings, are permitted to encourage housing near employment, shopping and services. All residential developments shall comply with the standards in 1-6, below, which are intended to require mixed use development; conserve the community's supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses which existed prior to the effective date of this code are exempt from this section.

1. Mixed Use Development Required

Residential uses shall be permitted only when part of a mixed use development (residential with commercial or public/institutional use). "Vertical" mixed use (housing above the ground floor) developments are allowed, subject to the standards in 2-6.

FIGURE 14.4B(9) MIXED USE DEVELOPMENT IN THE DOWNTOWN COMMERCIAL DISTRICT



2. Limitation On Street-Level Housing

No more than 10 percent of a single street frontage may be occupied by residential uses. This standard is intended to reserve storefront space for commercial uses and public/institutional uses; it does not limit residential uses above the street level on upper stories, or behind street-level storefronts. For parcels with street access at more than one level (e.g., sloping sites with two street frontages), the limitation on residential building space shall apply to all street frontages.

3. Density

There is no minimum or maximum residential density standard. Density shall be controlled by the applicable lot coverage and building height standards.

4. Parking, Garages, and Driveways

All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of the building; except that side-yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building

elevation by a minimum of four (4) feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from [(name of “Main Street”)]) when access cannot be provided from an alley.

5. Creation of Alleys

Alleys are not required when existing development patterns or topography make construction of an alley impracticable. As part of a subdivision, the City may require dedication of right-of-way or easements, and construction of pathways between townhome lots (e.g., between building breaks) to provide pedestrian connections through a development site, in conformance with 4.19 - Access and Circulation.

6. Common Areas

All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

B. BED AND BREAKFAST INNS AND VACATION RENTALS [Reserved.]

C. PUBLIC AND INSTITUTIONAL USES

Public and institutional uses are allowed in the Downtown Commercial District, except that automobile-oriented uses shall comply with the standards in “E”, below. Typical automobile oriented uses in this category include public works yards, equipment storage and repair, school bus companies, and similar facilities that store, repair or service automobiles, trucks, buses, heavy equipment and construction materials.

D. ACCESSORY USES AND STRUCTURES

Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Downtown Commercial District include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the Downtown Commercial District.

Accessory structures shall comply with the following standards:

1. Primary use required

An accessory structure shall not be allowed before or without a primary use.

2. Setback standards

Accessory structures shall comply with the setback standards, except that the maximum setback provisions shall not apply.

3. Design guidelines

Accessory structures shall comply with the Downtown Commercial District design guidelines, as provided in Section 14.4B.540.

4. Restrictions

A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.

5. Compliance with subdivision standards

The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

E. AUTOMOBILE-ORIENTED USES AND FACILITIES

Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in the Downtown Commercial District. The standards are intended to provide a vibrant storefront character, slow traffic down, and encourage walking.

1. Parking, Garages, and Driveways

All off-street vehicle parking, including surface lots and garages, shall be accessed from alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of a building; except that side-yards on corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front elevation by a minimum of four (4) feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from the main street) when vehicle access cannot be provided from an alley. Individual surface parking lots shall not exceed a total of ten (10) parking spaces, or one-half (1/2) city block, whichever is smaller; larger parking areas shall be in multiple story garages.

2. Automobile-Oriented Uses

“Automobile-oriented use” means automobiles and/or other motor vehicles are an integral part of the use. These uses are restricted because, when unrestricted, they detract from the pedestrian-friendly, storefront character of the district and can consume large amounts of land relative to other permitted uses.

Automobile-oriented uses shall comply with the following standards:

a. Vehicle repair, sales, rental, storage, service

Businesses that repair, sell, rent, store, or service automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, and similar vehicles and equipment are permitted when the use is contained within an enclosed building.

b. Drive-up, drive-in, and drive-through facilities

Drive-up, drive-in, and drive-through facilities (e.g., associated with restaurants, banks, car washes, and similar uses) are permitted only when accessory to a primary commercial “walk-in” use, and shall conform to all of the following standards:

- i. The facility receives access from an alley or driveway, and not a street;
- ii. None of the drive-up, drive-in, or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, drop-boxes, and similar facilities) are located within twenty (20) feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a corner);
- iii. The facility is subordinate to a primary permitted use. “Subordinate” means all components of the facility, in total, occupy less street frontage than the primary commercial or public/institutional building; and
- iv. No more than one drive-up, drive-in or drive-through facility shall be permitted on one block, or for a distance of 400 linear feet along the same street frontage, whichever is less.

F. SIDEWALK DISPLAYS

Sidewalk display of merchandise and vendors shall be limited to cards, plants, gardening/floral products, food, books, newspapers, bicycle and similar small item for sale or rental to pedestrians (i.e., non-automobile-oriented). A minimum clearance of four (4) feet shall be maintained. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials and similar vehicles and equipment, is prohibited.

G. OFF-STREET PARKING, LOADING AND UNLOADING (See Chapter 8)

H. LANDSCAPING (See Sections 14.15.200 - 250)

I. OUTDOOR LIGHTING (See Section 14.15.300 - 330)

J. OUTDOOR STORAGE (See Sections 14.15.700(F) and (G))

K. VISION CLEARANCE AREAS (See Section 14.11.200)

L. FLOOD ZONES, WETLANDS AND RIPARIAN AREAS (See Chapter 7, Article A)

M. GRADING AND STORM-WATER DRAINAGE (See Sections 14.15.700(C) and (D))

N. EASEMENTS (*reserved for expansion*)

O. UTILITIES (*reserved for expansion*)

P. FENCES (See Section 14.11.300)

Q. SIGNS (See Chapter 10)

14.4B.600 SITE PLAN DESIGN REVIEW CRITERIA AND PROCEDURES (*reserved for expansion*)

Chapter 5

INDUSTRIAL DISTRICTS

Article A

INDUSTRIAL ZONE (I)

14.5A.010 PURPOSE AND INTENT

The purpose of the Industrial (I) Zone is to provide areas for the making of commodities by manufacturing, assembling, fabrication or compounding by manual labor or machinery. The term includes physical or chemical processes or combinations thereof. Permitted uses are subject to site plan approval. The intent of this provision is to ensure public safety, aesthetic quality and compatibility of uses, as set forth in this Ordinance. Therefore, the commission shall review and approve a site plan for any development in the Industrial Zone, prior to issuance of a permit for development in said zone.

14.5A.100 PERMITTED USES

- A. Light industrial is defined as those activities identified above which occur totally within an enclosed structure. There is no odor, vibration, dust or noise discernible to the human sensory perception, beyond the exterior walls of the structure. Goods are not generally displayed, and retail sales do not generally occur on-site. However, retail sales are allowed as accessory and subordinate to the permitted use.
- B. Uses may include, but are not limited to, offices; parking; storage; welding and machine shops; repair of tools; electric motors; scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery and equipment; metal (ferrous and non-ferrous) building materials; autos, trucks and aircraft; vehicle towing and storage; tire re-treading or re-capping; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel and oil distributors; solid fuel yards; research and development laboratories; laundry, dry-cleaning and carpet-cleaning operations; photofinishing operations; food processing plants including slaughter houses, agricultural processing and similar uses; lumber mills and associated uses.

C. Transportation Improvements meeting Supplemental Provisions:

1. Normal operation, maintenance, repair and preservation activities of existing transportation facilities.
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting and similar types of improvements within the existing right-of-way.
3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property.
6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

14.5A.200 USES PERMITTED SUBJECT TO STANDARDS (*reserved for expansion*)

14.5A.300 CONDITIONAL USES

- A. Heavy Industrial is defined as those activities listed above which can occur outside an enclosed structure. The uses include outside storage, loading and unloading, stockpiling, etc. for which there is odor, vibration, dust, or noise discernible to the human sensory perception beyond the property line of the site.
- B. Necessary public facilities.
- C. Dog kennels.
- D. Farm Use (see definition).
- E. Transportation Improvements:
 1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation

System Plan; or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria.

For state projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria.

- a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 - b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
 - c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 - d. The project includes provision for bicycle and pedestrian circulation as consistent with the Comprehensive Plan and other requirements of this Ordinance.
2. Construction of rest areas, weigh stations, temporary storage, and processing sites.
 3. If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
 4. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three (3) years.

14.5A.400 TEMPORARY USES (*reserved for expansion*)

14.5A.500 PROPERTY DEVELOPMENT STANDARDS

The following property development standards apply to all new developments in the I Zone and are intended to provide a consistent development pattern that ensures a safe, orderly, efficient, economically viable and aesthetically pleasing environment throughout each I Zone district.

14.5A.510 LOT DIMENSION STANDARDS

A. MINIMUM LOT SIZE/AREA

The minimum lot area shall be 10,000 square feet.

14.5A.520 SITE DEVELOPMENT STANDARDS

A. SETBACKS REQUIREMENTS

In the Industrial Zone, setbacks shall be as follows.

1. Front yard. A front yard shall be a minimum of twenty (20) feet measured from the foundation where abutting a residential home.
2. Rear yard. The rear yard shall be a minimum of twenty-five (25) feet measured from the foundation where abutting a residential home.
3. Side yard. The side yard shall be a minimum of ten (10) feet measured from the foundation where abutting a residential zone.

B. ACCESS MANAGEMENT, DRIVEWAY AND CIRCULATION STANDARDS (See Sections 14.15.500 - 530)

C. OFF-STREET PARKING, LOADING AND UNLOADING

1. A minimum of two (2) bicycle parking spaces per use (one sheltered and one unsheltered) may be provided. Sheltered bicycle parking spaces may be under an eave, overhang, an independent structure, or similar cover.
2. Off-Street Parking: (See Chapter 8).
3. All public and commercial parking lots and parking structures may provide a minimum of one (1) bicycle parking space for every ten (10) motor vehicle parking spaces.

D. LANDSCAPING (See Section 14.15.200 - 250)

E. PEDESTRIAN AND BICYCLE FACILITIES (See Sections 14.15.600 - 650)

F. OUTDOOR LIGHTING (See Section 14.15.300)

G. OUTDOOR STORAGE (See Sections 14.15.700(F) and (G))

H. VISION CLEARANCE AREAS (See Section 14.11.200)

- I. FLOOD ZONES, WETLANDS AND RIPARIAN AREAS (See Chapter 7, Article A)
- J. GRADING AND STORM-WATER DRAINAGE (See Sections 14.15.700(C) and (D))
- K. EASEMENTS (*reserved for expansion*)
- L. UTILITIES (*reserved for expansion*)
- M. FENCES (See Section 14.11.300)
- N. SIGNS (See Chapter 10)

14.5A.530 BUILDING DEVELOPMENT STANDARDS

A. MAXIMUM BUILDING HEIGHT

In an I Zone no building shall exceed a height of forty-five (45) feet.

B. BUILDING ORIENTATION (*reserved for expansion*)

C. BUILDING DESIGN AND ARCHITECTURAL FEATURES (*reserved for expansion*)

14.5A.540 DEVELOPMENT IMPACT REVIEW REQUIREMENTS

A. TRAFFIC IMPACT ANALYSIS (See Section 14.15.700(E)(4))

14.5A.550 (*reserved for expansion*)

14.5A.560 (*reserved for expansion*)

14.5A.570 LIMITATIONS ON USE

In an I Zone the following conditions and limitations shall apply:

- A. A use is prohibited which creates a nuisance because of noise smoke, odor, dust or gas or which has been declared a nuisance by statute, by action of the municipal court or by a court of competent jurisdiction.
- B. Wastes and other materials shall be stored and grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
- C. Where outside storage is used, such use shall have a solid enclosure at least six (6) feet in height.

- D. Points of access from a public street to properties in an I Zone shall be so located as to minimize traffic congestion and avoid directing traffic onto residential streets.
- E. Building entrances or other openings adjacent to or across the street from a residential zone shall be prohibited if they cause glare, excessive noise or otherwise adversely affect land uses in the residential zone.

14.5A.600 SITE PLAN DESIGN REVIEW CRITERIA AND PROCEDURES (*reserved for expansion*)

Chapter 6

OPEN SPACE and PUBLIC FACILITIES

Article A

OPEN SPACE/PUBLIC FACILITIES ZONE (P)

14.6A.010 PURPOSE AND INTENT (*reserved for expansion*)

14.6A.020 USES

Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the Open Space/Public Facilities (P) Zone shall comply with the following regulations.

14.6A.100 PERMITTED USES (With Site Plan Review).

- A. Parks and recreation areas, including public golf courses.
- B. Public buildings and structures.

14.6A.200 USES PERMITTED SUBJECT TO STANDARDS (*reserved for expansion*)

14.6A.300 CONDITIONAL USES - PUBLIC OR NON-PROFIT ONLY

- A. Community centers, including clubhouses and other public gathering facilities
- B. Public service utilities such as power substation, wastewater lift station. Generally unmanned public service facilities.

14.6A.400 TEMPORARY USES (*reserved for expansion*)

14.6A.500 PROPERTY DEVELOPMENT STANDARDS

The following property development standards apply to all new developments in the P Zone and are intended to provide a consistent development pattern that ensures a safe, orderly, efficient, economically viable and aesthetically pleasing environment throughout each P Zone district.

14.6A.510 LOT DIMENSION STANDARDS

A. MINIMUM LOT/AREA DIMENSIONS

1. Minimum Lot Size: None

B. MINIMUM AVERAGE LOT WIDTH 70 feet

C. MINIMUM LOT DEPTH 100 feet

14.6A.520 SITE DEVELOPMENT STANDARDS

A. MINIMUM YARD SETBACKS

In the Open Space/Public Facilities zone, setbacks shall be as follows.

1. No yards adjacent to a street shall be required except when the front lot line abuts a residential zone, in which case the yard shall be ten (10) feet.
2. No side yard shall be required except when the side lot line abuts a residential zone, in which case the yard shall be ten (10) feet.
3. No rear yard shall be required except when the rear lot line abuts a residential zone and there is no alley intervening, in which case the yard shall be twenty (20) feet.
4. Provisions for all required yards:
 - a. Only parking areas, landscaping areas, or allowed display or storage areas are allowed in required yards.
 - b. If a front yard is required, the first five (5) feet from the lot line shall not be used for parking or outdoor display or storage, and shall be used for landscaping.
 - c. If a side yard is required, the first five (5) feet from the lot line shall be landscaped or, if desired, a parking area or allowed display or storage area may be adjacent to the side lot line providing a screening device is provided that is at least six (6) feet in height.
 - d. If a rear yard is required, the first five (5) feet from the lot line shall be landscaped or, if desired, a parking area or allowed outdoor display or storage area may be adjacent to the rear lot line providing a screening device is provided that is at least six (6) feet in height.
 - e. Where a side or rear yard abuts an alley, it need not be landscaped in accordance with the above provisions.

- B. ACCESS MANAGEMENT, DRIVEWAY AND CIRCULATION STANDARDS (See Sections 14.15.500 - 530)
- C. OFF-STREET PARKING, LOADING AND UNLOADING
 - 1. Off-Street Parking: See Chapter 8.
 - 2. All public and commercial parking lots and parking structures may provide a minimum of one (1) bicycle parking space for every ten (10) motor vehicle parking spaces.
- D. LANDSCAPING (See Sections 14.15.200 - 250)

All lot area not occupied by structures, parking, or open storage lots shall be landscaped as required by the Planning Commission.
- E. PEDESTRIAN AND BICYCLE FACILITIES (See Sections 14.15.600 - 650)
- F. OUTDOOR LIGHTING (See Sections 14.15.300 - 330)
- G. OUTDOOR STORAGE (See Sections 14.15.700(F) and (G))
- H. VISION CLEARANCE AREAS (See Section 14.11.200)
- I. FLOOD ZONES, WETLANDS AND RIPARIAN AREAS (See Chapter 7, Article A)
- J. GRADING AND STORM-WATER DRAINAGE (See Sections 14.15.700(C) and (D))
- K. EASEMENTS (*reserved for expansion*)
- L. UTILITIES (*reserved for expansion*)
- M. FENCES (See Section 14.11.300)
- N. SIGNS (See Chapter 10)

14.6A.530 BUILDING DEVELOPMENT STANDARDS

A. MAXIMUM BUILDING HEIGHT

Buildings, structures, or portions thereto, shall not be erected to exceed a height of forty-five (45) feet.

14.6A.600 SITE PLAN DESIGN REVIEW CRITERIA AND PROCEDURES (*reserved for expansion*)

Chapter 7 OVERLAY ZONES

Article A

FLOOD DAMAGE PREVENTION OVERLAY ZONE

14.7A.010 PURPOSE AND INTENT

It is the purpose of the Flood Damage Prevention Overlay Zone to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water mains, electric, telephone and sewer lines, streets, and culverts located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

14.7A.020 AUTHORIZATION

A. AUTHORIZATION

The State of Oregon has, in Article XI, Section 2, Oregon Constitution, and under Oregon Revised Statute 203, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

B. STATEMENT OF NEED

The flood hazard areas of the City of Hines are subject to periodic inundation which may result in loss of life and property, health, and safety hazards, disruption of commerce and

governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses can be caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damage also may contribute to the flood loss.

14.7A.030 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, the Flood Damage Prevention Overlay Zone includes these methods:

- A. Restricting or prohibiting 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. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters.
- D. Controlling filling, grading, dredging, and other development which may increase flood damage.
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.
- F. Coordinating and supplementing the provisions of the state building code with local land use and development ordinances.

14.7A.040 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

APPEAL: Means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

AREA OF SHALLOW FLOODING: Means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates pending.

AREA OF SPECIAL FLOOD HAZARD: Means the land in the flood plain within a community subject to a one per cent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

BASE FLOOD: Means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

BASEMENT: Means any area of the building having its floor subgrade (below ground level) on all sides.

DEVELOPMENT: Means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

ELEVATED BUILDING: Means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

FLOOD OR FLOODING: Means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation of runoff of any surface waters.

FLOOD INSURANCE RATE MAP (FIRM): Means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: Means 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.

FLOODWAY: Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

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 found at Section 14.7A.500(B)(1).

MANUFACTURED DWELLING: 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 attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle."

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.

NEW CONSTRUCTION: Means structures for which the start of construction commenced on or after the effective date of this ordinance.

RECREATIONAL VEHICLE: Means a vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light-duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date.

The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. 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 part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: Means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL DAMAGE: Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 per cent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 per cent of the market value of the structure, either:

- A. Before the improvement or repair is started; or
- B. If the structure has been damaged and is being restored, before the damage occurred. For the 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 structure.

The term does not, however, include either:

- C. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, as identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- D. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE: Means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

WATER-DEPENDENT: Means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

14.7A.100 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The 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 Hines, Oregon, Harney County," dated November 3, 1989, with accompanying Flood Insurance Maps are hereby adopted by reference. The Areas of Shallow Flooding and Areas of Special Flood Hazard, as defined under Section 14.7A.040 and shown on the adopted FIRM Maps, constitute the areas covered by the Flood Damage Prevention Overlay Zone. The best available information for flood hazard area identification as outlined in Section 14.7A.300(B) shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 14.7A.300(B).

14.7A.200 DEVELOPMENT PERMIT REQUIRED

A development permit shall be obtained before construction or development begins within any area of special flood hazard established herein. The permit shall be for all structures including manufactured homes and for all development, including fill and other activities, as set forth in the "DEFINITIONS."

14.7A.300 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the local administrator shall include, but not be limited to:

A. PERMIT REVIEW

1. Review all development permits to determine that the permit requirements of the Flood Damage Prevention Overlay Zone 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 14.7A.500(D) are met.

B. USE OF OTHER BASE FLOOD DATA (IN A AND V ZONES)

When base flood elevation (BFE) data has not been provided in accordance with Section 14.7A.100 herein, the local administrator shall obtain, review, and reasonably utilize any BFE and floodway data available from a Federal, State or other source, in order to administer Sections 14.7A.500(B) and (C) herein.

C. INFORMATION TO BE OBTAINED AND MAINTAINED

1. Where BFE data is provided through the Flood Insurance Study, FIRM, or required as in Section 14.7A.300(B), the local administrator shall obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basements) of all new or substantially-improved structures, and whether or not the structure contains a basement.
2. For all new or substantially-improved flood-proofed structures where BFE data is provided through the Flood Insurance Study, FIRM, or as required in Section 14.7A.300(B):
 - a. Verify and record the actual elevation (in relation to mean seal level), and
 - b. Maintain the flood-proofing certifications required in Section 14.7A.500(B)(2)(c)
 - c. Maintain for public inspection all records pertaining to the provisions of the Flood Damage Prevention Overlay Zone.

D. ALTERATION OF WATERCOURSES

1. The local administrator shall notify adjacent communities and the Department of Land Conservation and Development, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

E. REQUIREMENT TO SUBMIT NEW TECHNICAL DATA

Notify FEMA within six months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA, or when development has altered a watercourse, modified floodplain boundaries, or modified BFEs. This notification shall be provided as a Letter of Map Revision (LOMR).

F. INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to exact boundary location of the special flood hazards areas (e.g., if there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the boundary location shall be given a reasonable opportunity to appeal the interpretation.

14.7A.400 VARIANCE PROCEDURE

A. CONDITIONS FOR VARIANCES

1. Generally, the only condition under which a variance from the elevation standard may be issued is 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. As the lot size increases, the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.
3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. A determination 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 or ordinances.
6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely-populated residential neighborhoods.
7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry-flood-proofing, where it can be determined that such action will have low damage potential, complies with all other

variance criteria, and otherwise complies with Sections 14.7A.500(A)(1) through 14.7A.500(A)(3) of the General Standards.

8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the BFE and cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

14.7A.500 SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

A. GENERAL STANDARDS

In all areas of special flood hazards, the following standards are required:

1. Anchoring

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

2. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with ODEQ standards.

4. Subdivision Proposals

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, electrical and water systems located and constructed to minimize or eliminate flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- d. Where BFE data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five (5) acres, whichever is less.

5. Review of Building Permits

Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Section 14.7A.300(B)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, and photographs of past flooding, where available. Failure to elevate at least two (2) feet above grade in these zones may result in higher insurance rates.

6. AH Zone Drainage

Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

B. SPECIFIC STANDARDS

In all areas of special flood hazards where BFE data has been provided (Zones A 1-30, AH, and AE) as set forth in Section 14.7A.100 or Section 14.7A.300(B), (In A and V Zones) herein, the following provisions are required:

1. Residential Construction

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the BFE.
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must be either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- ii) The bottom of all openings shall be no higher than one foot above grade.
- iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the BFE; or, together with attendant utility and sanitary facilities, shall:

- a. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 14.7A.300(C)(2);
- d. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in Section 14.7A.500(B)(1)(b);

- e. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. , a building flood-proofed to the base flood level will be rated as one foot below).

3. Manufactured Dwellings

- a. Manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with Section 14.7A.500(A)(1)(b) above;
- b. The bottom of the longitudinal chassis frame beam in A zones shall be at or above BFE;
- c. The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, over-the-top or frame ties to ground anchors, and
- d. Electrical crossover connections shall be a minimum of 12 inches above BFE.

4. Recreational Vehicles

A recreational vehicle placed on a site is required to:

- a. Be on the site for fewer than 180 consecutive days, and
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick-disconnect-type utilities and security devices, with no permanently-attached additions; or
- c. Meet the requirements of Section 14.7A.500(B)(3) above, and the elevation and anchoring requirements for manufactured homes.

C. BEFORE REGULATORY FLOODWAY

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A 1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

D. FLOODWAYS

Located within areas of special flood hazard established in Section 14.7A.100 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Except as provided in paragraph (3), prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the base flood discharge.
2. If Section 14.7A.500(D)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 14.7A.500 herein.

E. STANDARDS FOR SHALLOW FLOODING AREAS (AO ZONES)

Shallow flooding areas appear in FIRMs as AO zones with depth designations. The base flood depths in these zones range from one (1) to three (3) feet above ground where a clearly-defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow, and the following provisions apply:

1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, a minimum of one foot above the depth number specified on the FIRM (at least two feet if no depth number is specified).
2. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two [2] feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of

buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 14.7A.500(B)(2)(c).

3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
4. Recreational vehicles placed on sites within AO Zones on the community's FIRM either:
 - a. Be on the site for fewer than 180 consecutive days, and
 - b. Be fully licensed and ready for highway use, 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; or
 - c. Meet the requirements of Section 14.7A.500(E) above and the elevation and anchoring requirements for manufactured homes.

Chapter 8

OFF-STREET PARKING AND LOADING

14.8.100 OFF-STREET PARKING AND LOADING

A. OFF-STREET PARKING REQUIREMENTS

At the time of construction, reconstruction or enlargement of a structure, or at the time a use is changed in any zone, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet of the structure or use are specified as the basis for the requirements, the area measured shall be the gross floor area primary to the functioning of the particular use of the property. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

USE	MINIMUM REQUIREMENTS
A. Residential	
One-, two- and three-family dwelling	2 spaces per dwelling unit
Residential use containing 4 or more dwelling units	2 spaces per dwelling unit
Rooming or boarding house	Spaces equal to 100 percent of the number of dwellings units plus 1 additional space for the owner or manager
B. Commercial Residential	
Hotel	1 space per 2 room guest rooms plus 1 space per 2 employees
Motel	1 additional space of the owner and manager
C. Institutional	
Convalescent hospital, nursing home, sanitarium, rest home, home for the aged	1 space per 4 beds for patients or residents
Hospital	1½ spaces per bed
Welfare or correctional institution	1 space per 6 beds for patients or inmates
D. Place of Public Assembly	
Church	1 space per 6 seats or feet of bench length in the main auditorium, or 1 space for each 75 feet of floor area if main auditorium not containing fixed seats
Elementary or junior high school	1 space per classroom plus 1 space per administrative employee or 1 space per 4 seats or 8 feet of bench length in the auditorium or assembly room whichever is greater

High school, college, commercial school for adults	1 space per classroom plus 1 space per administrative employee or 1 space for 4 seats or 8 feet of bench length in the main auditorium or assembly room, whichever is greater
Library, reading room	1 space per 400 square feet of floor area plus 1 space per 2 employees
Other auditorium meeting room	1 space per 6 seats or 8 feet of bench length, or 1 space for each 75 square feet of floor area for assembly room not containing seats
Preschool, nursery, kindergarten	2 spaces per teacher
E. Commercial Amusement	
Bowling alley	5 spaces per alley plus 1 space for 2 employees
Dance hall, skating rink	1 space per 100 square feet of floor area plus 1 space per 2 employees
Stadium, arena, theater	1 space per 4 seats or 8 feet of bench length
F. Commercial	
Bank, office (except medical & dental)	1 space per 600 square feet of floor area plus 1 space per 2 employees
Eating or drinking establishment	1 space per 250 square feet of floor area
Medical and dental clinic	1 space per 300 square feet of floor area plus 1 space per 2 employees
Mortuaries	1 space per 6 seats or 8 feet of bench length in chapels
Retail store except as provided	1 space per 300 square feet of floor area in the next paragraph below area designated for retail sales
Service or repair shop, retail store handling exclusively bulk merchandise such as automobiles and furniture	1 space per 600 square feet of floor area
G. Industrial	
Storage warehouse, manufacturing establishment, rail or trucking freight terminal	1 space per employee
Wholesale establishment	1 space per employee plus 1 space per 700 square feet of parking service area

14.8.200 RECOMMENDED REQUIREMENTS FOR BICYCLE PARKING

The lack of safe and convenient bicycle parking can waste resources and further discourage bicycling as a transportation mode. The following are recommended requirements.

- A. A minimum of two (2) bicycle parking spaces per use (one sheltered and one unsheltered) may be required.

B. The following special minimum standards may be considered as supplemental requirements for the number of required bicycle parking spaces.

1. Multi-family Residences

Every residential use of four (4) or more dwelling units may provide a least one (1) sheltered bicycle parking space for each unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the required bicycle parking spaces shall be sheltered under an eave, overhang an independent structure, or similar cover.

2. Parking lots

All public and commercial parking lots and parking structures may provide a minimum of one (1) bicycle parking space.

3. Schools

Elementary and middle schools, both private and public, shall provide one bicycle parking space for every ten (10) students and employees. High schools may provide one (1) bicycle parking space for every five (5) students and employees. All spaces may be sheltered under an eave, overhang, independent structure, or similar cover.

4. Colleges

Colleges, universities, and trade schools may provide one (1) bicycle parking space for every ten (10) motor vehicle spaces plus one (1) space for every dormitory unit. Fifty (50) percent of the bicycle parking spaces may be sheltered under an eave, overhang, independent structure, or similar cover.

5. Downtown Area

In downtown areas with on-street parking, bicycle parking for customers may be provided along the street at a rate of at least one (1) space per use. Spaces may be clustered to serve up to six (6) bicycles: at least one cluster per block may be provided. Bicycle parking spaces may be located in front of the stores along the street either on the sidewalks in specially constructed areas such as pedestrian curb extensions. Inverted “U” style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least (5) feet. Customer spaces are not required to be sheltered. Sheltered parking (within a building or under an eave, overhang, or similar structure) may be provided at a rate of one (1) space per ten (10) employees, with a minimum of one (1) space per store.

6. Rural Schools, Service Centers, and Industrial Parks

Where a school, service center, or industrial park is located five (5) or more miles from the closest urban area or rural residential subdivision with a density of more than one (1) dwelling unit per twenty (20) acres, a minimum of two (2) bicycle parking spaces per use may be required.

- C. The following formulas for calculating the number of required bicycle parking spaces are recommended.
1. Fractional numbers of spaces may be rounded up to the next whole space.
 2. For facilities with multiple uses (such as a commercial center), the bicycle parking requirements may be calculated by using the total number of motor vehicle parking spaces required for the entire development.

14.8.300 OFF-STREET PARKING AND LOADING

Buildings or structures to be built or substantially altered which receive and distribute material and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to handle adequately the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Title shall not be used for loading and unloading operations except during periods of the day when not required to care for parking needs.

General provisions are as follows:

- A. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be a violation of this Ordinance to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are met.
- B. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
- C. Owners of two (2) or more uses or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the City in the form of deeds, leases or contracts to establish the joint use.
- D. Off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. Other required parking spaces for residential uses shall be located not farther than five hundred

(500) feet from the building or use they are required to serve, measured in a straight line from the building.

E. BICYCLE PARKING

The development may include the number and type of bicycle parking facilities required in Section 14.8.200. The location and design of bicycle parking facilities shall be indicated on the site plan.

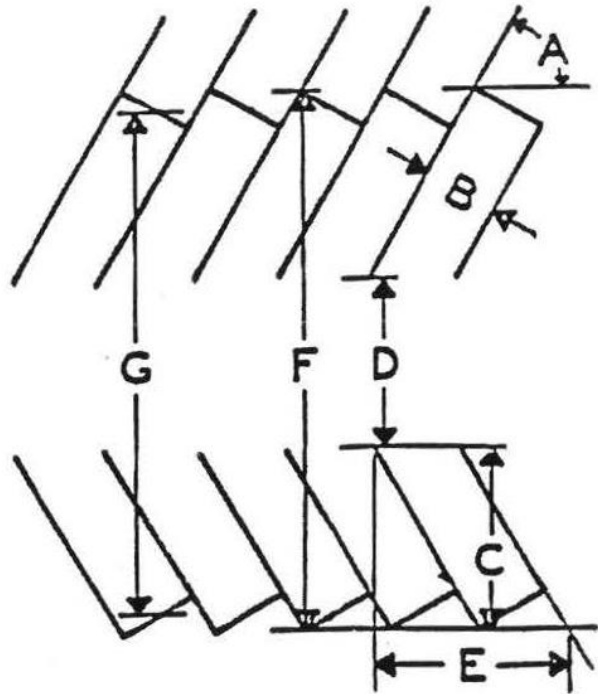
14.7.400 DESIGN AND IMPROVEMENT STANDARDS FOR PARKING LOTS

- A. Areas used for parking for more than two (2) vehicles shall have durable and dustless surfaces adequately maintained.
- B. Except for parking in connection with a single-family residential dwelling, parking and loading areas adjacent to or within a residential zone or adjacent to a dwelling shall be designed to minimize disturbances to residences by the erection between the uses of a sight-obscuring fence or planted screen of not less than six (6) feet in height except where vision clearance is required.
- C. Parking spaces along the outer boundaries of a parking lot shall be contained by a bumper rail or by a curb which is at least four (4) inches high and which is set back a minimum of one and one-half (1½) feet from the property line.
- D. Internal pedestrian circulation shall be provided in off-street parking areas for new commercial, office, and multi-family residential developments through the clustering of buildings, construction of hard surface walkways, landscaping, access ways, or similar techniques.
- E. Artificial lighting which may be provided shall not shine or create glare in any residential zone or any adjacent dwelling.
- F. Except for single-family and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their uses will require no backing movements or other maneuvering with a street right of way other than an alley.
- G. The standards set forth in the table shown below shall be the minimum for parking lots approved under this Ordinance (all figures are in feet except as noted). The recommended measurements of a standard American automobile parking space shall be ten (10) feet wide by twenty (20) feet long. Proposals using less than that for parking spaces must be supported by data justifying the reduced spatial area.

PARKING TABLE

A	B	C	D	E	F	G	A	B	C	D	E	F	G
0°	8' 0"	8.0	12.0	23.0	28.0	----- -	60°	8' 0"	20.4	19.0	9.2	59.8	55.8
	8' 6"	8.5	12.0	23.0	29.0	----- -		8' 6"	20.7	18.5	9.8	59.9	55.6
	9' 0"	9.0	12.0	23.0	30.0	----- -		9' 0"	21.0	18.0	10.4	60.0	55.5
	9' 6"	9.5	12.0	23.0	31.0	----- -		9' 6"	21.2	18.0	11.0	60.4	55.6
	10' 0"	10.0	12.0	23.0	32.0	----- -		10' 0"	21.5	18.0	11.5	61.0	56.0
20°	8' 0"	14.0	11.0	23.4	39.0	31.5	70°	8' 0"	20.6	20.0	8.5	61.2	58.5
	8' 6"	14.5	11.0	24.9	40.0	32.0		8' 6"	20.8	19.5	9.0	61.1	58.2
	9' 0"	15.0	11.0	26.3	41.0	32.5		9' 0"	21.0	19.0	9.6	61.0	57.9
	9' 6"	15.5	11.0	27.8	42.0	33.1		9' 6"	21.2	18.5	10.1	60.9	57.7
	10' 0"	15.9	11.0	29.2	42.8	33.4		10' 0"	21.2	18.0	10.6	60.4	57.0
30°	8' 0"	16.5	11.0	16.0	44.0	37.1	80°	8' 0"	20.1	25.0	8.1	65.2	63.8
	8' 6"	16.9	11.0	17.0	44.8	37.4		8' 6"	20.2	24.0	8.6	64.4	62.9
	9' 0"	17.3	11.0	18.0	45.6	37.8		9' 0"	20.3	24.0	9.1	64.3	62.7
	9' 6"	17.8	11.0	19.0	46.6	38.4		9' 6"	20.4	24.0	9.6	64.4	62.7
	10' 0"	18.2	11.0	20.0	47.4	38.7		10' 0"	20.5	24.0	10.2	65.0	63.3
45°	8' 0"	19.1	14.0	11.3	52.2	46.5	90°	8' 0"	19.0	26.0	8.0	64.0	----- -
	8' 6"	19.4	13.5	12.0	52.3	46.5		8' 6"	19.0	25.0	8.5	63.0	----- -
	9' 0"	19.8	13.0	12.7	52.5	46.5		9' 0"	19.0	24.0	9.0	62.0	----- -
	9' 6"	20.1	13.0	13.4	53.3	46.5		9' 6"	19.0	24.0	9.5	62.0	----- -
	10' 0"	20.5	13.0	14.1	54.0	46.9		10' 0"	19.0	24.0	10.0	62.0	----- -

KEY	
A	Parking Angle
B	Stall Width
C	19' Stall to Curb
D	Aisle Width
E	Curb Length per Car
F	Curb to Curb
G	Stall Center



Chapter 9

MANUFACTURED HOME AND MOBILE HOME SITING STANDARDS

14.9.100 MANUFACTURED HOME SITING STANDARDS

- A. Only those manufactured homes used as permanent residences and manufactured after June 15, 1976, which exhibit the Oregon Department of Commerce “Insignia of Compliance” that indicates conformance with Housing And Urban Development (HUD) standards shall be permitted.
- B. Such manufactured homes shall be at least twenty-four (24) feet wide, with exterior dimensions enclosing a space of not less than eight hundred sixty-four (864) square feet.
- C. In addition, the manufactured home shall have horizontal siding or other siding materials, similar to that presently used on houses constructed under the Uniform Building Code (UBC).
- D. Have a wood or composition shingle roof with a nominal pitch of three (3) feet in height for each twelve (12) feet in width.
- E. The manufactured home shall be attached to permanent foundation. Foundations, tie-downs or other supports shall be provided to withstand the specified horizontal, up-lift and overturning wind forces on a manufactured home, based on accepted engineering design standards, as approved by the Oregon State Department of Commerce. All wheels and towing assemblies shall be removed.
- F. Be placed on an excavated and backfilled concrete foundation, enclosed at the perimeter with no more than sixteen (16) inches of the enclosing concrete or masonry material exposed above grade. Where the building site has a sloped grade, no more than sixteen (16) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the sixteen (16) inch limitation shall not apply.
- G. The unit shall have a continuous perimeter of skirting that shall be composed of the same material and finish as the exterior of the unit, or shall be of brick, concrete or masonry block. Such skirting shall be secure against the entrance of animals but there shall be provisions for ventilation and access to the space under the unit.

14.9.200 MINIMUM STANDARDS FOR MOBILE HOME AND RESIDENTIAL TRAILERS PLACED IN MOBILE HOME PARKS

A mobile home or residential trailer permitted as a single-family dwelling shall be in compliance with the following standards at a minimum:

- A. All pre-owned and pre-occupied units (i.e., used) shall be inspected by a Certified Building Official prior to installation and occupancy to insure that such units are in such condition as to not be detrimental to the public health, safety and general welfare of the occupants or to the adjoining properties. The costs of such inspection shall be borne by the applicant.
- B. The unit shall be placed upon a foundation having permanence and strength equal to that provided by a concrete or masonry block foundations, and such foundation shall be installed according to manufacturer's instructions and as approved by the Building Official. All road and transient lights, and wheels shall be removed.
- C. The unit shall have a continuous perimeter or skirting that shall be composed of the same material and finish as the exterior of the unit, or shall be of brick, concrete or masonry block. Such skirting shall be secure against the entrance of animals but there shall be provisions for ventilation and access to the space under the unit.
- D. All plumbing, electrical and other public service and utility connections shall be approved by the Building Official.
- E. All accessory buildings, structures and additions shall comply with State and local construction and installation standards and be approved in accordance therewith by the Building Official. Accessory structures include porches and steps, awnings, cabanas, carports or any other structure or addition that depends in part on the unit for its structural support, or in any manner is immediately adjacent to or attached to the unit. Such structures and/or additions shall not total more than thirty percent (30%) of the total living space combined. Roofing and siding materials shall be of similar material and color, complimentary to the existing unit.
- F. Except for factory constructed components intended to be joined together to form a single dwelling unit, no two (2) or more individually constructed units may be joined together in any manner to form a single dwelling unit, nor may a "mobile home" unit be joined together with an existing conventionally constructed dwelling unit to form a single unit. "Mobile home" units also shall not be interconnected in any manner for utilization as two (2) or three (3) family dwelling units.
- G. Residential trailers and all other "single-wide" mobile home units shall be limited to location within a duly approved mobile home park.

14.9.300 MOBILE HOME AUTHORIZED AS TEMPORARY RESIDENCE ON
INDIVIDUAL LOT

A mobile home may be authorized as a temporary residence on an individual lot and shall comply with the following additional provisions:

- A. The mobile home shall be occupied by the owner of the lot on which the mobile home is located except as approved by the City.
- B. The mobile home shall be placed upon a lot for which a building permit for a housing unit has been obtained or as otherwise approved by the City.
- C. The mobile home shall be occupied only during a period in which satisfactory progress is being made toward the completion of the housing unit on the same site.
- D. Electric, water and sewer utility connections shall be made to the mobile home.
- E. The owner of the lot agrees to remove the mobile home from the lot not later than eighteen (18) months from the date on which the building permit for the housing unit is issued or not later than two (2) months following the completion of the housing unit, whichever occurs first.
- F. The owner of the lot agrees to remove all evidence that the mobile home has been on the lot within thirty (30) days after the removal of the mobile home.
- G. The City may also approve such mobile homes as temporary housing for construction or other seasonal employment for a period of six (6) months or the time period of said employment, whichever is less, unless specifically approved for a longer period of time not to exceed eighteen (18) months.
- H. The City Administrator may review permits issued under this section at any time and may revoke the permits when they are found to be not in compliance. Any accessory or secondary mobile home placed under a permit authorized by this section must be located as close as possible to the primary dwelling under construction. Unless there are physical limitations of the land, this should be within one hundred (100) feet of said dwelling.

14.9.400 MOBILE HOME AUTHORIZED AS TEMPORARY RESIDENCE FOR CARE
OF RELATIVE IN CONJUNCTION WITH EXISTING RESIDENTIAL USE

14.9.410 PURPOSE AND INTENT

- A. It is the intent of the temporary use permit section to provide a set of procedures and standards for temporary use of structures which, because of personal hardship needs, require special consideration for temporary usage after demonstration or temporary need and a finding of no adverse impact to the welfare of adjacent properties and the community as a whole.
- B. The provisions of this section are to apply when the proposed use does not qualify as a continuation of a conforming use, not permitted by right, nor permitted through the operations or other more pertinent procedures and provisions of this Zoning Ordinance; provided, however, temporary use permits are not to be construed, permitted nor utilized as a means to abrogate the intent, purpose or procedures of the City's Comprehensive Plan or Zoning Ordinance regulations.
- C. No temporary permit shall be granted which would have the effect of creating a permanent rezoning or result in a hardship when the use is not permitted to continue at the expiration of the permit periods. Further, no temporary permit may be granted which has the effect of conferring special privilege for which other property within the same zone may not be equally eligible.

14.9.420 STANDARDS FOR TEMPORARY MOBILE HOME FOR RELATIVE CARE

As a temporary use in every zone, the City may allow one accessory mobile home dwelling complying with the standards of Section 14.9.100 of this Chapter, except subsections 14.9.100(B) and (F) and the manufactured date of June 15, 1976 in subsection 14.9.100(A), and providing that no additions to the mobile home shall be permitted in conjunction with a primary dwelling with the following findings:

- A. That an accessory dwelling is necessary to care for or provide custody of an elderly, mentally handicapped or infirm relative who a medical doctor certifies is in need of this kind of care or custody.
- B. Residential utilities and facilities can be provided. Septic feasibility is required prior to approval.
- C. A temporary use permit granted under this Section is void when the elderly, mentally handicapped or infirm relative who is the subject of the permit moves to another residence, or is absent from the residence for more than one hundred twenty (120) days or leaves the residence with no likelihood of returning. Exception to the one hundred twenty (120) day limit can be provided for because of extraordinary circumstances such as an extended hospitalization.

- D. Within thirty (30) days of the permit becoming void or revoked, the accessory mobile home dwelling shall be removed by the owner of the real property unless otherwise approved by the City.
- E. The City may review permits issued under this Section at any time and may revoke the permits when they are found to be not in compliance.
- F. Any accessory mobile home dwelling placed under a permit authorized by this Section must be located as close as possible to the primary dwelling.

Chapter 10

SIGNS

14.10.010 SIGNS GENERALLY

Off-premises signs must be permitted by the Oregon State Sign Permitting Authority. No signs except official highway signs are allowed on state highway right-of-way.

14.10.100 PERMITTED SIGNS

A sign is permitted only as necessary to the use on the property on which the sign is located. Only the following signs are permitted out-of-doors in view of the general public:

- A. On property used as a public, charitable, or religious institution, an identification sign facing each abutting street not exceeding six (6) square feet in area and a bulletin board not over ten (10) square feet in area.
- B. On property used for another purpose, signs shall pertain to the business or other pursuit conducted on the premises on which the sign is located and the total area or signs shall not exceed in square feet the number of feet frontage of the lot along the street which the signs are facing or one hundred fifty (150) square feet, whichever is less. No single sign shall exceed an area of seventy-five (75) square feet per side of one hundred fifty square feet in total sign area. If more than one commercial use shares the frontage, the allowed area of signs shall be divided between the uses. Free-standing signs shall not exceed twenty-five (25) feet in height from grade level to maximum height.

C. ADDITIONS

No free-standing sign shall project or extend into any clear vision area. One of two sign poles supporting a free-standing sign may be located within a clear vision area if they are necessary for the support of the sign, provided they do not exceed a combined total width of twelve (12) inches and provided no other portion of the sign is located within the clear vision area beneath eight (8) feet in height.

D. ABANDONED SIGNS

A sign shall be removed within thirty (30) days by the owner or lessee of the premises upon which the sign is located when the advertised business is no longer conducted on the premises. Abandoned signs shall be removed and costs may be collected by the City.

14.10.200 TEMPORARY SIGNS

Notwithstanding Section 14.10.100 the following signs are permitted.

- A. Temporary real estate sales signs not exceeding six (6) square feet in area.
- B. No sign erected near the intersection of streets shall obstruct the vision clearance area; be located where, by reason of its position, shape or color, it may interfere with, obstruct the view of or be confused with a traffic sign, signal or other device; or make use of the word such as “stop”, “danger” or “yield” or any other representation that could interfere with, mislead or confuse traffic.
- C. No sign attached to a building shall project above the ridge line or other upper edge of the roof of the building on the property. If not attached to the building, a sign shall not exceed twenty (20) feet in height measured from the elevation of the grade or from the grade of the street upon which the sign faces, whichever permits the greatest height.
- D. A sign which is no longer accessory to the use of the property on which it is located shall be removed. A sign which is damaged shall be repaired or removed within ten (10) days of the damage. A sign shall be maintained in good condition and appearance and parts of the sign and its supports that are painted shall be repainted not less than once every two (2) years.

14.10.300. MOVEMENT AND GLARE OF SIGNS AND DISPLAYS

No sign or window display visible from a street or adjacent property shall have a visible moving part; be equipped with moving, flashing or intermittent illumination or be placed or illuminated in a manner disturbing, annoying or in another manner tending to create a nuisance to the occupants of another building or premises. Holiday decorations are excluded from this provision.

Chapter 11

SUPPLEMENTAL PROVISIONS

14.11.010 MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS

No lot area, yard or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance, and no lot area, yard or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use.

14.11.020 ACCESS

Every lot shall abut a street, other than an alley, for at least thirty-five (35) feet except as provided for in this ordinance.

14.11.030 GENERAL PROVISIONS REGARDING ACCESSORY USES

An accessory use shall comply with all requirements for a principal use, except as this Ordinance specifically allows to the contrary, and shall comply with the following limitations:

Boats and trailers, travel trailers, pickup campers or coaches, motorized dwellings and similar recreations equipment may be stored on a lot but not used as an accessory use in any zone.

14.11.040 PROJECTIONS FROM BUILDINGS

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than three (3) feet into a required yard; provided, that the projection is not closer than three (3) feet to a property line.

14.11.050 GENERAL EXCEPTIONS TO YARD REQUIREMENTS

The following exceptions to yard requirements are authorized for a lot in any zone, exceptions to yard requirements are authorized for a lot in any zone, except a corner lot. Any front yard need not exceed:

- A. The average of the front yards on abutting lots which have buildings within one hundred (100) feet of the lot; or
- B. The average of the front yard of a single abutting lot, which has a building within one hundred (100) feet, and the required depth for that zone.

14.11.060 GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS

Vertical projections such as chimneys, spires, domes, elevator-shaft housing, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of this Ordinance.

14.11.100 HOME OCCUPATION PERMITS

The purpose of this section is to establish a procedure to permit home occupations, as defined, as an accessory use in conjunction with residential dwellings within the R-1 and R-2 zones.

A. PERMITS REQUIRED

A business license and a home occupation permit shall be required to establish a home occupation in conjunction with a dwelling unit in the R-1, R-2, or R-3 zones. The permit for a home occupation shall simply indicate that the owner of the home occupation recognizes the limitations specified in Section 14.1.030 Home Occupations of this Ordinance, and agrees to abide by them in the conduct of the home occupation.

B. VIOLATION OF HOME OCCUPATION PERMIT

In the event City staff determines that the home occupation is violating the criteria specified in Section 14.1.030 Home Occupations of this Ordinance, it shall revoke the home occupation permit with a written notice, if the violation is not corrected within five (5) days of the written notice the home occupation shall be discontinued.

1. The homeowner or applicant may file an appeal to the Planning Commission, following the appeal procedures established in Section 14.17.300 and the hearing process established in Section 14.17.200. The Planning Commission shall conduct a public hearing on the matter.
2. During the period between the termination of the permit by staff and final decision by Planning Commission and/or City Council should there be a subsequent appeal, the home occupation shall remain closed and discontinued pending the final decision by the hearings body.

14.11.200 CLEAR VISION AREAS

A. ESTABLISHMENT OF CLEAR VISION AREAS

In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets or a street and an alley. A clear-vision area shall contain no planting, fence, wall structure or temporary or permanent obstruction exceeding two and one-half (2 ½) feet in height, measured from the top of the curb or where no curb exists, from the

established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight (8) feet above the grade.

B. MEASUREMENT OF CLEAR VISION AREA

A clear-vision area shall consist of a triangular area two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two (2) sides (See Appendix for diagrammatic illustration).

The following measurements shall establish clear-vision areas within the City.

1. In all zones, the minimum vision clearance distance shall be in relationship to street and road right-of-way widths shall be fifteen (15) feet.

14.11.300 FENCES

Fences, except barbed wire and similar hazardous materials, are permitted in any zone and do not require a zoning permit for construction. Such fences shall not, however, exceed a height of six (6) feet and shall not be in violation of any vision clearance requirements set forth by Section 14.11.200 of this Ordinance. Fences shall be maintained in good condition at all times and shall not create an unsightly condition. The fence must be placed on or inside the property line.

14.11.400 AUTHORIZATION OF SIMILAR USES

The Planning Commission may permit, by following the procedures outlined in Chapter 12, in a particular zone, a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

14.11.500 ADDITIONAL CONDITIONS TO DEVELOPMENT PROPOSALS

A. The City may require additional conditions for development proposals.

1. The proposed use shall not impose an undue burden on the public transportation system. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a traffic impact

study or traffic counts, to demonstrate the level of impact to the surrounding road system. The developer shall be required to mitigate impacts attributable to the project.

2. The determination of impact or effect and the scope of the impact study should be coordinated with the provider of the affected transportation facility.
3. Dedication of land for roads, transit facilities, sidewalks, bikeways, baths, or access ways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
4. Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, access ways, paths, or roads that serve the proposed use where the existing transportation system may be burdened by the proposed use.

Chapter 12

CONDITIONAL USES

14.12.010 AUTHORIZATION TO GRANT OF DENY CONDITIONAL USES

Conditional uses listed in this ordinance may be permitted, enlarged, or otherwise altered upon authorization by the Planning Commission in accordance with the standards and conditions in this Chapter. In permitting a conditional use or the modification of a conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by the ordinance, any additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding property of the City as a whole.

14.12.100 GENERAL STANDARDS FOR GRANTING CONDITIONAL USES

- A. The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies of the City.
- B. Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impact on the (a) livability, (b) value, and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.
- C. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.
- D. The proposal will preserve assets of particular interest to the community.
- E. The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.

14.12.300 STANDARDS GOVERNING SPECIFIC CONDITIONAL USES

A conditional use listed below shall comply with the standards of the zone in which it is located and with the standards and conditions set forth in this Section.

A. BED AND BREAKFAST FACILITIES DEVELOPMENT STANDARDS

A bed and breakfast facility approved as a conditional use in the residential zones of the City shall have the following approval standards.

1. The structure shall retain the characteristics of a single-family dwelling.
2. The number of guest rooms shall be limited to five (5) and the number of guests shall be limited to ten (10).
3. In addition to the required off-street parking for each residential use, one (1) off-street parking space for each bed and breakfast guest shall be provided.
4. Signs shall be limited to one non-illuminated sign, not exceeding four (4) square feet. No off-premises signs are permitted.
5. Submission of an acceptable site plan that meets off-street parking requirements and provides landscaping appropriate to a residential neighborhood.

B. DOG POUNDS AND KENNELS

The Planning Commission may authorize a dog pound or kennel as a conditional use; provided, that building and site design provisions are adequate to minimize noise and odor. When necessary to protect surrounding properties, the City may require a sight-obscuring fence or hedge, and may restrict vehicular access and loading facilities, especially those required by trucks and transporting large animals.

C. COMMERCIAL USE OR ACCESSORY USE NOT WHOLLY ENCLOSED WITHIN A BUILDING OR RETAIL ESTABLISHMENT, OFFICE, SERVICE COMMERCIAL ESTABLISHMENT, FINANCIAL INSTITUTION, OR PERSONAL OR BUSINESS SERVICE ESTABLISHMENT OF A LOT IN A RESIDENTIAL ZONE

In any zone permitting a commercial use or accessory use not wholly enclosed within a building or a retail or other business establishment on a lot abutting or across the street from a lot in a residential zone, such use may be permitted as a conditional use subject to the following standards:

1. A sight-obscuring fence or evergreen hedge may be required by the City when, in its judgment, such a fence or hedge or combination thereof is necessary to preserve the values or nearby properties or to protect the aesthetic character of the neighborhoods, or vicinity.
2. In addition to the requirements of the applicable zone, the City may further regulate the placement and design of signs and lights in order to preserve the values or nearby properties; to protect them from glare, noise or other distractions; or to protect the aesthetic character of the neighborhood or vicinity.
3. In order to avoid unnecessary traffic congestion and hazards, the City may limit access to the property.

D. MANUFACTURED OR MOBILE HOME PARK

Such a park shall be built to State standards in effect at the time of construction, the following provisions, and any additional conditions set forth in the City approval prior to occupancy.

1. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by State law.
2. The space provided for each unit shall be provided with piped potable water and electrical and sewerage connections and shall not be less than thirty (30) feet in width nor less than (40) feet in length.
3. The number of spaces for individual units shall not exceed twelve (12) for each acre of the total area in the mobile home park. Except that the City may vary this density as follows:
 - a. If decided open space equals fifty percent (50%) or more of the total area of the park, a maximum ten percent (10%) increase in units per acre may be granted.
 - b. If in addition to subsection 3(a) above, a maintained playground area with approved equipment, such as goal posts, swings, slides, etc., is provided, the maximum increase in units per acre may be increased an additional five percent (5%).
 - c. If in addition to subsections 3(a) and 3(b) above, an approved recreation/ community building is provided, an additional ten percent (10%) increase of units/acre may be allowed (maximum total increase possible 25%).
4. No unit in the park shall be located closer than fifteen (15) feet from another unit or from a general use building in the park. No unit or other building or structure shall be within twenty-five (25) feet of a public street property boundary or ten (10) feet of another property boundary.
5. A mobile home permitted in the park shall meet the following standards as determined by an inspection by the Building Official:
 - a. It shall have a State Insigne indicating compliance with Oregon State Home Construction Standards in effect at the time of manufacture.
 - b. It shall contain not less than two hundred twenty five (225) square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device.
6. A mobile home permitted in the park shall be provided with a continuous skirting.

7. If the park provides spaces for fifty (50) or more units, each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the appropriate fire department.
8. The park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided within five hundred (500) feet of each space or structure, shall be located on a vehicular way and shall conform in design and capacity to required City standards.
9. A parking space shall be provided for each unit space on the site. In addition, guest parking spaces shall also be provided in every park within two hundred (200) feet of the unit spaces served and at a ratio of one parking space for each two (2) unit spaces.
10. Roadways within the park shall be poured surface and shall not be less than thirty (30) feet in width if parking is permitted on the margin of the roadway, or less than twenty (20) feet in width if parking is not permitted on the edge of the roadway and an adequate designated area is provided and improved for guest parking and tenant recreational vehicles.

E. MULTI-FAMILY DWELLING COMPLEX

A multi-family dwelling complex shall comply with the following provisions, and any additional conditions set forth in the City's approval, and shall be constructed pursuant thereto prior to occupancy:

1. If such a complex or any unit thereof is more than three hundred fifty (350) feet from a public fire hydrant where such a system is available, such shall be provided at appropriate locations on a vehicular way and shall conform in design and capacity to required standards.

E. RECREATION VEHICLE PARK

A recreation vehicle park shall be built to State standards in effect at the time of construction, with the following provisions and any additional conditions set forth in the City's approval prior to occupancy:

1. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is not uncovered accumulation of trash at any time.
2. No recreation vehicle shall remain in the park for more than thirty (30) days in any sixty (60) day period, except as approved by the City.

3. The park shall be maintained in a neat appearance at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.
4. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by State law.

F. RADIO, TELEVISION TOWER, UTILITY STATION OR SUBSTATION

1. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.
2. The use may be required to be fenced and provided with landscaping.
3. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effects to adjacent property.
4. Transmission towers, cellular phone towers, overhead wires, pumping stations, and similar gear shall be so located, designed and installed as to minimize their conflict with scenic values.

G. TRANSPORTATION IMPROVEMENTS NOT SPECIFICALLY IDENTIFIED IN TSP

1. Constructions, reconstructions, or widening of highways, roads bridges, or other transportation projects that are: (a) designated in the Transportation System Plan but of which no site-specific decisions have been made or (b) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
 - a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 - b. The project is designed to minimize avoidable environmental impact to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
 - c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

- d. Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
- 2. If review under this section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

14.12.400 PLACING CONDITIONS ON A PERMIT

In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following.

- A. Increasing the required lot size or yard dimension
- B. Limiting the height, size or location of buildings
- C. Controlling the location and number of vehicle access points
- D. Increasing the street width
- E. Increasing the number of required off-street parking spaces
- F. Limiting the number, size, location and lighting of signs
- G. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property
- H. Designating sites for open space
- I. Requiring proper drainage and pest control
- J. Placing time limits on the use and requiring periodic reviews

14.12.500 PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE APPLICATION

A. APPLICATION FOR A CONDITIONAL USE

A property owner shall initiate a request for a conditional use or the modification of a conditional use by filing an application along with drawings or information necessary to an understanding of the proposed uses and its relationship to surrounding properties. A site plan must be prepared following the requirements of Chapter 15 of this Ordinance.

B. PUBLIC HEARINGS ON CONDITIONAL USE

Before the Planning Commission can act on a conditional use request, a public hearing must be held.

C. NOTIFICATION ACTION

Within five (5) days following the Planning Commission decision, the City shall provide the applicant with a written notice of the Planning Commission's action on the application.

D. TIME LIMIT ON A PERMIT FOR CONDITIONAL USE

Authorization of a conditional use shall be void after six (6) months, unless substantial construction pursuant thereto has taken place. However, the Planning Commission may, at its discretion, extend authorization for an additional six (6) months on request.

14.12.600 RESUBMITTAL

If a request is denied by the City staff or hearing body and no appeal is filed, or if upon review or appeal the denial is affirmed, no new request for the same or substantially similar proposal shall be filed within six (6) months after the date of final denial. An application may be denied without prejudice and a waiver of the six (6) month restriction granted. If conditions have changed to an extent that further consideration of an application is warranted, the hearing body, on its own motion, may consider new evidence and waive the six (6) month restriction.

14.12.700 FINAL ACTION

Except as provided for under ORS 227.178, the City shall take final action on conditional use permits and variances, including the resolution of all appeals to the City Council under ORS 227.180, within 120 days from the date a complete application is submitted to the City. Within thirty (30) days of receipt of an application, the City will review the application to determine whether it is complete. The applicant will be notified of any missing materials within the thirty (30) day period. The 120-day time period will commence on the date the application is deemed complete.

14.12.800 EXISTING LAND USES

- A. Land uses which lawfully existed at the time of the adoption of this ordinance and which would be considered as conditional uses in this ordinance shall be considered as existing conditional uses.
- B. An expansion, enlargement or change of use to another listed conditional use shall be required to be approved by the Planning Commission in accordance with this Chapter.

14.12.900 REVOCATION OF CONDITIONAL USE PERMIT

- A. Any conditional use permit shall be subject to denial or revocation by the Planning Commission if the application includes or included any false information, or if the conditions of approval have not been complied with or are not being maintained.
- B. In order to consider revocation of a conditional use permit, the Planning Commission shall hold a public hearing as prescribed under Chapter 12 of this ordinance in order for the holder of a conditional use permit to show cause why the permit should not be revoked.
- C. If the Planning Commission finds that the conditions of approval have not been complied with or are not being maintained, a reasonable time shall be given for making corrections. If corrections are not made, revocation of the conditional use permit shall become effective ten days after the time specified.
- D. Reapplication for a conditional use which has been revoked cannot be made within one year after the date of the Planning Commission's action, except that the Planning Commission may allow a new application to be considered if new evidence or a change in circumstances warrant it.

Chapter 13

VARIANCES

14.13.010 AUTHORIZATION TO GRANT OR DENY VARIANCES

The Planning Commission may authorize a variance from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this Ordinance.

14.13.100 CIRCUMSTANCES FOR GRANTING A VARIANCE

A variance may be granted only in the event that all of the following circumstances exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control.
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
- C. The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy.
- D. The variance requested is the minimum variance which would alleviate the hardship.

14.13.200 PROCEDURE FOR GRANTING A VARIANCE

A. APPLICATION FOR A VARIANCE

A property owner shall initiate a request for a variance by filing an application with the City Administrator.

B. PUBLIC HEARING ON A VARIANCE

Before the Planning Commission may act on a request for a variance, it shall hold a public hearing.

C. NOTIFICATION OF DECISION

Within 10 days after a decision has been rendered by the Planning Commission with reference to a request for a variance, the City Administrator shall provide the applicant with the notice of the Planning Commission.

D. TIME LIMIT FOR A PERMIT FOR A VARIANCE

Authorization for a variance shall be void after six (6) months, unless substantial construction pursuant thereto has taken place. However, the Planning Commission may at its discretion, extend the authorization for an additional six (6) months on request.

14.13.300 RESUBMITTAL

If a request is denied by the City staff or hearing body and no appeal is filed, or if upon review or appeal the denial is affirmed, no new request for the same or substantially similar proposal shall be filed within six (6) months after the date of final denial. An application may be denied without prejudice and a waiver of the six month restriction granted. If conditions have changed to an extent that further consideration of an application is warranted, the hearing body, on its own motion, may consider new evidence and waive the six (6) month restriction.

14.13.400 FINAL ACTION

Except as provided for under ORS 227.178, the City shall take final action on conditional use permits and variances, including the resolution of all appeals to the City Council under ORS 227.180, within one hundred twenty (120) days from the date a complete application is submitted to the City. Within thirty (30) days of receipt of an application, the City will review the application to determine whether it is complete. The applicant will be notified of any missing materials within the thirty (30) day period. The one hundred twenty (120) day time period will commence on the date the application is complete.

14.13.500 ADMINISTRATIVE VARIANCES

An administrative variance may be granted by staff without the normal public hearing before the Planning Commission, provided:

- A. The variance requested is for relief of a physical or spatial requirement of this Ordinance and the variance is ten (10) percent or less of the specified requirement.
- B. Notice to affected property owners shall be required as specified in Section 14.17.200 of this Ordinance.

- C. At the end of the ten (10) day period provided for review, the City shall render a decision based upon the appropriate approval criteria for variances or conditional uses and prepare a written decision together with the findings of fact on which the decision is based.
- D. Anyone filing a written objection may appeal the staff decision to the Planning Commission.

Chapter 14

NONCONFORMING USES

14.14.100 NON-CONFORMING USES

- A. A non-conforming use or structure may be continued but may not be altered or expanded. The expansion of a non-conforming use to a portion of a structure which was arranged or designed for the non-conforming use at the time of passage of this ordinance is not an enlargement or expansion of a non-conforming use. A non-conforming structure which conforms with respect to use may be altered or expanded if the alteration or expansion does not cause the structure to deviate further from the standards of this ordinance.
- B. If a non-conforming use is discontinued for six (6) months, further use of the property shall conform to this ordinance.
- C. If a non-conforming use is replaced by another use, the new use shall conform to this ordinance.
- D. If a non-conforming structure or a structure containing a non-conforming use is destroyed by any cause to an extent exceeding 80 percent of its fair market value as indicated by the records of the county assessor, a future structure or use on the site shall conform to this ordinance. If a non-conforming structure is removed from the site, a future structure shall conform to this ordinance.
- E. Nothing contained in this ordinance shall require any change in the plans, construction, alteration or designated use of a structure for which a permit has been issued by the City and construction has commenced prior to the adoption of this ordinance provided the structure, if non-conforming or intended for a non-conforming use, is completed and in use within two years from the time the permit is issued.

Chapter 15

SITE PLAN REVIEW

14.15.010 SITE PLAN APPROVAL

The purpose of the site plan approval process is to provide the City with a detailed drawing or drawings of a proposed land use. A site plan shall be provided for all proposed uses other than single-family or duplex residential uses and/or accessory structures. Where the proposed use is an outright permitted use within the zone in which the proposal is located, a site plan may be approved by the City Staff, provided a proposal with a significant change in trip generation has been reviewed by ODOT and it is determined that the proposed use will not impose an undue burden on the transportation system. However, at the discretion of the City Staff, such site plans may be referred to the Planning Commission in either an administrative or quasi-judicial process such as a conditional use proceeding. Site plans for proposed conditional uses will become an integral part of the record and provide the basis for City staff reports, and the basis of final review and approval by the Planning Commission or governing body. If an administrative review is undertaken the process outlined in Section 14.15.100 shall be followed.

14.15.100 SITE PLAN REQUIREMENTS

A. A site plan shall be drawn to scale and indicate the following:

1. Dimensions and orientation of the parcel.
2. Locations and heights of buildings and structures, both existing and proposed (scaled elevation drawings or photographs may be required).
3. Location and layout of vehicle and bicycle parking and loading facilities.
4. Location of points of entry and exit for pedestrians, motor vehicles and internal circulation patterns, including bikeways and walkways.
5. Location of existing and proposed walls and fences and indication of their height and materials.
6. Proposed location and size of exterior lighting.
7. Proposed location and size of exterior signs.
8. Site specific landscape plan including percentage of total net area.

9. Location and species of trees greater than 6 inches in diameter when measured four (4) feet above the ground and an indication of which trees to be removed.
10. Contours mapped at 2-foot intervals. (5-foot contours may be allowed on steep slopes).
11. Natural drainage.
12. Other significant natural features.
13. Legal description of the lot.
14. Percentage of the lot covered by any and all proposed and remaining structures to include asphalt concrete and Portland Cement Concrete.
15. Locations and dimensions of all easements and nature of the easements.
16. Service areas for uses such as loading and delivery.
17. Grading and drainage plan.
18. Other site elements which will assist in the evaluation of the site development.
19. A statement of operations shall accompany the site plan. A brief narrative on the nature of the activity, including:
 - a. Number of employees
 - b. Method of import and export
 - c. Hours of operation including peak times
 - d. Plans for future expansion
20. Distances to neighboring constructed access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property;
21. Number and direction of lanes to be constructed on the driveway, plus striping plans;
22. All planned transportation features (lanes, signals, bikeways, sidewalks, crosswalks, etc.);

23. Internal pedestrian and bicycle facilities connect with external or planned facilities or system.
24. Trip generation data or appropriate traffic studies;
25. Plat map showing property lines, rights-of-way, and ownership of abutting properties; and
26. A detailed description of any requested variance.

14.15.200 LANDSCAPING AND DEVELOPMENT STANDARDS

- A. Landscaping standards apply to all new multi-family, commercial and industrial uses, including change of use, and parking lots of four (4) spaces or more.
- B. For sites which do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building or parking lot expands, e.g. if the building or parking lot are is to expand by twenty-five (25) percent, then twenty-five (25) percent of the site must be brought up to the standards required by this Ordinance.

14.15.210 PROCEDURE FOR REVIEW OF LANDSCAPE PLANS

A landscaping plan shall be submitted to the planning director at the time of application for a building permit, conditional use permit, or site plan review for all new multifamily, commercial, industrial uses, including change of use, and parking lots of four (4) spaces or more.

- A. The planning director shall review all landscaping plans for compliance with the provisions of this ordinance and notify the property owner of deficiencies in a submitted plan.
- B. A building permit, conditional use permit, or site plan review shall not be issued until a landscaping plan has been approved by the planning director.
- C. The required landscaping shall be in place prior to issuance of a certificate of occupancy.

14.15.220 CONTENTS OF LANDSCAPING PLAN

A landscaping plan submitted to the planning director as required by this ordinance shall identify the placement and type of plant materials to provide an effective means for evaluating whether the chosen plan materials will:

- A. Survive in the climate and soils of the proposed site;
- B. Satisfy the functional objectives of landscaping as detailed in this ordinance, including erosion control, screening and shade within a reasonable time.

14.15.250 GENERAL LANDSCAPING STANDARDS

The following landscaping standards apply to all new multi-family, commercial and industrial uses, including change of use, and parking lots of four (4) or more spaces.

A. GENERAL

1. The property owner shall be responsible for any future damage to a street, curb or sidewalk caused by landscaping.
2. Landscaping shall be selected and located to deter sound, filter air contaminants, curtail erosion, contribute to living privacy, reduce the visual impacts of large buildings and paved areas, screen, and emphasize or separate outdoor spaces of different uses or character.
3. Landscaping in parking areas shall be planted in combination along the perimeter and in the interior of the lot and shall be designed to guide traffic movement and lessen the visual dominance of the lot.
4. Vision clearance hazards shall be avoided.
5. Minimum landscaping as a percent of gross site area shall be as follows:

<u>ZONE</u>	<u>PERCENT</u>
Multi-family	20%
Commercial	15%
Industrial	15%
Parking Lots	10%

B. PLANTS, SHRUBS AND GROUND COVER

1. Plants that minimize upkeep and maintenance shall be selected.
2. Plants shall complement or supplement surrounding natural vegetation.
3. Plants chosen shall be in scale with building development.
4. Shrubs shall be a minimum eighteen (18) inches in height and spaced not more than four (4) feet apart for planting.
5. Ground cover, defined as living material and not including bark chips or other mulch, shall be planted on a maximum eighteen (18) inches on center between plants and rows.

C. TREES

1. Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of one and one-half (1½) inches and be adequately staked for planting.
2. Evergreen trees shall be a minimum of three (3) feet in height, fully branched and adequately staked for planting.
3. Trees shall not be planted closer than twenty-five (25) feet from the curb line of intersections of streets or alleys, and not closer than ten (10) feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.
4. Street trees shall not be planted closer than twenty (20) feet to light standards. Except for public safety, no new light standard location should be positioned closer than (10) feet to any existing street tree, and preferably such locations will be at least twenty (20) feet distant.
5. Trees shall not be planted closer than two and one-half (2½) feet from the face of the curb except at intersections, where it should be five (5) feet from the curb in a curb return area.
6. Where there are overhead power lines, tree species that will not interfere with those lines shall be chosen.
7. Trees shall not be planted within two (2) feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least four (4) feet by four (4) feet; however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Space between the tree and such hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, paver blocks, cobblestones, or ground cover.
8. Trees, as they grow, shall be pruned to their natural form to provide at least eight (8) feet of clearance above sidewalks and twelve (12) feet above street roadway surfaces.
9. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the City Engineer.

D. LANDSCAPE WATERING SYSTEM

Watering systems shall be installed to assure landscaping success. If plantings fail to survive, it is the responsibility of the property owner to replace them.

14.15.300 OUTDOOR LIGHTING

The purpose of this supplementary provision is to make the lighting used for residential, commercial, and public areas appropriate to the need and to keep the light from shining onto adjacent public rights-of-way or private properties. Further, it is to encourage, through regulation of type, kinds, construction, installation, and uses of outdoor electrically powered illuminating devices, lighting practices and systems to conserve energy without decreasing safety, utility, security, and productivity while enhancing nighttime enjoyment of property within the City.

14.15.310 REQUIREMENTS FOR INSTALLATION

Except as exempted by provision of this Ordinance, as of the date of adoption, the installation of outdoor lighting fixtures shall be subject to the provisions of this Ordinance.

A. SHIELDING

All nonexempt outdoor lighting fixtures shall have directed shielding so as to prevent direct light from the fixture from shining beyond the property limits where the fixture is installed. This means that a person standing at the adjacent property line would not see the light emitting source.

14.15.320. PROHIBITIONS

A. LASER SOURCE LIGHT

The use of laser source light or any similar high intensity light when projected beyond property lines is prohibited.

B. SEARCHLIGHTS

The operation of searchlights for purposed other than public safety or emergencies is prohibited.

14.15.330 EXEMPTIONS

A. NONCONFORMANCE

1. Outdoor light fixtures lawfully installed prior to and operable prior on the effective date of the requirements codified in this Ordinance are exempt from all such requirements except as follows:
 - a. All replacement of outdoor fixtures, as of the date of adoption, shall be subject to the provisions of this Ordinance.
 - b. Until a date five (5) years after the date of the adoption of this Ordinance.

2. Fossil Fuel Light

All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from the requirements of this Ordinance.

- B. Lights of less than 15 watts used for holiday decoration for no more than 45 days are exempt from the requirements of this Ordinance.
- C. Carnival and Fairs that require the use of temporary outdoor lighting are exempt except that permanent installations at dedicated sites must conform the requirements of this Ordinance.
- D. Lighting for U.S. Flags properly displayed.
- E. Temporary exemptions to the requirements of this Ordinance for up to five (5) days per calendar year.
- F. Construction lighting necessary for an allowed use are exempt except that permanent installations at dedicated sites must conform to the requirements of this Ordinance.
- G. Individual light fixtures with lamps of less than 40 watts.

14.15.400 STREET STANDARDS

Street Design Standards

Classification	Pavement Width	Right-of-Way Width	Sidewalks	Minimum Posted Speed
Residential	36 feet	50 feet	5 feet	15-25 mph
Cul-de-Sac	36 feet	50 feet	5 feet	15-25 mph
Alley	16-20 feet	16-20 feet	None	10 mph
Collector	36 feet	50 feet	5 feet	25-35 mph

14.15.500 ACCESS MANAGEMENT

The intent of this section is to manage access to land development to preserve the transportation system in terms of safety, capacity, and function. This section shall apply to all residential and collector streets within the City of Hines and to all properties that abut these roadways. This section is adopted to implement the access management policies of the City of Hines as set forth in the Transportation System Plan. Access to State Highways is permitted under Oregon Administrative Rules, Division 5. (OAR 734-051-0190).

A. CORNER CLEARANCE

1. Corner clearance for connections shall meet or exceed the minimum access connection spacing requirements for that roadway.

Intersections

	PUBLIC ROAD		PRIVATE DRIVE	
Functional Classification	Type	Spacing	Type	Spacing
Collector	At-grade	250 feet	L/R Turns	100 feet
Residential Street	At-grade	250 feet	L/R Turns	Access to each lot
Alley (Urban)	At-grade	250 feet	L/R Turns	Access to each lot

2. New connections shall not be permitted within the functional area of an intersection as defined by the access connection spacing standards of this section, unless no other reasonable access to the property is available.
3. Where no other alternatives exist, the City may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.

B. JOINT AND CROSS ACCESS

1. Adjacent commercial or office properties classified as major traffic generators (i.e. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.
2. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
 - a. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
 - b. A design speed of ten (10) mph and a maximum width of twenty (20) feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
 - c. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
 - d. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.

3. Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
4. Pursuant to this section, property owners shall:
 - a. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive.
 - b. Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
 - c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
5. The City may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
 - a. Joint access driveways and cross access easements are provided in accordance with this section.
 - b. The site plan incorporates a unified access and circulation system in accordance with the section.
 - c. The property owner enters into a written agreement with the City, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
6. The City may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

C. ACCESS CONNECTION AND DRIVEWAY DESIGN

1. Driveways shall meet the following standards:
 - a. If the driveway is a one way in or one way out drive, then the driveway shall be a minimum width of ten (10) feet and a maximum width of twelve (12) feet and shall have appropriate signage designating the driveway as a one way connection.
 - b. For two-way access, each lane shall have a minimum width of ten (10) feet and a maximum width of twelve (12) feet.

2. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.
3. The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public road or causing unsafe conflicts with on-site circulation.

D. REVERSE FRONTAGE

1. Lots that front on more than one road shall be required to locate motor vehicle accesses on the road with the lower functional classification.
2. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to the City of Hines and recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located with the public right-of-way.

E. SHARED ACCESS

Subdivisions with frontage on the state highway system shall be designed into shared access points to and from the highway. Normally a maximum of two (2) accesses shall be allowed regardless of the number of lots or businesses served. If access off of a secondary road is possible, then access should not be allowed onto the state highway. If access off of a secondary road becomes available, then conversion to that access is encouraged, along with closing the state highway access.

F. LOT WIDTH-TO-DEPTH RATIOS

To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed three (3) times its width (or 4 times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature.

G. CONNECTIVITY

1. The road system of proposed subdivisions shall be designed to connect with existing, proposed, and planned roads outside of the subdivision as provided in this section.

2. Wherever a proposed development abuts unplatted land or a future development phase of the same development, road stubs shall be provided to provide access to abutting properties or to logically extend the road system into the surrounding area. All road stubs shall be provided with a temporary turn-around unless specifically exempted by the Public Works Director, and the restoration and extension of the road shall be the responsibility of any future developer of the abutting land.
3. Minor collector and local residential access roads shall connect with surrounding roads to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local roads. Appropriate design and traffic control such as four-way stops and traffic-calming measures are the preferred means of discouraging through traffic.
4. Cul-de-sac or permanent dead-end roads may be used as part of a development plan. However, through roads are encouraged except where physical and topographic conditions make a street connection impractical. Such conditions include but are not limited to:
 - a. steep slopes, wetlands, or other bodies of water where a connection could not reasonably be provided,
 - b. buildings or other existing development on adjacent lands that physically preclude a connection now or in the future considering potential for redevelopment, and
 - c. where street or access ways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street of access way connection.

14.15.510 REQUIREMENTS FOR PHASED DEVELOPMENT PLANS

- A. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this section and both shall be cited for any violation.
- B. All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

14.15.520 VARIANCES TO ACCESS MANAGEMENT STANDARDS

- A. The granting of the variance shall meet the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
- B. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
 - 1. Indirect or restricted access cannot be obtained;
 - 2. No engineering or construction solutions can be applied to mitigate the condition; and
 - 3. No alternative access is available from a road with a lower functional classification than the primary roadway.
- C. No variance shall be granted where such hardship is self-created.

14.15.530 NONCONFORMING ACCESS FEATURES

- A. Legal access connections in place as of (date of adoption) that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
 - 1. When new access connection permits are requested;
 - 2. Change in use or enlargements or improvements that will increase trip generation.

14.15.600 PEDESTRIAN AND BICYCLE ACCESS AND FACILITIES

The purpose of this section is to provide for safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets. On-site facilities should be provided, where appropriate, to accommodate safe and convenient pedestrian and bicycle access.

14.15.610 PEDESTRIAN ACCESS AND CIRCULATION

- A. Single-family residential developments should include streets and access ways.
- B. Sidewalks should be required along arterials, collectors, and most local streets.

- C. Pedestrian circulation should be provided in new commercial, office and multi-family residential developments.

14.15.620 BICYCLE PARKING

New development should consider providing bicycle parking facilities as appropriate.

14.15.650 COMMERCIAL DEVELOPMENT STANDARDS

- A. New commercial buildings, particularly retail shopping and offices, should be orientated to the road where possible.
- B. Off-road motor vehicle parking for new commercial developments should, where possible, be located at the side or behind the building(s).
- C. Site plans for industrial and commercial developments should show pedestrian and bicycle facilities.
- D. Cul-de-sacs should provide through connections where possible.
 - 1. Where cul-de-sacs are necessary, access ways shall be provided connecting the ends of cul-de-sacs to each other, to other streets or to neighborhood centers except where physical or topographic conditions make an access way connection impractical. Such conditions include but are not limited to:
 - a. Extremely steep slopes, wetlands, or other bodies of water where a connection cannot reasonably be provided.
 - b. Building or other existing development on adjacent lands physically preclude a connection now or in the future, considering potential for redevelopment.
 - c. Where access ways would violate provisions of leases, easement, covenants, restrictions, or other agreements existing as of May 1, 1995, that preclude a required access way connection.
- E. Access ways for pedestrians and bicyclists shall be ten (10) feet wide and located within a twenty (20) foot wide right-of-way or easement. If the streets within the subdivision are lighted, the access ways shall also be lighted. Stairs or switchback paths may be used where grades are steep.
- F. Access ways for pedestrians and bicyclists shall be provided at mid-block where the block is longer than six hundred (600) feet.

14.15.700 SITE PLAN REVIEW CRITERIA

The following criteria shall be used in evaluation proposals.

A. NATURAL FEATURES

Where existing natural or topographic features are present, they shall be used to enhance the development; (i.e., the use of small streams in the landscaping design, rather than culvert and fill).

B. TREES

Existing trees shall be left standing except where necessary for building placement, sun exposure safety or other valid purpose. Vegetative buffers should be left along major streets or highways, or to separate adjacent uses.

C. GRADING

The grading and contouring of the site shall take place and on-site surface drainage and on-site storage of surface water facilities are constructed when necessary, so there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan may be required.

D. PUBLIC FACILITIES AND STORM-WATER DRAINAGE

Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities may be required. On-site detention or treatment of storm-water may be required.

E. TRAFFIC

The following traffic standards shall be applicable to all proposals. When evaluating traffic issues, consideration shall be given to the proposed usage (i.e., employees, customers, freight, service) and to the potential types of traffic (i.e., vehicles, pedestrians, bicycles).

1. On-site traffic circulation shall be designed according to accepted engineering guidelines to be safe and efficient.
2. The access point(s) between the subject property and the public street shall be reasonably safe. Minimal factors to be considered in evaluating the proposed access points include the average speed of the traffic on the public street(s), the proposed usage of the access

points, the distance between the existing and proposed access points, vision clearance, and the pre-existing location of the access point(s) on the subject property.

3. Access to all state highways will require a permit from ODOT. Access spacing and location shall address the Access Management Policies and standards of the 1999 Oregon Highway Plan. Frontage improvements, such as curb and sidewalk to ADA standards, may be required by ODOT as a condition to access.
4. The applicant may be required to provide a traffic impact report prepared by an Oregon licensed traffic engineer.
 - a. The proposed use shall not impose an undue burden on the public transportation system. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate impacts attributable to the project.
 - b. The determination of impact of effect and the scope of the impact study should be coordinated with the provider of the affected transportation facility.
 - c. Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or access ways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
 - d. Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeway, access ways, paths, or streets that serve the proposed use shall be required where the existing transportation system may be burdened by the proposed use.
 - e. Every effort will be made to inform the applicant within twenty (20) days of receiving a completed application whether a traffic impact report and/or a determination of the level of service will be required. Unforeseen circumstances could result in a delayed request for this information.
5. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.
6. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.

7. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
8. An internal pedestrian system of sidewalks or paths shall provide connections to parking areas, entrances to the development, and open space, recreational and other community facilities associated with the development. Streets shall have sidewalks on both sides. Pedestrian linkages shall also be provided to the peripheral street system.
9. Access shall be consistent with the access management standards adopted in the Transportation System Plan.

F. STORAGE

All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.

G. EQUIPMENT STORAGE

Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and that an adequate sound buffer will be provided to meet at a minimum the requirements of the Municipal Code relative to noise, if any.

H. The following criteria shall be applied to the maximum extent possible without causing significant adverse impacts on the operating efficiency of the proposed use:

1. Compatibility

The height, bulk and scale of buildings shall be compatible with the site and the buildings in the vicinity. Use of materials shall promote harmony with surrounding structures and sites.

2. Design

Monotony design in single or multiple projects shall be avoided. Variety of detail, form and siting shall be used to provide visual interest.

3. Orientation

Buildings shall have their orientation toward the street rather than the parking area. A main entrance shall be oriented to the street. For lots with more than two front yards, the building(s) shall be oriented to the two busiest streets.

4. Parking

Parking areas shall be located behind the buildings or on one or both sides.

14.15.800 COMPLIANCE

After site plan approval or approval of a change to a site plan as provided in this Ordinance, it shall be unlawful for any person to cause or permit the proposed use in any manner except in complete and strict compliance with the approved site plan.

Chapter 16

AMENDMENTS

14.16.010 FORMS OF AMENDMENTS

There are two types of amendments to this ordinance:

- A. Amendment to the text (Legislative Revision)
- B. Amendment to the Map (Legislative Revision or Quasi-Judicial Change)

14.16.020 LEGISLATIVE REVISIONS

- A. Proposed amendments to this ordinance shall be deemed legislative revisions if:
 - 1. The proposed amendment involves the text of this ordinance, and/or
 - 2. The proposed amendment involves the map, when such an amendment would have widespread and significant impact beyond the immediate area of the proposed amendment.
- B. Legislative revisions shall be initiated by:
 - 1. A majority vote of the City Council; or
 - 2. A majority vote of the Planning Commission; or
 - 3. A request by the City Attorney or City Planner.

14.16.030 QUASI-JUDICIAL REVISIONS

- A. A proposed amendment to this ordinance shall be deemed a quasi-judicial change if the proposed amendment involves the Zoning map and does not have widespread and significant impact beyond the immediate area of the proposed amendment.
- B. Quasi-judicial changes may be initiated by:
 - 1. Property owners or contract purchaser or an authorized agent; or
 - 2. A majority vote of the City Council; or
 - 3. Pre-hearing contact must be disclosed by the decision-makers at the outset of the public hearing.

4. A request by the City Attorney or City Planner.

- C. In case of a controversy as to whether an amendment be deemed a legislative or quasi-judicial matter, city staff shall make the initial determination. The staff decision may be appealed to the Planning Commission.

14.16.040 HEARING REQUIREMENTS FOR LEGISLATIVE OR QUASI-JUDICIAL REVISIONS TO THE ZONING ORDINANCE

Public hearings, under the provision of Section 14.17.200, shall be required for both legislative and quasi-judicial amendments to the Zoning Ordinance. A public hearing before the Planning Commission is mandatory. A public hearing before the City Council is optional. (See procedures in Section 14.16.100 below).

14.16.050 NOTICE REQUIREMENTS

For both legislative and quasi-judicial revisions to the Zoning Ordinance, a series of public notices are required. These notices are as follows:

A. POST-ACKNOWLEDGEMENT PLAN AMENDMENT NOTICE TO DLCD

The Department of Land Conservation and Development requires notice of the first evidentiary hearing on a proposed amendment to a jurisdiction's zoning ordinance to be submitted to the Department on their forms at least forty-five (45) days in advance of the first hearing. Notice must be in the Salem office forty-five (45) days or earlier than the date of the proposed hearing before the Planning Commission.

B. NOTICES OF BOTH LEGISLATIVE AND QUASI-JUDICIAL HEARINGS

Notices of both legislative and quasi-judicial hearings must be published in the local newspaper following the requirements of Section 14.17.200 of this Ordinance.

C. LEGISLATIVE REVISIONS – BALLOT MEASURE 56

Ballot Measure 56, passed by general vote in the 1998 election, requires specific notices be mailed to all affected landowners in the instance of a legislative revision in which a rezoning will occur. These must be mailed not more than forty (40) nor less than twenty (20) days from the date of the first hearing.

D. QUASI-JUDICIAL HEARINGS

Quasi-judicial hearings require notices to all affected property owners within one hundred (100) feet of the subject property be mailed at least ten (10) days before each hearing on the proposed amendment.

14.16.100 LEGISLATIVE OR QUASI-JUDICIAL AMENDMENT PROCEDURAL PROCESS

The Planning Commission shall conduct a public hearing on the proposed amendment. Within forty-five (45) days after the hearing, the Planning Commission shall render a decision. The decision of the Planning Commission shall then be brought before the City Council along with a summary of the Planning Commission's proceedings and findings of fact, at the second regular Council meeting following said Planning Commission decision, except that in no event shall the decision be brought to the City Council until after the time for appeal has elapsed. The City Council shall then review the decision of the Planning Commission on the record without hearing further evidence. It shall either affirm the decision of the Planning Commission or set the matter for hearing "de-novo" before the City Council. The City Council must take final action on an amendment request. Amendments shall be made by ordinance.

14.16.200 LEGISLATIVE AMENDMENTS

Legislative amendments are broad-based amendments which impact the whole City not just a specific neighborhood or area. Most text amendments are legislative. No specific hearing procedure is required. The Planning Commission and/or City Council are acting as legislators, making new law for the City. It is suggested, in order to provide a sound format for the hearing process, that the quasi-judicial procedure be followed.

14.16.300 QUASI-JUDICIAL HEARING REQUIREMENTS

- A. The following criteria must be followed in deciding upon a quasi-judicial proceeding.
 - 1. The burden in all land use proceedings is upon the applicant, whether a zone change, conditional use or variance is the subject of the hearing.
- B. The requested zone change or conditional use must be justified by proof that:
 - 1. The change is in conformance with the Comprehensive Plan and also the goals and policies of the Plan.
 - 2. The showing of public need for the rezoning and whether that public need is best served by changing the zoning classification on that property under consideration.
 - 3. The public need is best served by changing the classification of the subject site in question as compared with other available property.
 - 4. The potential impact upon the area resulting from the change has been considered.

C. APPROVAL CRITERIA FOR AMENDMENTS

1. The applicant must show that the proposed change conforms with the Comprehensive Plan.
2. A plan or land use regulation amendment significantly affects a transportation facility if it:
 - a. Changes the functional classification of an existing or planned transportation facility;
 - b. Changes standards implementing a functional classification system;
 - c. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
 - d. Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.
3. Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
 - a. Limiting allowed land uses to be consistent with the planned function of the transportation facility;
 - b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
 - c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel need through other modes.

D. PROCEDURAL PROCESS OF A QUASI-JUDICIAL HEARING

1. Parties at a rezoning hearing must have an opportunity to be heard, to present and rebut evidence.
2. There must be a record which will support the findings made by the decision makers.
3. Pre-hearing contact must be disclosed by the decision-makers at the outset of the public hearing.
4. The courts will require a “graduated burden of proof” depending upon the drastic nature of the proposed rezoning.

14.16.400 NOTIFICATION OF DECISION

Within five (5) working days after a final decision on an amendment to the comprehensive plan, zoning ordinance text or plan/zone map, the City Administrator shall provide the applicant and the Department of Land Conservation and Development a complete copy of the City Council decision. Within five (5) working days after a final decision, the City shall also provide notice of the decision to all persons who participated in the local proceedings and requested in writing that they be given notice. The notice shall meet the requirements of ORS 197.615.

14.16.500 LIMITATION OF REAPPLICATIONS

No Application of a property owner for an amendment of a zone boundary shall be considered by the Planning Commission within the one year period immediately following a previous denial of such request, except the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

14.16.600 RECORD OF AMENDMENTS

The Recorder shall maintain records of amendments to this Ordinance.

Chapter 17

ADMINISTRATIVE PROVISIONS

14.17.010 PURPOSE (*reserved for expansion*)

14.17.100 ADMINISTRATIVE REVIEW PROCESS

A. PURPOSE

The purpose of this section is to provide an administrative review process for the review and approval of land use activities, such as plan review, which are not required to proceed through a public hearing process.

B. SUBMITTAL

At least ten (10) copies of the proposed site plan, landscaping plan, and grading and drainage plan, if required, shall be submitted to the City Administrator's office, along with a completed application form.

C. NOTICE OF APPLICATION

1. Within 10 days after receipt of a complete application for administrative action, notice of the request shall be mailed to:
 - a. The applicant and owners of property within 100 feet of the subject property. The list shall be compiled from the most recent property tax assessment roll.
 - b. Any affected governmental agency, department, or public district within whose boundaries the subject property lies.
2. The notice provided by the Department shall:
 - a. Explain the nature of the application and the proposed use of uses which could be authorized.
 - b. Set forth the street address or other easily understood geographical reference to the subject property.
 - c. Provide a 10 day comment period, from the day notice mailed, for submission of written comments prior to the decision.

- d. State that failure to raise an issue in writing within the comment period, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal to the Commission on that issue.
 - e. List by commonly used citation the applicable criteria for the decision.
 - f. State the place, date, and time that comments are due.
 - g. State that a copy of the application, all documents and evidence relied upon by the applicant, and all applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.
 - h. Include the name and telephone number of the Director to contact for additional information.
3. The failure of a property owner to receive notice as provided in this Section shall not invalidate such proceedings if the Department can show that such notice was given.

D. TIME LIMITS

All applications processed as administrative actions shall be approved, approved with conditions, denied, or postponed with consent of the applicant within 45 days after the filing of a complete application.

E. STAFF REPORT

Administrative decisions shall be signed by the Director, and based upon and accompanied by a staff report that includes:

- 1. An explanation of the criteria and standards considered relevant to the decision.
- 2. A statement of basic facts relied upon in rendering the decision.
- 3. Findings which explain and justify the reason for the decision based on the criteria, standards, and basic facts set forth.

F. FINAL DECISION

The approval, approval with conditions, or denial of an administrative action shall be the City's final decision.

G. NOTICE OF DECISION

Decision notice shall be provided to the applicant, the Commission, and any party of record. The decision notice shall include:

1. A brief summary of the decision and the decision making process.
2. An explanation of appeal rights and requirements.

H. EFFECTIVE DATE OF DECISION

A final decision on administrative actions is effective on the date notice of the decision is mailed to the applicant and parties of record.

I. APPEAL

Administrative actions may be appealed to the Planning Commission, per the provisions of Section 14.17.300.

14.17.200 PUBLIC HEARINGS

- A. Each notice of hearing authorized by this ordinance shall be published in a newspaper of general circulation in the City at least ten days prior to the date of hearing.
- B. In addition, a notice of hearing on a conditional use, a variance, or an amendment to a zone boundary shall be mailed to owners of property within one hundred (100) feet of the property for which the variance, conditional use or zone boundary amendment has been requested. The notice of hearing shall be mailed at least twenty (20) days prior to the date of the hearing. Said notice shall:
 1. Explain the nature of the application and the proposed use or uses which could be authorized, ORS 197.763(3)(a).
 2. List the applicable criteria from the ordinance and the plan that apply to the application, ORS 197.763(3)(b).
 3. Set forth the street address or other easily understood geographical reference to the subject property, ORS 197.763(3)(c).
 4. State the date, time, and location of the hearing, ORS 197.763(3)(d).
 5. State that failure to raise an issue by the close of the record at or following the final evidentiary hearing, in person or by letter, precludes appeal to LUBA based on that issue, ORS 197.763(3)(3) and ORS 197.763(1)1.

6. State that failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to an issue that is raised precludes appeal to LUBA based on that issue, ORS 197.763(3)(e).
7. Include the name of a local government representative to contact and a telephone number where additional information may be obtained ORS 197.763(3)(9).
8. State that a copy of (1) the application, (2) all documents and evidence relied upon by the applicant, and (3) applicable criteria are available for inspection at no cost and will be provided at reasonable cost, OR 197.763(3)(h).
9. State that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost, ORS 197.763(3)(I).
10. Include a general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings, ORS 197.763(3)(j).

14.17.300 APPEAL FROM DECISION OF THE CITY STAFF

- A. An appeal from a decision of the City Staff may be filed with the City Administrator.
- B. An appeal from a decision of the City Staff may only be initiated by filing a Notice of Intent to Appeal.
- C. The decision of the City Staff shall be final, unless a written Notice of Intent to Appeal is filed with the City Administrator within 15 days of the date of the decision.
- D. The Notice of Intent to Appeal shall contain a copy of the application for the permit and a copy of the City Staff's decision.
- E. The Notice of Intent to Appeal shall state the specific issues which are the basis for the appeal and the specific reasons the appellant contends the decision of the City Staff is not in conformance with the applicable criteria and standards set forth in The City Zoning Ordinance.
- F. A Notice of Intent to Appeal shall be accompanied by the required fee as set by City Council resolution.

- G. An appeal of a decision of the City Planner shall be heard by the Planning Commission following the procedures of Section 14.17.200, Public Hearings. Notice to affected property owners, if appropriate, shall be submitted.

14.17.400 APPEAL OF DECISIONS OF THE PLANNING COMMISSION

- A. The applicant, or any person who provided testimony, either in person or in writing, at the hearing before the Planning Commission, may appeal the decision of the Planning Commission to the City Council.
- B. The appeal of a decision of the Planning Commission may only be initialized by filing a Notice of Intent of Appeal, as set forth in this section.
- C. The decision of the Planning Commission shall be final, unless a written Notice of Intent of Appeal is filed with the City Administrator within fifteen (15) days from the date it was signed by the Chair, unless the City Council, on its own motion, orders a review of the decision within fifteen (15) days of the date of the recorded decision.
- D. Every Notice of Intent Appeal shall contain:
 - 1. A copy of the application or adequate reference to the matter sought to be appealed and the date of the decision of the Planning Commission;
 - 2. A statement that the appellant either participated in the hearing in person or in writing or that the appellant is the applicant;
 - 3. The specific issues which are the basis for the appeal and the specific reasons the appellant contends the decision of the hearing body is not in conformance with the Comprehensive Plan, Zoning Ordinance, Subdivision or Oregon Revised Statutes. Such issues shall be raised with sufficient specificity so as to afford the City Council an adequate opportunity to respond to each issue;
 - 4. The required fee as set by this Ordinance.
 - 5. Hearings before the City Council shall be conducted in compliance with Section 14.17.200 Public Hearings.
- E. The City Council's consideration of the Planning Commission's decision may be confined to the record of the proceeding before the Planning Commission, or, the Council may hear the material de novo. The record shall include:

1. All materials, memorandum, stipulations, exhibits and motions submitted during the proceeding and received or considered by the Planning Commission;
 2. All materials submitted by the City staff with respect to the application;
 3. The minutes of the hearing before the Planning Commission;
 4. The written decision of the Planning Commission;
 5. The Notice of Intent to Appeal;
 6. Oral and written argument; if any, by the hearing participants, their legal representatives or City staff, made at the time of the hearing before the City Council.
- F. The City Council may affirm, reverse or modify the action of the Planning Commission in full or in part. The City Council may also remand the matter back to the Planning Commission for further consideration.
- G. The City Council shall adopt a written decision that clearly states the basis for its decision within thirty (30) days of the close of the hearing. When an application is approved, the term of approval shall be specified, including any restrictions and conditions. A proposed decision submitted by the City Staff or any other person may be adopted by the City Council as submitted, or as amended by the City Council.
- H. An appeal of the City Council decision must be filed with the Land Use Board of Appeals (LUBA) within 21 days of the City's final decision.

14.17.900 FILING FEES

- A. The filing fees for each land use action are established by the City Council by resolution.
- B. The City of Hines, like many cities in Oregon, is faced with a severely reduced budget for the administration of the City's ordinances. The land use planning process in the State of Oregon has become increasingly complex. To properly process a land use application, the City may rely upon professional consultants to assist in preparing the legal notices, conducting on-site inspections, preparation of staff reports and, in some cases, actual attendance at the Planning Commission and/or City Council meeting. The City utilizes a consultant to ensure land use applications are processed fairly and promptly. Because of the reduced budgets, the City finds it necessary to transfer those administrative costs to the applicant, as a part of the land use

planning process. These administrative costs shall be limited to five hundred dollars (\$500.00) without written approval by the applicant.

Chapter 18

General Provisions

14.18.100 SEVERABILITY

The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this ordinance is adjudged by a court of competent Jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

14.18.200 ABATEMENT AND PENALTY

A violation of this ordinance may be the subject of criminal, civil, or other sanctions authorized under a City ordinance.

A. CRIMINAL PENALTIES

Unless otherwise specified, every violation of the terms of this ordinance is a Class B Violation. Each day such violation continues shall be considered a separate offense.

B. CIVIL PENALTIES AND REMEDIES

In addition to, or in lieu of, criminal actions, a violation of this ordinance or a permit issued hereunder may be the subject of a civil action in the nature of a debt or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement.