



Oregon

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Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 11/14/2014

Jurisdiction: City of Aumsville

Local file no.: None

DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/13/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION



FOR DLCD USE
File No.: 001-14 {22425}
Received: 11/13/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Aumsville

Local file no.: n/a

Date of adoption: 11/10/14

Date sent: 11/13/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 8/14/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

We did not change the abatement language as planned; we added a new illustration as well as clarifying language with regard to Clear Vision (Sections 29 & 31)

Local contact (name and title): City Administrator Maryann Hills

Phone: 503 749-2030

E-mail: maryann@aumsville.us

Street address: 595 Main Street

City: Aumsville

Zip: 97325-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Section 1 - Definitions; Section 4 - Zoning Regulations; Section 5 - Residential Single Family; Section 6 - Residential Multi-Family; Section 7 - Commercial; Section 8 - Industrial; Section 9 - Public; Section 10 - Interchange Development; Section 11 - Administration and Enforcement; Section 18 - Off-Street Parking and Loading; Section 19 - Signs; Section 20 - Land Divisions; Section 21 - Site Development Review; Section 22 - Supplementary Zone Regulations; and "Illustrations"

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Aumsville Rural Fire District

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 632

AN ORDINANCE AMENDING ORDINANCE NO. 323, THE DEVELOPMENT ORDINANCE

The city of Aumsville ordains as follows:

SECTION 1: Amend Ordinance No. 323, Section 1.00 – Definitions

Magazine Parking: a physical situation where two or more parking spots abut at the ends of the parking spots such that a vehicle parked in one spot cannot move unless a vehicle parked in the other spot moves out of the way.

Medical Clinic: A building where one or more healthcare providers licensed by the State of Oregon provide medical care. Further, there will be a licensed healthcare professional on duty (on premise) during all hours open to patients/clients. All medical care shall be in compliance with all local, state and federal laws/regulations. A properly licensed professional includes: MD, DD, DC, DO, NP, ND, Acupuncturist, LMT, or other licensed health care professional.

Mobile Food Vendor means any trailer, vehicle, wagon, cart, stand, or other similar mobile or temporary device or structure which is used for the purpose of preparing, processing, or converting food for immediate consumption as a drive-in, drive-through, curb, or walk-up service. Mobile Food Vendor also means the site occupied by a mobile food vendor if a mobile food vendor occupies the site daily for more than 72 hours even if the mobile device or structure does not occupy the site 24 hours per day. Specific types of Mobile Food Vendors are defined as follows:

- Food Stands - in a location and operating for a limited duration. Examples include a hot dog stand that operates on a street during the lunch hour or a lemonade stand in a neighborhood. Maximum size is 48 square feet. Customer access is walk up only.
- Food Carts - in a location and operating for a limited duration. Includes both mobile carts, and also temporary stands with a maximum size of 100 square feet. Examples include a food stand erected for an event, such as a food stand put up and operated for the duration of the Harvest Festival. Customer access is walk up only.
- Food Trucks/Trailers - in which food is prepared and from which food is served. Food Trailers and Trucks park generally in parking lots and may move from the business site daily, or may locate in the same site for several weeks at a time. Maximum size is 200 square feet. There is no indoor seating. Customer access can be walk up or drive-up window.
- Food Kiosks - located on a site in a long-term or permanent manner such as a drive-up coffee stand. These may be structures or trailers. There is no kitchen or indoor seating. Customer access can be walk up or drive-up window.

[Under definition for signs:]

Building Frontage: for the purpose of determining allowable sign area in a commercial district, the building frontage is the full width of the building wall where the primary customer entrance is located. This is generally facing the public street, but may face an internal parking lot. If there is more than one major customer entrance with entrances on differing frontages, only the single longest frontage is used to determine allowable sign area.

Canopy Sign: A sign hanging from a canopy or eave, at any angle relative to the adjacent wall, the lowest portion of which is at least 8 feet above the underlying grade.

Flashing Sign: A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.

Free-Standing Sign: A sign supported by one or more uprights, poles, or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign and may include a free-standing monument sign.

Graffiti: Markings, such as initials, slogans, or drawings, written, spray-painted, or sketched on a sidewalk, wall of a building, or public restroom, or the like.

Incidental Signs: A sign, not temporary, which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, A-frame or sandwich board signs, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed.

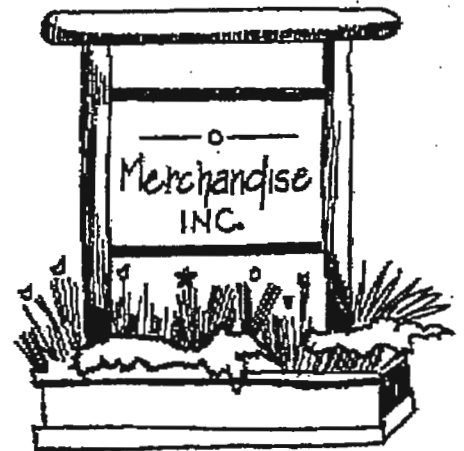


Figure 1 - Free Standing Sign

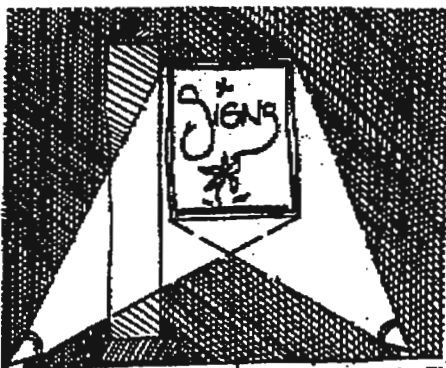


Figure 2 - Indirect Illumination

Indirect Illumination: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.

Integrated Shopping Center – a unified complex with three or more commercial establishments occupying three or more distinct spaces in a single building or three or more freestanding buildings on a single property or on separate properties but with the business frontages all facing a common parking area.

Message Sign: A sign which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature.

Monument Sign: A square or rectangular sign that sits directly on the ground without pole or uprights. It may advertise one or more businesses.

Off-Site Sign: A sign which advertises goods, products, businesses, services, or facilities which are not sold, manufactured, or distributed on or from the property or facilities on which the sign is located, and which is supported by a substantial permanent sign structure with a display surface or display surfaces designated primarily for the purpose of painting or posting a message thereon at periodic intervals.

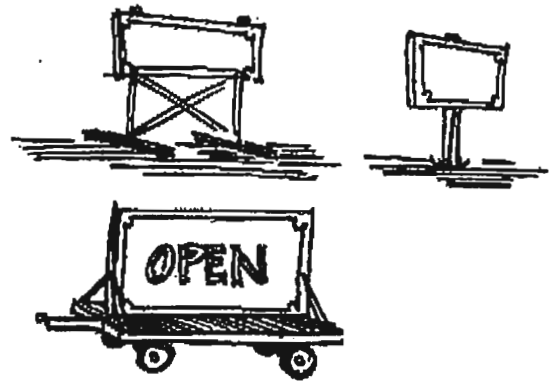


Figure 3 - Portable Signs

Portable Sign: Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs primarily include, but are not limited to, signs attached to wood or metal frames and designed to be self-supporting and movable, and also including trailer reader boards. Portable signs are not to be considered temporary signs as defined and used in this ordinance.

Projecting Sign: A sign the face of which is not parallel to the wall on which it is mounted, projecting more than 12 inches from a structure.



Figure 4 - Projecting Sign

Roof Sign: A sign or any portion of which is displayed above the highest point of the roof, whether or not such a sign also is a wall sign.

Sign Alteration or Altered: Any change in the size, shape, method or illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration.

Sign Area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet, the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest

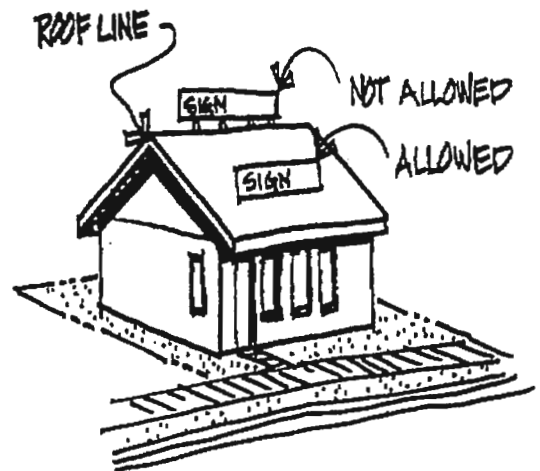


Figure 5 - Roof signs

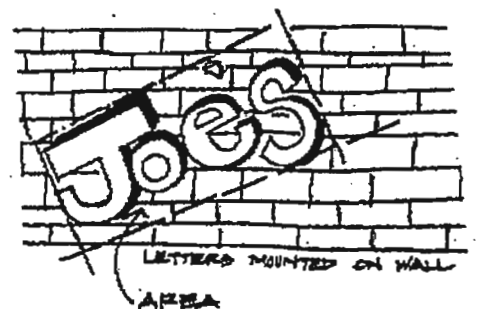


Figure 6 - Sign Area

size sufficient to cover the entire message of the sign and computing the area of the parallelogram or the triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only 1/2 the total area of all sign faces.



Figure 7 - Temporary Sign

Temporary Sign: A sign, or signs not permanently affixed to a structure on a property which is visible for not more than 90 days in any 365-day period and is changed not more than every 90 days. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support. No temporary sign shall be erected or maintained which, by reason of its size, location, or construction constitutes a hazard to the public.

Wall Sign: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than 12 inches. A sign painted on an awning in which the face of the sign is approximately parallel to and within 3.5 feet of the wall shall also be considered a wall sign.



Figure 8 - Wall Sign

SECTION 2: Ordinance No. 323, Section 4.00 (Application of Zoning Regulations) is amended to read as follows, deleting Section 4.10 and renumber accordingly:

SECTION 4.00

APPLICATION OF ZONING REGULATIONS

- 4.01 Purpose and Intent
- 4.02 Minimum Requirements
- 4.03 Maintenance of Ordinance Requirements
- 4.04 Effects on Other Requirements
- 4.05 Establishment of Major Zoning Districts
- 4.06 Overlay Districts
- 4.07 Access
- 4.08 Conformance and Permits Required
- 4.09 Authorization or Similar Uses
- 4.10 Non-Conforming Uses
- 4.11 Non-Conforming Building
- 4.12 Non-Conforming Lot
- 4.13 Landscaping
- 4.15 [Repealed]

SECTION 3: Ordinance No. 323, Section 4.11 Non-Conforming Uses is amended to read as follows:

4.11 Non-Conforming Uses: A non-conforming use may be continued but not replaced by another non-conforming use. A non-conforming use if discontinued for a period of six months may not be resumed without written approval of extension by the city.

SECTION 4: Ordinance No. 323, Section 5.01 Uses Permitted Outright is amended to read as follows:

- (A) Single-family dwellings;
- (B) Public right-of-way;
- (C) Home occupations;
- (D) Child day care home;
- (E) Residential home;
- (F) Manufactured home;
- (G) Food Stand, Food Cart, Food Van/Trailer, or Food Kiosk (Must meet all city requirements and regulations. See also Section 22.17 Food Vendor Classifications and Vendors).

SECTION 5: Ordinance No. 323, Section 5.2 Accessory Uses and Structures is amended to read as follows:

5.02 Accessory Uses and Structures: (See Setbacks in Section 22.08)

- (A) Garages and carports;
- (B) Garden;
- (C) Fences;
- (D) Home occupations;
- (E) Greenhouses, hot houses;
- (F) Utility buildings;
- (G) Accessory Structure Limitation. Accessory structures, except fences, shall be constructed of the same materials and shall be of the same architectural style as the residential structure if it is:
 - 1. located in a front yard, or
 - 2. located within 10 feet of a side property line that adjoins a public right-of-way, or
 - 3. located within 20 feet of a rear property line that adjoins a public right-of-way, or
 - 4. more than 10 feet tall in building height, unless the structure is without walls or,
 - 5. more than 20 feet tall in building height, without walls.

SECTION 6: Ordinance No. 323, Section 6.0 Uses Permitted Outright is amended to read as follows:

- (A) Single-family dwelling;
- (B) Duplexes; triplexes;
- (C) Apartments;
- (D) Rooming and boarding houses;

- (E) Public right-of-way;
- (F) Home occupations;
- (G) Child day care home;
- (H) Residential home;
- (I) Manufactured home, subject to the general requirements of Section 6.11;
- (J) Manufactured home parks;
Proposed manufactured home parks must satisfy the requirements set forth in Sections 6.12; 6.13; and 6.14 of this ordinance, and these criteria must be addressed at the public hearings by the applicant when processing an application for site development review; and within manufactured home parks only the following uses are permitted outright:
 1. Manufactured homes and occupied recreational vehicles, if lawfully connected to City water supply systems and sewage disposal systems and placed on a designated manufactured home space;
 2. A caretaker dwelling, recreation building, a manager office, or other general use buildings needed for operations typical of a manufactured home park.
- (K) Residential facilities;
- (L) Food Stand, Food Cart, Food Van/Trailer, or Food Kiosk (Must meet all city requirements and regulations. See also Section 22.17 Food Vendor Classifications and Vendors).

SECTION 7: Ordinance No. 323, Section 6.02 (E) – Accessory Structure Limitation is amended to read as follows:

- (E) Accessory Structure Limitation. Accessory structures, except fences, shall be constructed of the same materials and shall be of the same architectural style as the residential structure if it is:
 1. located in a front yard, or
 2. located within 10 feet of a side property line that adjoins a public right-of-way, or
 3. located within 20 feet of a rear property line that adjoins a public right-of-way, or
 4. more than 10 feet tall in building height, unless the structure is without walls or,
 5. more than 20 feet tall in building height, without walls.

SECTION 8: Amend Ordinance No. 323, Section 7.01 – Uses Permitted Outright as follows and renumber accordingly:

7.01 Uses Permitted Outright:

The following uses are permitted outright subject to the provisions of Site Development Review (Section 21)

- (R) A classroom and small instruction facility; other than a public or private elementary, middle, or high school or college or university, or house of worship (see Section 7.03).
- (S) Mobile Food Vendor operating a Food Stand, Food Cart, or Food Van/Trailer, or Food Kiosk (Must meet all city requirements and regulations. See also Section 22.17 Food Vendor Classifications and Vendors)

SECTION 9: Ordinance No. 323, Section 7.2 Accessory Uses and Structures is amended to read as follows:

7.02 Accessory Uses and Structures: (See Setbacks in Section 22.08)

No accessory uses or structures, containing more than 600 square feet of floor area, are permitted outside of the main building or use without site development review approval by the city.

SECTION 10: Ordinance No. 323, Section 7.03 Conditional Uses is amended to read as follows:

7.03 Conditional Uses:

The following uses are permitted as conditional uses in accordance with Section 14 . They are also subject to the provisions of Site Development Review (Section 21):

- (A) Automobile or motorcycle sales and service;
- (B) Automobile service station, garage or car wash;
- (C) Any establishment selling alcohol to be consumed on the premises;
- (D) Amusement and recreation related businesses, such as bowling alley, pool halls, video arcades, skating rinks, miniature golf, motion picture theaters;
- (E) Equipment sale or rental yard, used car lot;
- (F) Hotel and motel;
- (G) Public and semi-public uses;
- (H) Gymnasium, athletic and health facilities;
- (I) Small animal clinics;
- (J) Group care home, residential facilities, and residential homes not abutting an arterial street and not in the business district described in Section 7.11;(K) Apartment house, containing a minimum of 4 housing units, not abutting an arterial street and not in the business center described in Section 7.11;
- (L) House of worship;
- (M) Retail or wholesale trade (warehouse, distribution, and/or sales factory); or research and development laboratory facility which meets the following additional requirements:
 - (1) Total square footage of all areas for such use not to exceed 2000;
 - (2) Must comply with Section 8.03, but to a higher degree so as to be compatible with surrounding commercial and residential uses.
- N Other similar developments that the city may find to be similar to those listed, as permitted in this zone, and which are not inconsistent with its purpose.

SECTION 11: Ordinance No. 323, Section 7.11 (A) Business District is amended to read as follows:

7.11 Business District:

- (A) The Business District is defined as all commercial zoned properties contained within the following boundaries:
 1. West of the rail road tracks, east of 5th Street, south of Church Street, and north of the Mill Race.
 2. West of 5th Street, East of 11th Street South of Church Street, and north of Washington Street.

SECTION 12: Ordinance No. 323, Section 8.01 Uses Permitted Outright is amended to read as follows:

- (E) Other Uses:
 - Retail and Wholesale Trade:
 1. Agriculture equipment sales and service, wholesale or retail;
 2. Automobile, motorcycle, boat, trailer or truck rental, sales and service;
 3. Lumber or building supplies equipment storage or sales, retail;
 4. Storage or sales of frozen or refrigerated food;
 5. Warehouse or wholesale distribution and sales factory;
 6. Eating and drinking places;
 7. Mobile Food Vendor operating a Food Stand, Food Cart, or Food Van/Trailer (Must meet all city requirements and regulations. See also Section 22.17 Food Vendor Classifications and Vendors)

SECTION 13: Ordinance No. 323, Public Zone Section 9.02 is amended to read as follows: Permitted Uses. All uses listed below are subject to site development review procedures pursuant to Section 21.00 of this ordinance.

- (A) Public and private utility buildings and structures, including electric substations, telephone exchanges, and communications antennas or towers.
- (B) Publicly owned and operated facilities or structures, including government offices and stations, and public use buildings.
- (C) Governmental, educational, administrative, or public facility uses including:
 1. Public parks and recreation areas.
 2. Public schools, including elementary, middle and high schools.
 3. Public storage yards for machinery, equipment and other materials.
 4. Sewer treatment and lagoon areas.
 5. Water treatment facilities.
 6. Uses clearly accessory and subordinate to the above.
- (D) Mobile Food Vendor operating a Food Stand, Food Cart, or Food Van/Trailer (Must meet all city requirements and regulations. See also Section 22.17 Food Vendor Classifications and Vendors).

SECTION 14: Ordinance No. 323, Interchange Development Zone Section 10.2(B) Permitted Uses is amended to read as follows:

- (B) Retail and Services
 1. Commercial and government offices.
 2. Restaurants with drive-in facilities and specialty restaurants. Other eating and drinking places are conditional uses.
 3. Banks.
 4. Business services, such as photocopy and mailing centers.
 5. Traveler accommodations, including hotels and motels; but excluding camping and recreational vehicle parks.
 6. Veterinary Services
 7. Cleaning and maintenance services to dwellings and other buildings
 8. Mobile Food Vendor operating as a Food Stand, Food Cart, Food Van/Trailer, or Food Kiosk (Must meet all city requirements and regulations. See also Section

22.17 Food Vendor Classifications and Vendors). Other eating and drinking places are conditional uses.

SECTION 15: Ordinance No. 323, Interchange Development Zone Section 10.03 is amended to read as follows:

10.03 Conditional Uses: The following activities are conditionally allowed in the ID zone:

- (A) Convenience stores.
- (B) Service stations; but excluding repair facilities.
- (C) Towing services; but excluding storage of vehicles.
- (D) Eating and drinking places, other than drive through and specialty restaurants.
- (E) Retail activities that are designed to serve the community or region.
- (F) Construction, including building construction general contractors.
- (G) House of worship or gymnasium
- (H) Other uses determined by the Planning Commission to be of similar character to those specified above.
- (I) In addition to the criteria of Section 14, conditionally permitted uses shall not be approved unless the proposal satisfies the following specific criteria:
 1. There is a demonstrated need in the interchange development area for such a use.
 2. The use will primarily service interchange development area customers.
 3. Traffic will not be generated by the use, which would substantially hinder or impair truck circulation in the area.
 4. There is no suitable commercial land located elsewhere within the City.

SECTION 16: Ordinance No. 323, Administration and Enforcement Section 11.01 Administrative Official is amended to read as follows:

11.01 Administrative Official:

- (A) The city administrator is designated by the Council as the Administrative Official to administer and enforce this ordinance. The city administrator may designate others to provide assistance.
- (B) If any provisions of this ordinance or the Comprehensive Plan are being violated, the Administrative Official shall give written notice to the person(s) responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct.
- (C) Abatement and Penalty: A person violating a provision of this ordinance shall be subject to a fine of not more than \$1,000 dollars per day, as determined by a court of competent jurisdiction. A violation shall be considered a separate violation on each day it continues. The Administrative Official (see Section 11.01 (A)) or the chief of police shall each have jurisdiction to enforce this ordinance by letter and/or citation. It is the responsibility of the city attorney to cause a person cited under this ordinance to appear before a court of competent jurisdiction for determination of appropriate action and/or fine.
- (D) See Section 12.09, Revocation of Decision.

SECTION 17: Ordinance No. 323, Off Street Parking and Loading Section 18.03 Parking Location, Shared Parking, and Driveways is amended to read as follows:

- (F) Magazine Parking: Magazine Parking shall only count as one parking space for the

purpose of determining conformance to the required number of parking spaces.

SECTION 18: Ordinance No. 323, Off-Street Automobile and Bicycle Parking Requirements
Section 18.05(M) is amended and Section 18.05(R) is added to read as follows:

18.05 Off-Street Automobile and Bicycle Parking Requirements:

Off-street parking for vehicles and bicycles shall be provided based on the following table.

Vehicle parking space improvements shall comply with provisions in Section 18.07 and bicycle parking improvements shall comply with provisions in Section 18.11.

VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS

	Land Use Activity	Vehicle Spaces	Bicycle Spaces	Measurement
A.	1, 2, and 3 family dwellings	2 spaces per dwelling unit	0	None
B.	Multi-family dwellings	2 spaces per dwelling unit	1	Per two dwelling units
C.	Hotel, motel, boarding house	1 space per guest room plus 1 space for the owner or manager	1	Per 20 guest rooms
D.	Club, lodge	Spaces sufficient to meet the combined minimum requirements of the heaviest uses being conducted, such as hotel, restaurant, auditorium, etc.	1	Per 20 vehicle spaces
E.	Hospital, nursing home	1 space per two beds and 1 space per 2 employees	1	Per 20 vehicle spaces
F.	Churches, auditorium, stadium, theater	1 space per 4 seats or every 8 feet of bench length	2	Per 20 vehicle spaces
G.	Elementary, junior high school	2 spaces per classroom, plus off-street loading facility	3	Per classroom
H.	High school	1 space per classroom and one space per employee, plus off-street loading	1	Per classroom
I.	Bowling alley, skating rink, community center	1 space per 100 sq. ft. plus 1 space per two employees	1	Per 20 vehicle spaces
J.	Retail store, except as provided in "K"	1 space per 400 sq. ft. plus 1 space per 2 employees	1	Per 20 vehicle spaces

	Land Use Activity	Vehicle Spaces	Bicycle Spaces	Measurement
K.	Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles or furniture	1 space per 600 sq. feet of gross floor area, plus 1 space per 2 employees	1	Per 30 vehicle spaces
L.	Bank; office buildings; medical and dental clinic	1 space per 200 sq. ft. of gross floor area, plus 1 space per 2 employees	1	Per 20 vehicle spaces
M.	Eating and drinking establishment except a Mobile Food Vendor. See 18.05(R)	1 space per 4 seats or every 8' of bench length, plus 1 space per 2 employees	1	Per 20 vehicle spaces
N.	Wholesale establishment	1 space per 1,000 sq. ft. of gross floor area, plus 1 space per 700 sq. ft. of retail area	1	Per 30 vehicle spaces
O.	Municipal and governmental	1 space per 600 square feet, plus 1 space per 2 employees	3	Per 10 vehicle spaces
P.	Manufacturing and processing:			
	1. 0-24,900 sq. ft.	1 space per 600 sq. ft.	3	Per 30 vehicle spaces
	2. 25,000-49,999 sq. ft.	1 space per 700 sq. ft.	3	Per 30 vehicle spaces
	3. 50,000-79,999 sq. ft.	1 space per 800 sq. ft.	4	Per 30 vehicle spaces
	4. 80,000-199,999 sq. ft.	1 space per 1,000 sq. ft.	7	Per 30 vehicle spaces
	5. 200,000 sq. ft. and over	1 space per 2,000 sq. ft.	14	Per 30 vehicle spaces
Q.	Warehousing and storage distribution, terminals			

	Land Use Activity	Vehicle Spaces	Bicycle Spaces	Measurement
	1. 0-49,999 sq. ft.	1 space per 3,000 sq. ft.	6	Per 30 vehicle spaces
	2. 50,000 sq. ft and over	1 space per 5,000 sq. ft.	5	Per 30 vehicle spaces
R.	Mobile Food Vendor			
	Short Term - Open in one location for less than a 72 hour period, or open not more than three hours a day in any one location	No parking required		
	Medium Term – Open in one location for more than a 72 hour period but less than 45 days in a six month period	1 space required		
	Long Term – Any period of time not meeting the definition of Short or Medium term –	Parking required as required for a restaurant See Section 18.05.M		
	Required parking may not displace parking required for another use.			

SECTION 19: Ordinance No. 323, Signs Section 19.03 (C) General Provisions is amended to read as follows:

- (C) Sign Clearances. A minimum of 8 feet above sidewalks and 15 feet above driveways shall be provided under freestanding or wall-mounted signs that project over a sidewalk.

SECTION 20: Ordinance No. 323, Signs Section 19.04 (B), (C), and (J) Signs Generally Permitted is amended to read as follows:

- (B) Temporary signs that are not Portable Signs, and do not exceed 6 in number and a total of 56 square feet in area. No lot may display temporary signs for more than 90 days in any 365-day period and signs must be changed not more than every 90 days.
- (C) Real estate signs not exceeding 6 square feet in residential zones and 16 square feet in commercial and industrial zones, which advertise the sale, rental or lease of premises upon which the sign is located. Real estate signs may be used up to two

years without a permit.

- (J) One sign not exceeding 5 square feet giving the name, occupation, or both of the occupant or the home occupation of the occupant of the residentially used property.

SECTION 21: Ordinance No. 323, Signs Section 19.05 Prohibited Signs is amended to add the following:

- (Q) Graffiti

SECTION 22: Ordinance No. 323, Signs Section 19.07 Signs in Commercial, Industrial, and Interchange Development Zones is amended to read as follows:

- (A) Total allowed area.
 - 1. The total allowed area of signage shall be equal to 1.5 times the length of the building frontage up to a maximum of 150 square feet.
 - 2. The sign area of a freestanding, monument, or projecting sign is determined by the sign area of one side of the sign. The opposite side is not included in the computation of total sign area.
 - 3. A freestanding sign shall not exceed the allowable sign area for the property or 40 square feet of sign area, whichever is less.
 - 4. A monument sign shall not exceed the allowable sign area for the property or 60 square feet of sign area, whichever is less.
- (B) Number of Signs.
 - 1. One freestanding, monument, or projecting sign is allowed per street frontage.
 - 2. There is no limit on the number of wall or canopy signs as long as the total allowable sign area is not exceeded.
- (C) Maximum sign height:
 - 1. Wall and canopy signs shall not project above the parapet or roof eaves.
 - 2. Freestanding Signs - maximum total height of 20 feet.
 - 3. Monument Signs – maximum total height of 8 feet.
 - 4. Projecting Signs. The vertical height of a projecting sign which projects beyond 3 feet 6 inches from the face of a building to which it is attached is limited to 3 feet at 8 feet clearance. An additional 4 inches of sign height is allowed for each additional foot of clearance above 8 feet, up to a maximum sign height of 5 feet. The vertical height of a projecting sign which projects 3 feet 6 inches or less from the face of a building to which it is attached is not limited, except that it shall not project more than 1 foot above the roof line at the wall, or top of the parapet wall, whichever is higher.
- (D) Location:
 - 1. Wall signs may project up to 1.5 feet from the building.
 - 2. Freestanding Sign and Monument Signs. No limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.
 - 3. Projecting Sign. Maximum projection of a sign shall be limited to 4 feet 6 inches provided, however, that where you have a projecting sign located on a corner

approximately halfway from the 2 building faces serving 2 street frontages, the maximum projection is 5 feet 6 inches.

(E) Special Provisions:

1. Corner Building – a building sited on the corner of two public streets, or the intersection of a public street and commercial access serving more than one business, with no parking area intervening between the building and the rights-of-way may have an additional amount of wall sign area equal to 25% of the allowable sign area based on the longest building frontage. In this bonus circumstance, the total computed allowable sign area shall not exceed 187.5 square feet. No more than 75% of the allowable sign area including the 25% bonus area may be located on any single building wall. For example if the total allowed sign area, including the bonus area, is 160 square feet, no more than 120 square feet of sign area may be located on a single building frontage.
2. Integrated Shopping Center – an Integrated Shopping Center may share one single freestanding sign per street frontage in lieu of individual freestanding or monument signs. Such a joint freestanding sign shall not exceed 100 square feet. Each individual business is still allowed a total sign area of 1.5 times the business frontage for wall, projecting, and canopy signs.

SECTION 23: Ordinance No. 323, Signs Section 19.08 (A) Review Procedures is amended to read as follows:

- (A) Permit Required. No property owner, lessee or contractor shall construct or alter any sign, other than changing the sign copy or design without expanding the sign area, without first obtaining a valid sign permit.

SECTION 24: Ordinance No. 323, Signs Section 20.71 (H) Design Standards is amended to add the following:

- (H) Lots are required to have frontage on a public right of way. A private access easement does not fulfill this requirement. See Section 20.73 (A).

SECTION 25: Ordinance No. 323, Signs Section 20.71 (sic) Public Improvements is incorrectly numbered and is amended to the following:

20.72 Public Improvements, General Provisions

SECTION 26: Ordinance No. 323, Site Development Review Section 21.03 A(6) is amended and 21.03 A (9) added as follows:

21.03 Applicability of Provisions:

- (A) Site development review shall be required for all new developments and modifications of existing developments except:
1. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair;
 2. Single-family detached dwellings (including manufactured homes);
 3. A single duplex, up to two single-family attached units, or a single triplex which is not being reviewed as part of any other development, and parking on the same lot;
 4. Building additions in commercial, industrial and public zones of not more

- than 600 square feet and any residential building addition not creating additional dwelling units;
5. Interior modification or change in use within an existing building that meets one of the following:
 - (a) A modification or change in use when the change requires less than a 25% net increase in the number of parking spaces required (not existing) for the current use; or
 - (b) A modification or change in use when the change generates less than an average of 100+ trips per day per 1000 gross square feet of building as documented in the Trip Generation Manual of the Institute of Transportation Engineers or other qualified source; or
 - (c) The modification or change in use does not create any additional daily shipping and delivery trips by vehicles over 20,000 pounds gross vehicle weight.
 6. Accessory structures in all zones with 600 or less square feet of floor area are exempt. In residential zones accessory structures over 600 square feet is a Type I action.
 7. Home occupation;
 8. Land Divisions and associated public improvements.
 9. Improvements by city departments on land zoned Public; except when the City Administrator determines the proposed improvement has potential impacts, such as traffic, lighting, and noise, such that the public review embodied in the Site Development Review process is needed to help determine appropriate mitigation.
 10. Other development, when required by a condition of approval. Other development, when required by a condition of approval.

SECTION 27: Ordinance No. 323, Supplementary Zone Regulations 22.00 Index is amended to add the following:

22.17 Food Vendor Classifications and Requirements

SECTION 28: Ordinance No. 323, Supplementary Zone Regulations 22.01 is amended as follows:

22.01 Clear Vision Area:

- (A) A clear vision area shall be maintained on each corner of a property at the intersection of two streets, a street and a railroad intersection, and driveways to and from parking areas.
- (B) A clear vision area shall consist of a triangular area, 2 sides of which are lot lines or property lines for a distance of 20 feet for corner properties and 20 feet for driveways and railroad intersections. In the case of driveways the 20 feet shall be measured from the centerline of the driveway, or in the case of a dual driveway and parking lot entrances; the centerline of each drive lane. Where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured. The 3rd side of the triangle shall be a line connecting the non-intersecting ends of the other 2 lines. (See Illustrations following Section 23.00).
- (C) Clear vision shall also include all areas adjacent to a street, ten feet from the face of the curb, regardless of property line; and not located at the corner of two

intersecting streets, (see 22.01 A).

- (D) A clear vision area shall contain no planting, sight-obscuring fence (open chain link excluded), wall, hedge, structure, vehicle parking, or any temporary or permanent obstruction exceeding 4 feet measured from the ground. Trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of 8 feet above the ground. The vision clearance area may be increased by the Council, Commission, or Administrative Official upon finding that more sight distance is required. (i.e., due to traffic speeds, roadway alignment, etc.)

SECTION 29: Ordinance No. 323, Supplementary Zone Regulations 22.02(A) is amended as follows:

22.02 Fences, Hedges and Walls:

(A) Location and Height.

1. Residential and Commercial Fences and Walls. Fences and walls shall be constructed within the Clear Vision Area requirements in Section 22.01 and provisions in Section 22.02(B), (C) and (D). Fences and walls shall be up to 8 feet in height except:
 - (a) In clear vision areas (See Section 22.01 above); and
 - (b) Front yard fences shall be up to 4 feet in height; fences located on corner lots shall be considered to have two front yards; in this case only the front yard on which the improvement or contemplated improvements will face must meet the 4 foot requirement, as long as any fence exceeding 4 feet is not located in the city's right-of-way; and
 - (c) Front yard walls shall be up to 4 feet in height; walls located on corner lots shall be considered to have two front yards; in this case only the front yard on which the improvement or contemplated improvements will face must meet the 4 foot requirement, as long as any wall exceeding 4 feet is not located in the city's right-of-way; and
 - (d) Any fence or wall over 6 feet in height requires a building permit; and
 - (e) Fences and walls constructed on the property line require a written agreement between adjoining property owners, which shall be recorded with the Marion County Clerk.
2. Industrial and Public Fences. Fences shall be constructed within the Clear Vision Area requirements in Section 22.01 and provisions in Section 22.02(B), (C) and (D). Fences shall be no higher than 8 feet, including any security barbed wire. A minimum seven foot fence constructed in an industrial or public zone may, for security purposes, have the top one foot of the fence constructed with barbed wire. The wire shall be straight up or slanted into the property and shall be placed only on chain link fences constructed in industrial zones.
3. Hedges.
 - (a) Hedges shall be planted in compliance with the Clear Vision Area requirements in Section 22.01 and Property provisions in Section 22.02(B);
 - (b) Front yard hedges shall be up to 4 feet in height, as long as any fence exceeding 4 feet is not located in the city's right-of-way;
 - (c) Hedges shall be maintained to be healthy and not overgrow onto adjacent properties or sidewalks. Plants forming hedges shall be replaced within 6 months after dying or becoming diseased;
 - (d) Hedges that are dead or diseased, or poses a hazard to personal safety,

property, or the health of other vegetation such as trees and hedges, shall be removed by the property owner; and

- (e) Hedges and other landscaping may be established to provide visual screening and privacy within the side and rear yards; while leaving front yards and building entrances mostly visible for security purposes.

SECTION 30: Ordinance No. 323, Supplementary Zone Regulations 22.00 is amended to add the following:

22.17

Food Vendor Classifications and Vendors

(A) All vendors shall meet these requirements and the regulations of the City.

These may include, but are not limited to the following:

1. The use shall be limited to the preparation and/or sale of food and beverages.
2. The structure shall retain the ability to be moved and will not involve any structure requiring a building permit.
3. The use shall not be conducted within public rights-of-way unless a permit is issued by the city for this purpose.
4. The use shall be conducted on private or public property only with written consent of the property owner.
5. Business operations for a food stand or a food cart shall only be conducted between 7:00 AM and 7:00 PM except the hours can be extended earlier or later by the City Administrator upon a finding the extended hours will not create negative impacts on surrounding properties due to noise, light, traffic, and similar factors.
6. The use shall conform to all setback standards, vision clearance requirements, and other standards of the zone in which it is located.
7. The use shall not block driveways, entrances, fire lanes, or parking aisles. Food trucks or trailers may not be placed in a landscaped area required by this code.
8. The use may be connected to water and sewer by approved temporary connections only. No discharge will be made into any stormwater system.
9. Signs associated with the use shall be limited to six square feet total surface area of all sign faces. Menu boards are not signs, but are limited to six square feet total surface area.
10. A trash receptacle shall be located within 10 feet of the use and shall be emptied and maintained by the operator of the mobile food cart.
11. The operator of the uses shall possess valid county certification of compliance with health and sanitation standards as applicable.

Failure to comply with these standards may result in the Mobile Vendor Permit being revoked by the City Administrator, which will require the business operation to cease and the stand, cart, or vehicle to be removed from the site.

(B) The Location and Development Standards are summarized in the following tables:

Location Standard	Food Stand	Food Cart	Food Van/Trailer	Food Kiosks
Permitted in RS - Single Family	Yes	No	No	No
Permitted in RM - Multi-Family	Yes	Yes	No	No
Permitted in CL - Commercial	Yes	Yes	Yes	Yes
Permitted in I – Industrial	Yes	Yes	Yes	No
Permitted in ID - Interchange	Yes	Yes	Yes	Yes
Permitted in P – Public	Yes	Yes	Yes	No

Development Standard	Food Stand	Food Cart	Food Van/Trailer	Food Kiosks
Permitted in landscape areas	Yes	Yes	No	No
Permitted on paved areas	Yes	Yes	Yes	Yes
Permitted on gravel areas ¹	Yes	Yes	Yes	Yes
Permitted in parking lot aisles, driveways, or fire lanes	No	No	No	No
Permitted on undeveloped lots	Yes	Yes	Yes	No
Drive Through allowed ²	No	No	Yes	Yes
Utility Connection allowed ³	No	Yes	Yes	Yes
Utility Connection Required ³	No	No	No	Yes
Required to meet design standards of zone	No	No	No	Yes
Parking Required	No	No	Yes ⁴	Yes ⁴
Limited daily duration ⁵	Yes	Yes	Yes	N/A
Limited number of days ⁶	Yes	Yes	Yes	N/A
Site Development Review Required	No	No	No, except Yes if a drive-through is proposed	Yes
Permitted in landscape areas	Yes	Yes	No	No

¹ Parking on gravel surfaces limited to a maximum of 90 days in any 365 day period

² Subject to approval through Site Development Review process

³ No discharge of liquids onto the ground or into the stormwater system allowed

⁴ See parking standards – Section 18.05.R

⁵ Business operations for a food stand or a food cart shall only be conducted between 7:00 AM and 7:00 PM except the hours can be extended earlier or later by the City Administrator upon a finding the extended hours will not create negative impacts on surrounding properties due to noise, light, traffic, and similar factors.

⁶ The use and structure can only be in place 90 days in any 180 day period

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Aumsville Rural Fire District

Local Contact: **City Administrator Maryann N Hills** Phone: **(503) 749-2030** Extension: **301**
Address: **595 Main St** Fax Number: **503-749-1852**
City: **Aumsville** Zip: **97325-** E-mail Address: **maryann@aumsville.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

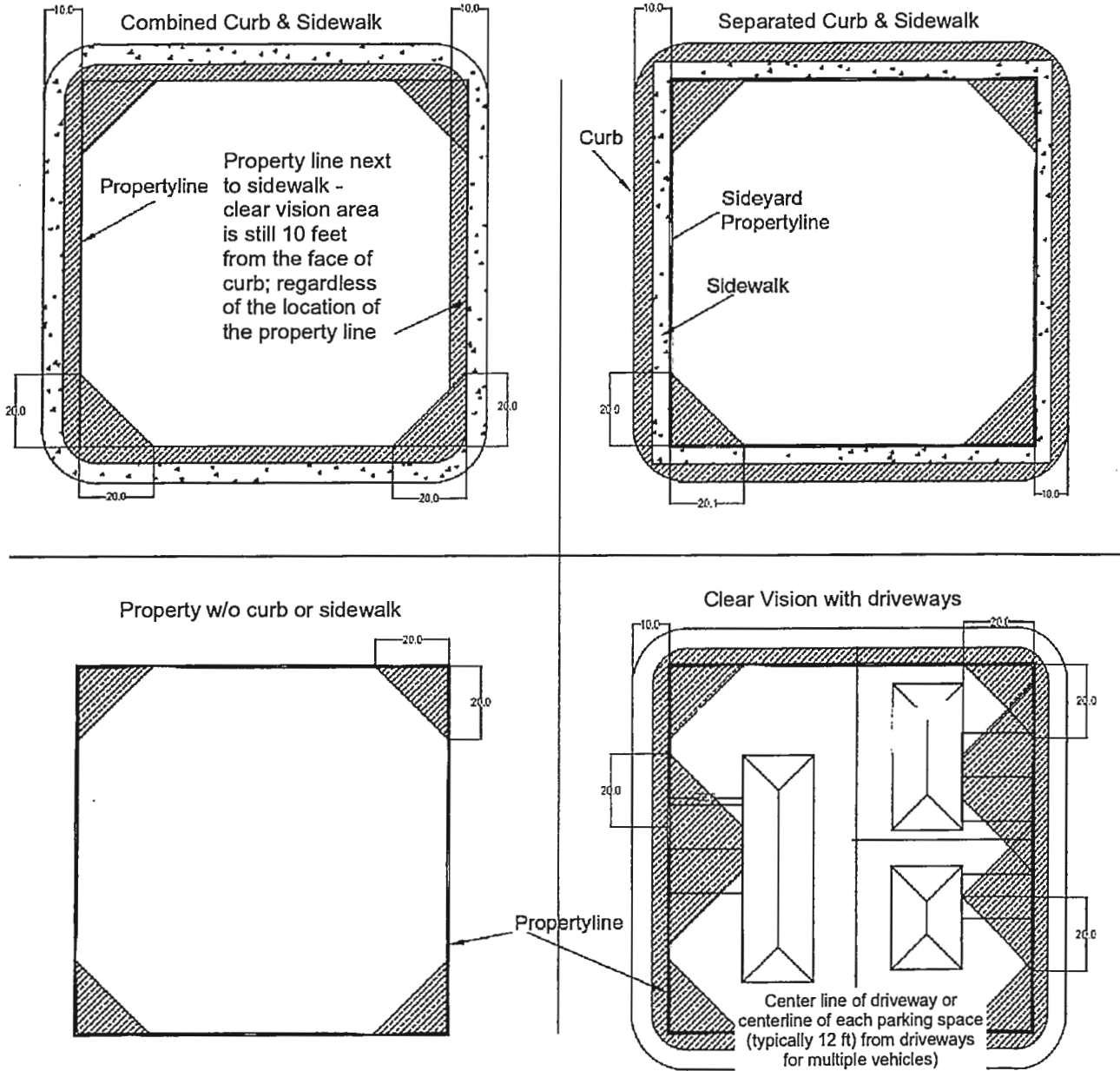
1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. Send this Form 2 and **one complete paper copy** (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

SECTION 31: Ordinance No. 323, "Illustrations of Calculations" is amended to replace the "Calculation of Clear Vision Area" with the following illustration:

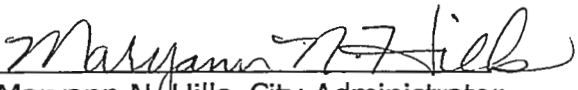
CLEARVISION



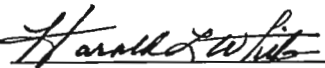
SECTION 32: Validity. Except as amended herein the remainder of Ordinance No. 323 shall remain in full force and effect.

SECTION 33: Effective Date. This ordinance shall take effect on the thirtieth day after its enactment.

PRESENTED AND PASSED the first reading unanimously on the 27th day of October, 2014.
PASSED its second reading unanimously on the 10th day of November, 2014. ADOPTED by the Aumsville City Council by unanimous vote on the 10th day of November, 2014.


Maryann N. Hills, City Administrator

SIGNED by the mayor this 12th day of November, 2014


Harold L. White, Mayor

STAFF REPORT

DATE: October 27, 2014
TO: Aumsville City Council
FROM: John N. Morgan, City Planner
SUBJECT: Public Hearing on Development Ordinance Update

Introduction

Tonight the Council will open its hearing on the package of Aumsville Development Ordinance (ADO) amendments the Planning Commission has been working on for over a year and is now recommending to the Council for adoption. The Commission has been methodically working to find places in the ADO needing improvement, updating, and where new standards for new uses such as food carts need to be included.

The Commission and City Council held joint work sessions on proposed changes April 28, 2014 and July 28, 2014. These meetings allowed the Council to comment on draft language and gave the Planning Commission good feedback on the proposed topics and changes.

The Commission held its public hearing on the proposed changes September 18th and moved to recommend their adoption to the City Council noting that there would be some final "fine tuning" by the staff with regard to enforcement and abatement.

The action the Council will take now is to hold the public hearing, close the hearing, deliberate, and adopt the changes by ordinance. Staff has prepared the attached ordinance with the needed findings of fact ready for Council adoption if there are no changes, and modification if the Council wishes to change the ordinance language or findings.

Proposed ADO Language

The proposed language for the revisions is attached. The revisions cover a number of topics each of which is described below:

1. Section 1 – Definitions – is amended to clarify and add needed language for parking, medical clinics, food carts, and signs. Many of these changes are part of larger topic-specific amendments such as with food carts where several places in the ADO need to be amended.

Three changes are not related to other more extensive changes in the ADO. Magazine Parking is defined. This is parking where the cars are end-to-end

instead of side-by-side with the front vehicle not able to move without the back vehicle moving out of the way. The definition is in place as in the parking chapter it is made clear that the parking spot blocked from the accessway cannot be counted against the parking requirement.

The second change is the addition of illustrations of sign types. These are intended to make the ADO easier to understand and use.

The last change is an addition of a definition for medical clinics. With the new marijuana laws already in effect, the commission thought it would be wise to add this new definition.

2. Section 22.17 - Mobile Food Vendors - The amendments dealing with mobile food vendors are included. To implement the changes there are revisions in many parts of the ADO, but the primary section is 22.17.

The Commission's recommendation is based on classifying mobile food vendors into four groups in increasing orders of intensity and potential impact. Those four groups are:

- *Food Stands - in a location and operating for a limited duration. Examples include a hot dog stand that operates on a street during the lunch hour or a lemonade stand in a neighborhood. Maximum size is 48 square feet. Customer access is walk up only.*
- *Food Carts - in a location and operating for a limited duration. Includes both mobile carts, and also temporary stands with a maximum size of 100 square feet. Examples include a food stand erected for an event, such as a food stand put up and operated for the duration of the Corn Festival. Customer access is walk up only.*
- *Food Trucks/Trailers - in which food is prepared and from which food is served. Food Trailers and Trucks park generally in parking lots and may move from the business site daily, or may locate in the same site for several weeks at a time. Maximum size is 200 square feet. There is no indoor seating. Customer access can be walk up or drive-up window.*
- *Food Kiosks - located on a site in a long-term or permanent manner such as a drive-up coffee stand. These may be structures or trailers. There is no kitchen or indoor seating. Customer access can be walk up or drive-up window.*

The draft ADO language establishes where food vendors of the various types can locate and what process is imposed to approve those locations.

The draft ADO language also establishes design standards for these types of business developments. These are found in the table located toward the end of section 22.17. The draft is intended to encourage such businesses while also setting reasonable standards on operation, design, and impact.

The Planning Commission received testimony raising concern about food carts and food stands obscuring vision at intersections. The draft ADO language specifically addresses this point by prohibiting such vendors from operating within the required vision clearance areas.

3. Section 4.11 – Non-Conforming Uses has been revised to reduce the amount of time that a non-conforming use that is discontinued (not currently being utilized) can be resumed. It is presently one year – the proposal takes it to six months and then the non-conforming use ceases to exist as a legal use.
4. Section 5.02 and 6.02- Accessory Structures provisions are revised to clarify when the similar material requirement applies. This change is specifically intended to clarify rules for building an open sided canopy structure covering a vehicle, especially a motor home.
5. Section 7.01 - Permitted Uses in the Commercial Zone is revised to allow small educational facilities. This is in response to a citizen request to allow a martial arts studio. The Commission realized the ADO doesn't allow for such studios and other similar uses such as a dance studio, art school, cooking school, etc.
6. Section 7.02 – Accessory Uses and Structures is amended to require Site Development Review for all structures greater than 600 square feet. There was previously a provision that caused confusion because it allowed for accessory structures between 200 and 600 square feet to go through a Type I Application. However, in Section 21, there was no provision that allowed for a current structure to employ that same process when building an addition. It did not make sense to make it easier to build a new accessory structure than to remodel and add to a current structure when the impact on the surrounding area is the same. The Commission proposes doing away with the Type I application for small (200-600 sq. feet) accessory structure; this will make accessory structures and additions to an existing building compatible. Changes were also made to Section 21 – Site Development Review.
7. Section 7.03 – Conditional Uses in the Commercial Zone. Clarity is created on the locations for Houses of Worship by allowing them as conditional uses in the Commercial zone.
8. Section 10.03 – Conditional Uses in the Interchange Development Zone. Clarity is created on the locations for Houses of Worship by allowing them as conditional uses in the Interchange Development zone.

9. Section 11.01 – Administration and Enforcement. Expanded and clarified standards for ADO Enforcement are included. The Commission’s intent was to create a system for enforcement of the ADO comparable and essentially the same as that found in the Nuisance Ordinance.

The provisions have two major elements, imposing a penalty and abatement. Testimony was received on both points at the Planning Commission public hearing that resulted in the Commission modifying the recommended language. The general modification is to place more responsibility on the City Attorney and the City Council rather than vesting most of the responsibility for enforcement on the City Administrator.

The first major provision is the ability for the City, through the City Attorney, to take a person creating a zoning violation to Court, and the Court can impose a penalty of up to \$1,000 per day for each day of the violation.

The second is giving the responsibility to the City Council to determine if a violation exists to the extent that the City can take measures to abate the nuisance. First, the property owner is ordered to abate, but then if the property owner does not comply the City Administrator can cause the violating circumstance to be abated by having city or contract crews enter the property to enter the property and remove the violating structure; for example, remove a violating fence.

However, the City Attorney reviewed the proposed changes after the Planning Commission took action. He submitted the attached letter expressing an opinion the changes are not necessary and in fact may create some legal liability for the City. The attorney’s letter is commended to the Council for its consideration. In fact, staff supports the Attorney’s analysis and recommendations.

10. Section 17 and Section 18 – Parking. Revisions are made to the parking standards for mobile food vendors, plus clarity is created for magazine parking.

11. Section 19 – Signs. The Sign Chapter has significant revisions, including changing the way business signs are regulated in order to better tie the size of the sign to the size of the building. Today commercial signs can be up to 40 square feet in area regardless of the size of the building. The proposed language instead creates a formula allowing signs to have a total square footage equal to 1.5 times the length of the building frontage up to a maximum of 150 square feet. This allowable sign area can be spread between any number of signs. Only one freestanding sign is allowed.

Special provisions are made for businesses located on corners, allowing more signage because of the double frontage. Also, special provisions are made for shopping centers where one large freestanding sign can be used in lieu of every

individual store having its own freestanding sign. The allowed signage for each individual business, based on building frontage, remains the same.

Also, in 19.04 the standards for temporary signs are clarified; setting a maximum number and size, as well as the duration they can be displayed.

12. Section 21 – Site Development Review is amended in a number of ways to create both more clarity and better provisions.

The size of an expansion of a commercial building that can occur without going through the site development review process is clarified. That size is 600 square feet instead of the existing 200 square feet. This is the same as accessory structures. Previously it was easier for someone to build a new accessory structure than to add a similar sized addition to an existing building.

Public projects undertaken by the City on public land are exempted from the site development review requirements. This is premised on the fact such projects have already gone through a public review process as they were being discussed in the budgeting process, or in a public project review process whereby the City decides to undertake a project. However, the City Administrator can require site development review upon finding the proposed structure or use is such that a final public review is appropriate due to significant potential impacts.

13. Section 22.01 – Clear Vision Areas. This section is reworded to clarify provisions and to remove complex and confusing language.
14. Section 22.02 – Fences, Walls, and Hedges. This section is reworded to clarify provisions and to remove complex and confusing language.
15. Illustrations Section – Calculation of Clear Vision Area. This illustration is being replaced with an “Illustrations of Calculations” to clarify the different clear vision scenarios.

RECOMMENDATION

It is recommended the City Council:

- Open and conduct the public hearing;
- Close the hearing;
- Deliberate on the proposed ordinance giving staff direction on any further amendment or modification of the current recommendations or findings of fact; and
- Pass the ordinance.

**City of Aumsville
Development Ordinance Update – Findings of Fact**

Aumsville Development Ordinance Section 15.05 Criteria of Recommending an Amendment:

- (A) That the requested change is in conformance with the adopted Comprehensive Plan of the city.

FINDING: The proposed text amendments are in conformance with the adopted Comprehensive Plan of the City as demonstrated in the following findings concerning relevant goals and policies. Other goals and policies of the Plan are not relevant as the proposed Code amendments do not relate to their topic areas or provisions:

Residential Goal 2 – To assure that residential areas are pleasant, healthful, and safe places in which to live

FINDING – The text amendments clarify standards for non-conformity, accessory structures, and enforcement all of which help to create and maintain pleasant, healthful, and safe residential areas.

Commercial Goal 1 – To maintain existing businesses and encourage a variety of new business activities to locate in the city

FINDING: Revisions to sign regulations, allowable uses in the commercial zones, inclusions of standards for food vendors, and accessory commercial building standards all are designed to streamline development processes, make regulations more business friendly, support existing businesses, and better reflect market trends all of which help meet Commercial Goal 1.

Commercial Goal 2 – To develop a business center that is easily accessible, convenient, and a pleasant place in which to shop

FINDING: Revisions to sign regulations and allowable uses in the commercial zones will strengthen the commercial business center helping meet Commercial Goal 2.

Community Appearance Goal 1 – To improve and enhance the community's appearance

FINDING: Updates to the sign regulations will improve and enhance the community's appearance by assuring businesses have adequate signage commensurate with the building size.

- (B) That there was a mistake or an update needed in the original ordinance or map.

FINDING: Updates to the original ordinance are needed to respond to new development and market trends emerging after adoption of the original ordinance, to reflect needed

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changes identified in the administration of the ordinance where practical difficulties emerged in applying the ordinance language, and to reflect changing community values.

- (C) That the conditions in the area have changed since adoption of the ordinance and/or zoning map.

FINDING: Updates to the original ordinance are needed to respond to changing conditions in the marketplace, such as with the advent of mobile food vendors.

- (D) The amendments will not interfere with the development or value of other land in the vicinity.

FINDING: The proposed text amendments are not based on a particular property therefore the policy is not generally relevant, however, the amendments will allow enhanced and greater business activity thereby enhancing property values.

- (E) The amendment will not be detrimental to the general interest of the city and that there is a public need for the amendment.

FINDING: This package of Ordinance updates is intended to enhance the general interest of the city by making the Ordinance language more relevant to changing conditions, by removing barriers to good development practices, by improving the aesthetic character of commercial areas through improvements to sign regulations, by streamline the development of public facilities, and by enhancing the ability to enforce ordinance provisions. There is a need for these changes as the current Ordinance has proven in practice to not adequately serve to guide good development and use of land.

- (F) That there is no other appropriately zoned property that could be used.

FINDING: This criterion is not relevant as the proposed text amendments do not involve any specific property.

- (G) That the amendment will not over-burden existing and future capacity of public facilities.

FINDING: The text amendments nor their application impact capacity of public facilities.

- (H) That the amendment shall comply with applicable state and federal laws and regulations.

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FINDING: The text amendments comply with applicable state and federal laws. They are consistent with applicable Statewide Planning Goals especially Goal 9 – Economic Development which encourages practices to enhance the economic vitality of the community which is being done by revising the allowable uses in the commercial zones and improving the sign regulations. The revised enforcement provisions have been reviewed by the City Attorney to assure compliance with applicable state and federal laws.

- (l) That the amendment shall comply with the Urban Growth Boundary and Policy Agreement existing between the city and Marion County.

FINDING: The amendment of the text is not relevant to the Urban Growth Boundary and Policy Agreement between the city and Marion County.