



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2524

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Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

February 13, 2006



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of North Plains Plan Amendment
DLCD File Number 008-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 1, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the 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). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Meg Fernekees, DLCD Regional Representative
Don Otterman, City of North Plains

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FEB 09 2006

LAND CONSERVATION AND DEVELOPMENT

FORM 2

DLCD NOTICE OF ADOPTION

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

Jurisdiction: NORTH PLAINS Local File No.: NONE (If no number, use none)

Date of Adoption: FEB. 6, 2006 Date Mailed: FEB 8, 2006 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: OCT 27, 2005

- Comprehensive Plan Text Amendment
Comprehensive Plan Map Amendment
Land Use Regulation Amendment
Zoning Map Amendment
New Land Use Regulation
Other: (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

VARIOUS AMENDMENTS TO ZONING ORD.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

SAME

Plan Map Changed from : to

Zone Map Changed from: to

Location: Acres Involved:

Specify Density: Previous: New:

Applicable Statewide Planning Goals:

Was an Exception Adopted? Yes: No: [checked]

DLCD File No.: 008-05(14778)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: _____

CITY OF NORTH PLAINS

Local Contact: DON OTTERMAN Area Code + Phone Number: 503-647-5555

Address: 31360 NW COMMERCIAL ST. City: NORTH PLAINS

Zip Code+4: 97133 Email Address: don@northplains.org

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to Mara.Ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 347

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON AMENDING VARIOUS CHAPTERS OF THE NORTH PLAINS ZONING AND DEVELOPMENT ORDINANCE.

WHEREAS, the Planning Commission of the City of North Plains has recommended various changes be made to the zoning and development ordinance; and

WHEREAS, the City Council wishes to amend the zoning and development ordinance as recommended by the Planning Commission.

NOW THEREFORE, the City Council of the City of North Plains ordains as follows:

- Section 1. The Zoning and Development Ordinance of the City of North Plains is amended as shown in Exhibit A attached to this ordinance.
- Section 2. The City Recorder is directed to send this ordinance and exhibit to the Department of Land Conservation and Development as required by State law.

INTRODUCED on the 17th day of January, 2006, **AND ADOPTED** this 6th day of February, 2006.

CITY OF NORTH PLAINS, OREGON

BY: 
Cheri Olson, Mayor

ATTEST:

BY: 
Debbie Owens, City Recorder

**CITY COUNCIL MEETING AGENDA
FEBRUARY 6, 2006 - 7:00 PM
LOCATION: JESSIE MAYS COMMUNITY HALL
30975 NW HILLCREST STREET**

ADDENDUM

ORDINANCE NO. 347

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF NORTH PLAINS, OREGON AMENDING
VARIOUS CHAPTERS OF THE NORTH PLAINS
ZONING AND DEVELOPMENT ORDINANCE.**

Exhibit A for Ordinance No. 347 has not been included in the agenda packets because of length of the document. Council did review the Exhibit at the January 17, 2006, Council meeting. If you would like to review Exhibit A at this time, you may do so at City Hall.

Chapter 16.01
ZONING AND DEVELOPMENT ORDINANCE
GENERAL INTRODUCTORY PROVISIONS

Sections:

16.01.000	<u>Zoning and Development Ordinance</u>
16.01.005	<u>General Introductory Provisions</u>
16.01.010	<u>Title</u>
16.01.020	<u>Purpose and Scope</u>
16.01.030	<u>Conformance Required</u>
16.01.040	<u>Violation of Conditions</u>
16.01.050	<u>Interpretation</u>
16.01.060	<u>Savings Clause</u>
16.01.070	<u>Conflicting Ordinances</u>
16.01.080	<u>Termination of Permit</u>

16.01.005 General Introductory Provisions

16.01.010 Title

This Ordinance shall be known and may be referred to as the **City of North Plains Zoning and Development Ordinance**.

16.01.020 Purpose and Scope

This Ordinance is enacted to:

- A. Encourage the most appropriate use of land.
- B. Conserve and stabilize the value of property.
- C. Facilitate fire and police protection.
- D. Provide adequate open space for light and air.
- E. Minimize congestion on streets.
- F. Promote orderly growth of the city.
- G. Prevent undue concentrations of population.
- H. Facilitate adequate provision of community facilities.
- I. Promote in other ways the public health, safety, convenience, and general welfare, generally consistent with the Comprehensive Plan.

16.01.030 Conformance Required

The use of all land, as well as the construction, reconstruction, enlargement, structural alteration, movement, use, or occupation of any structure within the City of North Plains shall conform to the requirements of this Ordinance.

16.01.040 **Violation of Conditions**

Upon failure to comply with any provision of this Ordinance, or with any restrictions or conditions imposed hereunder, the Council may withhold any further permits and may withhold or withdraw city utility services until correction is made. Notwithstanding any such action taken by the Council, any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this Ordinance, or who resists the enforcement of such provisions, shall be subject to civil penalties of no more than \$250.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

The Planning Commission on its own action may revoke any development approval for non-compliance with the conditions set forth in the order granting the said approval, after first holding a public hearing and giving notice of such hearing as provided in **Section 16.80.020 Public Hearing Requirements**.

16.01.050 **Interpretation**

The provisions of this Ordinance shall be interpreted as minimum requirements. When this Ordinance imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provision of this Ordinance shall control.

16.01.060 **Savings Clause**

Should any section, clause or provision of this Ordinance be declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Ordinance as a whole or of the remaining sections. Each section, clause and phrase is declared severable.

16.01.070 **Conflicting Ordinances**

All zoning, subdivision, and other land development ordinances previously enacted by the city are superseded and replaced by this Ordinance.

16.01.080 **Termination of Permit**

Approval of any application or permit of any kind shall be void after one year or such lesser time as the approval may specify unless substantial construction has taken place or the proposed use has occurred. However, the Planning Commission may extend authorization for an additional period not to exceed one year. The Commission may grant more than one-one year extension if the reason for delay of the project is out of the control of the applicant.

Amended: ORD. 347 - February 6, 2006

Chapter 16.02
ZONING AND DEVELOPMENT ORDINANCE
ESTABLISHMENT OF ZONING DISTRICTS

Sections:

- 16.02.000** **Zoning and Development Ordinance**
- 16.02.005** **Establishment of Zoning Districts**
- 16.02.010** **Districts**
- 16.02.020** **Boundaries**
- 16.02.030** **Zoning in Newly Annexed Areas**

16.02.005 **Establishment of Zoning Districts**

16.02.010 **Districts**

For the purposes of this Ordinance, the incorporated area of the City of North Plains, Oregon, is hereby divided into the following Zoning Districts:

Single-Family Residential	R7.5
Single-Family Residential	R5
Multi-Family Residential	R2.5
General Commercial	C1
Highway Commercial	C2
Light Industrial	M1
General Industrial	M2
Flood Plain	FP
Community Service	CS
Neighborhood Community	NC

16.02.020 **Boundaries**

- A. The zoning district boundaries are shown on the Zoning Map of the City of North Plains. This map is made a part of this Ordinance and shall be marked and designated as the North Plains Zoning Map and shall be kept on file at City Hall. Any future changes to the zoning of land within the City of North Plains which are approved under the provisions of this Ordinance shall be appropriately depicted on the North Plains Zoning Map. (Revised 2004)

- B. The Planning Commission shall resolve any dispute over the exact location of a zoning district boundary. In interpreting the location of such boundaries on the North Plains Zoning Map, the Planning Commission shall rely on the North Plains Comprehensive Plan Map and the following guidelines for the location of zoning district boundaries; property lines; lot lines; center lines of streets, alleys, streams, or railroads; city boundaries; notations on the North Plains Zoning Map; or other planning criteria determined appropriate by the Planning Commission.

16.02.030 Zoning in Newly Annexed Areas

Upon annexation, land shall be zoned according to the following table. In cases where it is unclear which designation to assign, the most closely related designation shall be assigned.

<u>Plan Designation</u>	<u>Corresponding Zone</u>	<u>Upon Annexation</u>
Medium/Low Density Residential		R7.5
Medium/High Density Residential		R5
High Density Residential		R2.5
Commercial		C1 or C2
Industrial		M1 or M2
Neighborhood Community		NC

If areas are annexed that are within any 100-year flood plain as defined in the North Plains or Washington County Comprehensive Plans, the areas shall also be assigned the Flood Plain Overlay Zone.

Revisions: ORD. 324 - November 15, 2004

Amended: ORD. 337 - August 15, 2005

Amended: ORD. 347 - February 6, 2006

Chapter 16.03
ZONING AND DEVELOPMENT ORDINANCE
PLANNING COMMISSION

Sections:

16.03.000	<u>Zoning and Development Ordinance</u>
16.03.005	<u>Planning Commission</u>
16.03.010	<u>Establishment</u>
16.03.020	<u>Membership</u>
16.03.030	<u>Term</u>
16.03.040	<u>Chairperson and Vice-Chairperson</u>
16.03.045	<u>Committee for Citizen Involvement</u>
16.03.050	<u>Secretary</u>
16.03.060	<u>Meetings</u>
16.03.065	<u>Conduct of Meetings</u>
16.03.070	<u>Powers-Employment</u>
16.03.080	<u>Powers-Recommendation</u>
16.03.090	<u>Written Recommendation</u>
16.03.100	<u>Expenditures</u>

16.03.005 Planning Commission

16.03.010 Establishment

For the purposes hereinafter stated, there is hereby established a City of North Plains Planning Commission.

16.03.020 Membership

The Planning Commission of the City shall consist of seven voting members and shall be appointed by the City Council. Commission members shall receive no compensation, but shall be reimbursed for duly authorized expenses. All members of the Planning Commission shall be residents of the City of North Plains. In addition, the Mayor shall appoint on a revolving basis one City Council member to serve as an ex-officio non-voting member of the Planning Commission to communicate City Council policy on matters before the Planning Commission and to be a liaison between City Council and Planning Commission. A member may be removed by the City Council, after hearing, for misconduct or non-performance of duty. Any vacancy shall be filled by the City Council for the unexpired term.

No more than two voting members shall be engaged principally in the buying, selling, or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that is engaged principally in the buying, selling, or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of business or trade, or profession.

16.03.030 Term

Each position on the City Planning Commission shall be for a term of four years, two positions expiring each year except that one position shall expire every fourth year. Any vacancy in a position shall be filled by appointment by the City Council for the unexpired portion of the term. The person appointed to each position and the expiration of the position shall be as established by Resolution of the City Council.

16.03.040 Chairperson and Vice-Chairperson

At the last meeting of the Commission of the calendar year during the month of December, the voting members of the Commission shall elect a Chairperson and Vice-Chairperson of the Commission to serve for the following year.

16.03.050 Secretary

The Commission shall elect a Secretary who need not be a member of the Commission. The Secretary shall keep an accurate record of all Commission proceedings. The Commission shall report all of its proceedings to the City Council.

16.03.060 Meetings

A majority of the voting members of the Commission shall constitute a quorum. The Commission may make and alter rules and regulations for its government and procedure consistent with the laws of the State of Oregon and with the City Charter and Ordinances. It shall meet at least once a month at times and places to be designated by the Commission. Special meetings may be called at any time by the chairperson of the Commission or by three voting members of the Commission by written notice served upon each member at least three hours before the time specified for the proposed meeting.

16.03.065 Conduct of Meetings

The chairperson of the Commission shall be responsible for conducting the Commission meetings. If the chair is absent, or unable to chair the meeting, the vice-chairperson shall conduct the meeting. If the chairperson and vice-chairperson are unable to conduct the meeting, the commissioner present with the longest tenure on the Commission shall conduct the meeting.

16.03.070 Powers-Employment

The Commission may employ consulting advice on municipal problems, a secretary and such clerks as may be necessary, and pay for their services, and for such other expenses as the Commission may lawfully incur, including the necessary disbursements incurred by its members in the performance of their duties as

members of the Commission, out of funds at the disposal of the Commission, as authorized by the City Council.

16.03.080 Powers-Recommendation

The Commission shall have all the powers which are now or hereafter granted to it by the Municipal Code of the City or by general laws of the State of Oregon. The Commission shall control the subdivision of land and may make recommendation to the City Council, to public officials, and to individuals regarding land use; location of public thoroughfares, public buildings, parks, and other facilities, and regarding any other matter related to the planning and development of the city and the surrounding area. The Commission may make studies, hold hearings, and prepare reports and recommendations on its own initiative or at the request of the City Council.

16.03.090 Written Recommendation

All recommendations and suggestions made to the City Council by the Commission shall be in writing.

16.03.100 Expenditures

The Commission shall have no authority to make expenditures on behalf of the City, or to obligate the City for the payment of any sums of money, except as herein provided, and then only after the City Council shall have first authorized such expenditures by appropriate resolution which resolution shall provide the administrative method by which such funds shall be drawn and expended.

Revisions:

- ORD. 271 - Adopted - March 20, 2000;
- ORD. 282 - Adopted - Nov. 20, 2000;
- ORD. 296 - Adopted - September 3, 2002
- ORD. 315 - May 3, 2004
- ORD. 347 - Adopted February 6, 2006

Chapter 16.04
ZONING AND DEVELOPMENT ORDINANCE
DEFINITIONS

Sections:

16.04.000	<u>Zoning and Development Ordinance</u>
16.04.005	<u>Definitions</u>
16.04.010	<u>Access</u>
16.04.015	<u>Accessory Structure or Use</u>
16.04.018	<u>Adult Bookstore</u>
16.04.020	<u>Adult Motion Picture Theater</u>
16.04.022	<u>Alley</u>
16.04.025	<u>Automobile, Recreational Vehicle or Trailer Sales Area</u>
16.04.028	<u>Automobile Service Station</u>
16.04.040	<u>Boarding or Rooming House</u>
16.04.045	<u>Building</u>
16.04.050	<u>City</u>
16.04.051	<u>City Planner</u>
16.04.053	<u>Commission</u>
16.04.054	<u>Condominium</u>
16.04.056	<u>Council</u>
16.04.058	<u>Dwelling, Accessory.</u>
16.04.060	<u>Dwelling, Multi-Family</u>
16.04.061	<u>Dwelling, Single-Family, Attached (Townhouse or row house)</u>
16.04.062	<u>Dwelling, Single-Family, Detached</u>
16.04.063	<u>Dwelling, Three-Family (Triplex)</u>
16.04.064	<u>Dwelling, Two-Family (Duplex)</u>
16.04.066	<u>Dwelling Unit</u>
16.04.070	<u>Easement</u>
16.04.080	<u>Fence, Sight Obscuring</u>
16.04.082	<u>Flood or Flooding</u>
16.04.084	<u>Floor Area</u>
16.04.086	<u>Frontage</u>
16.04.090	<u>Garage, Private</u>
16.04.092	<u>Garage, Public</u>
16.04.094	<u>Grade</u>
16.04.100	<u>Height of Building</u>
16.04.101	<u>Home Occupation</u>
16.04.102	<u>Hospital</u>
16.04.104	<u>Hotel</u>
16.04.140	<u>Land Division</u>
16.04.142	<u>Light Truck</u>
16.04.143	<u>Live/Work Townhouse</u>
16.04.144	<u>Livestock</u>
16.04.146	<u>Local Improvement District (LID)</u>
16.04.150	<u>Lot</u>

16.04.151	<u>Lot of Record</u>
16.04.152	<u>Lot Area</u>
16.04.153	<u>Lot Corner</u>
16.04.154	<u>Lot Coverage</u>
16.04.155	<u>Lot Depth</u>
16.04.156	<u>Lot, Flag</u>
16.04.157	<u>Lot Interior</u>
16.04.158	<u>Lot Line, Front</u>
16.04.159	<u>Lot Line, Side</u>
16.04.160	<u>Lot Width</u>
16.04.170	<u>Manufactured Home</u>
16.04.172	<u>Manufactured Home Park</u>
16.04.178	<u>Motel</u>
16.04.180	<u>Nonconforming Structure or Use</u>
16.04.190	<u>100-Year Flood Plain</u>
16.04.200	<u>Parking Space</u>
16.04.204	<u>Partition</u>
16.04.206	<u>Person</u>
16.04.208	<u>Planned Unit Development</u>
16.04.220	<u>Residential Facility</u>
16.04.222	<u>Residential Home</u>
16.04.230	<u>School, Elementary, Junior High or High School</u>
16.04.231	<u>Senior Housing</u>
16.04.232	<u>Sign</u>
16.04.233	<u>Specified Anatomical Areas</u>
16.04.234	<u>Specified Sexual Activities</u>
16.04.235	<u>Story</u>
16.04.236	<u>Street</u>
16.04.237	<u>Structural Alteration</u>
16.04.238	<u>Subdivide Lands</u>
16.04.250	<u>Trailer (Travel or Vacation)</u>
16.04.256	<u>Travel Trailer Parks</u>
16.04.260	<u>Unstable soil</u>
16.04.265	<u>Use</u>
16.04.290	<u>Yard</u>
16.04.292	<u>Yard, Rear</u>
16.04.294	<u>Yard, Side</u>

16.04.005 **Definitions**

16.04.010 **Access**: The way or means by which pedestrians and vehicles enter and leave the property.

16.04.015 **Accessory Structure or Use**: A structure or use which is clearly incidental and subordinate to the main building or use on the same lot.

16.04.018 **Adult Bookstore**: An establishment having at least fifty (50) percent of its merchandise, items, books, magazines, other publications, films or video tapes which are for sale, rent or viewing on the premises and which are distinguished or characterized by their emphasis on matters depicting the specified sexual activities or specified anatomical areas defined herein or fifty (50) percent of gross retail revenue generated by same.

16.04.020 **Adult Motion Picture Theater**: An establishment used primarily for the presentation of motion pictures or video tapes having as a dominant theme material distinguished or characterized by an emphasis on matters depicting specified sexual activities or specified anatomical areas defined herein.

16.04.022 **Alley**: A narrow street primarily used for vehicular service access to the back or side of properties otherwise abutting on another street.

16.04.025 **Automobile, Recreational Vehicle or Trailer Sales Area**: A lot used for display, sale, or rental of new or used automobiles, recreational vehicles or trailers, where no repair work is done except minor, incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

16.04.028 **Automobile Service Station**: A building designed primarily for supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul.

16.04.040 **Boarding or Rooming House**: A building where lodging with or without meals is provided for compensation for not less than 3 nor more than 15 guests.

16.04.045 **Building**: A structure built for the support, shelter, or enclosure of persons, animals or property of any kind.

16.04.050 **City**: The City of North Plains, Oregon.

16.04.051 **City Planner**: The City employee or contractor, appointed by the city manager or city council, responsible for the implementation, interpretation or enforcement of the Zoning and Development Ordinance

- 16.04.053** **Commission:** The City of North Plains Planning Commission.
- 16.04.054** **Condominium:** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.
- 16.04.056** **Council:** The City of North Plains City Council.
- 16.04.058** **Dwelling, Accessory:** A secondary dwelling unit on a single family lot which may be either attached to the primary dwelling or detached.
- 16.04.060** **Dwelling, Multi-Family:** A building containing four or more dwelling units.
- 16.04.061** **Dwelling, Single-Family, Attached (Townhouse or row house):** Two or more single family dwellings with common end-walls.
- 16.04.062** **Dwelling, Single-Family, Detached:** A detached building containing one dwelling unit.
- 16.04.063** **Dwelling, Three-Family (Triplex):** A detached building containing three dwelling units, located on one legal lot.
- 16.04.064** **Dwelling, Two-Family (Duplex):** A detached building containing two dwelling units, located on one legal lot.
- 16.04.066** **Dwelling Unit:** One or more rooms designed for occupancy by one family and not having more than one cooking facility. Includes all conventional and prefabricated housing which meets Uniform Building Code specifications and is constructed on a permanent foundation.
- 16.04.070** **Easement:** A grant of right to use a strip of land for a specific purpose.
- 16.04.080** **Fence, Sight Obscuring:** A fence or evergreen planting arranged in such a way as to obscure vision.
- 16.04.082** **Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry areas from the overflow of inland or tidal waters and/or unusual and rapid accumulation of surface water from any source.
- 16.04.084** **Floor Area:** The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven feet;
2. Basement, if the floor above is less than six feet above grade;
3. Uncovered steps or fire escapes;
4. Private garages, carports, or porches;
5. Accessory water towers or cooling towers;
6. Accessory off-street parking or loading spaces.

16.04.086 **Frontage:** All the property on one side of a street between two street intersections, crossing or terminating, measured along the line of the street; or if the street is dead-ended, then all of the property abutting on one side between a street intersection and the dead-end of the street.

16.04.090 **Garage, Private:** A detached accessory building or portion of a main building for the parking or temporary storage of vehicles owned or used by occupants of the main building.

16.04.092 **Garage, Public:** A building, other than private garage, used for the care, repair, or equipping of motor vehicles, or where such vehicles are parked or stored for compensation, hire or sale.

16.04.094 **Grade:** The average elevation of the finished ground level at the center of all walls of the building. In case a wall is parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.

16.04.100 **Height of Building:** The vertical distance from the "grade" to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the point midway between the ridge and the eaves of a pitch or hip roof.

16.04.101 **Home Occupation:** A commercial activity that is conducted within a dwelling unit and/or accessory buildings by members of the family occupying the dwelling, with no servant, employee, or other person being engaged, provided the occupation is conducted in such a manner as not to give an outward appearance, nor manifest any characteristic of a business, in the ordinary meaning of the term, nor infringe upon the rights of neighboring residents. Such occupations shall be a secondary use of the premises.

16.04.102 **Hospital:** An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care and with nursing service on a continuous basis.

16.04.104 **Hotel:** A building in which lodging is provided for guests for compensation and in which no provision is made for cooking in the lodging rooms.

16.04.140 **Land Division:** Any partition or subdivision of a lot or parcel.

16.04.142 **Light Truck:** Truck weighing 1-1/2 tons or less.

- 16.04.143** **Live/Work Townhouse**: An attached single family dwelling which is designed to accommodate a commercial business on the ground floor. The commercial or office portion of the building shall be oriented to the front of the building and shall be directly accessible by the primary front entrance.
- 16.04.144** **Livestock**: Domestic animals of types customarily raised or kept on farms for profit or other purposes.
- 16.04.146** **Local Improvement District (LID)**: The area determined to be specially benefitted by a local improvement within which properties are assessed to pay for the cost of the local improvement.
- 16.04.150** **Lot**: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as herein required; such lots shall have frontage on a public street, and may consist of:
1. Single lot of record;
 2. Portion of a lot of record;
 3. Combination of complete lots of record and portions of lots of record;
- 16.04.151** **Lot of Record**: A lawfully created lot or parcel established by plat, deed or contract recorded in the Washington County Department of Assessment and Taxation, Recording Division.
- 16.04.152** **Lot Area**: The total area of a lot measured in a horizontal plane within the lot boundary lines exclusive of public and private roads, and easements of access to other property. For flag-shaped lots, the access strip shall not be included in the lot area for the purposes of minimum lot area requirements of this Ordinance.
- 16.04.153** **Lot, Corner**: A lot abutting on two intersecting streets other than an alley provided that the streets do not intersect at an angle greater than 135 degrees.
- 16.04.154** **Lot Coverage**: That portion of a lot covered by buildings and structures usually expressed in percentage of total square feet of lot size.
- 16.04.155** **Lot Depth**: The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.
- 16.04.156** **Lot, Flag**: A single build able lot partially separated from a public street by other lots or land, but maintaining a minimum street frontage as required in **Section 16.32.030 C** on the public street from which it gains access.
- 16.04.157** **Lot Interior**: A lot other than a corner lot.

- 16.04.158** **Lot Line, Front:** The lot line separating the lot from the street other than an alley, and in the case of a corner or through lot, the lot line along a street other than an alley over which the primary vehicular access to the property is gained. In the case of a flag lot, the front lot line for setback purposes shall be the projection of the shortest side lot line of the driveway flag.
- 16.04.159** **Lot line, Rear:** The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line.
- 16.04.160** **Lot Line, Side:** Any property line which is not a front or rear lot line.
- 16.04.161** **Lot Width:** The average horizontal distance between the side lot lines; ordinarily measured parallel to the front lot line.
- 16.04.170** **Manufactured Home:** A structure that has a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Secs. 5401 et seq.), as amended on August 22, 1981; and is constructed for movement on the public highways has plumbing, and cooking facilities, is intended for human occupancy, and is being used for residential purposes.
- 16.04.172** **Manufactured Home Park:** A place where two or more manufactured homes are located within 50 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person or to offer space free in connection with securing the trade or patronage of such a person.
- 16.04.178** **Motel:** A building or group of buildings on the same lot containing guest units with separate entrances from the building exterior and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities, for rental to transients. The term includes auto courts, tourist courts, tourist homes and motor lodges.
- 16.04.180** **Nonconforming Structure or Use:** A lawfully existing structure or 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.
- 16.04.190** **100-Year Flood Plain:** Land subject to one percent or greater chance of flooding in any given year as defined by the Federal Insurance Administration (FIA) on its official Flood Insurance Rate Map (FIRM). In this Ordinance, "100-year flood plain" is synonymous with "area of special flood hazard."

- 16.04.200** **Parking Space:** A rectangle not less than 20 feet long and 8.5 feet wide together with maneuvering and access space required for a standard American automobile to park within the rectangle.
- 16.04.204** **Partition:** To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition" does not include divisions of land resulting from lien foreclosures, divisions of land resulting from foreclosure of recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots; and "partition" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance. "Partition" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.
- 16.04.206** **Person:** Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.
- 16.04.208** **Planned Unit Development:** Type of development in which some departure from lot size, density, and other requirements of the underlying zone is permitted in order to accommodate unique physical characteristics and/or facilitate use of innovative building techniques and materials.
- 16.04.220** **Residential Facility:** A residential care, residential training or residential treatment facility licensed or registered by or under the authority of the department [Mental Health and Developmental Disability Services Division or the Senior and Disabled Services Division or the office of Alcohol and Drug Abuse Programs, as appropriate], as defined in ORS 443.400, under ORS 443.400 to 443.460 or licensed by the State Office for Services to Children and Families under ORS 418.205 to 418.327 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen 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 resident of the residential facility.
- 16.04.222** **Residential Home:** A residential treatment or training or adult foster home licensed by or under the authority of the department [Mental Health and Developmental Disability Services Division or the Senior and Disabled Services Division or the office of Alcohol and Drug Abuse Programs, as appropriate], as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 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 for 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 resident of the residential home.

- 16.04.230** **School, Elementary, Junior High or High School:** An institution, public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education.
- 16.04.231** **Senior Housing:** A residential development which is limited to residents over the age of 55 years.
- 16.04.232** **Sign:** An identification, description, illustration, or devise which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution or business.
- 1.** **Monument Sign:** A sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.
- 16.04.233** **Specified Anatomical Areas:** Uncovered or less than opaquely covered, post-pubertal human genitals, pubic areas, post-pubertal human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state.
- 16.04.234** **Specified Sexual Activities:** Human genitals in a state of sexual stimulation or arousal, acts of masturbation, sexual intercourse, sodomy, flagellation, torture or bondage either real or simulated.
- 16.04.235** **Story:** The portion of a building included between the first surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall constitute a story.
- 16.04.236** **Street:** The entire width between the boundary lines of every way of travel which provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and including the terms "road," "highway," "land," "place," "avenue," "alley," and other similar designations.

- 16.04.237** **Structural Alteration**: Any change to the supporting members of a structure including foundation bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.
- 16.04.238** **Subdivide Lands**: To divide an area or tract of land into four or more parcels within a calendar year for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the division of property.
- 16.04.250** **Trailer (Travel or Vacation)**: A vehicle or structure equipped with wheels for highway use that is intended for human occupancy, which is designed primarily for vacation and recreation purposes.
- 16.04.256** **Travel Trailer Parks**: An area containing one or more spaces designed for the temporary parking and convenience of travel trailers and similar recreational vehicles.
- 16.04.260** **Unstable Soil**: Soil types which pose severe limitations for development due to potential flooding, structural instability, or inadequate sewage waste disposal, as defined by the U.S. Soil Conservation Service and identified in the Comprehensive Plan.
- 16.04.265** **Use**: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.
- 16.04.290** **Yard**: An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.
- 16.04.292** **Yard, Rear**: A yard between 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 main building.
- 16.04.294** **Yard, Side**: A yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the building.

Revisions: ORD. 315 - May 3, 2004
ORD. 347 - February 6, 2006

Chapter 16.06
HOW LAND MAY BE USED AND DEVELOPED
ZONING DISTRICTS (R7.5)

Sections:

16.06.000	<u>Zoning Districts</u>
16.06.005	<u>Single Family Residential District(R7.5)</u>
16.06.010	<u>Purpose</u>
16.06.020	<u>Permitted Uses</u>
16.06.030	<u>Conditional Uses</u>
16.06.040	<u>Dimensional Standards</u>
16.06.050	<u>Signs</u>
16.06.060	<u>Parking Requirements</u>
16.06.070	<u>Development Standards</u>

16.06.010 **Purpose**

The purpose of the **R7.5 District** is to provide areas for the development of single family uses and limited multi-family residential uses, and to implement the housing policies of the Comprehensive Plan.

16.06.020 **Permitted Uses**, subject to the requirements of **Chapters 16.40-16.43 Design Review**, if applicable.

- A. Single family dwelling, detached, including manufactured homes subject to the provisions of **Chapter 16.24 Manufactured Homes**.
- B. Planned Unit Development, subject to the provisions of **Chapter 16.21 Planned Unit Development**.
- C. Accessory structures and accessory dwellings, subject to the provisions of Chapter 16.36.
- D. Residential homes.
- E. Home occupations with no non-resident employees or home occupation related traffic coming to the property on which the home occupation is located.

16.06.030 **Conditional Uses**, subject to the requirements of **Chapter 16.40 - 43 Design Review**, if applicable.

The following uses and their accessory structures may be permitted in the **R7.5 District** when authorized by the Planning Commission pursuant to **Chapter 16.51 Conditional Use Permit**.

- A. Church.
- B. Governmental structure or use, including a public park, playground, fire station, library or museum.
- C. Hospital, sanitarium, nursing home or convalescent home.
- D. School: Nursery, elementary, junior high, senior high, college or university.
- E. Day care facility, licensed by the State of Oregon.
- F. Utility Substation or pumping station with no equipment storage.
- G. Home occupation with employees other than residents of the property or with business related traffic coming to the property, subject to compliance with **Chapter 16.23 Home Occupations** and **Chapter 16.51 Conditional Use Permit**.
- H. Public or private non-profit social service or recreational facility.

16.06.040 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the **R7.5 District** except for modifications permitted under **Chapter 16.37 General Exceptions** or **Chapter 16.21 Planned Unit Development**. In addition, a minor adjustment of up to 10% of the required lot size, lot depth or lot width may be granted by the City Planner pursuant to **Chapter 16.86 provided that there are findings made that the variance complies with Section 16.52.030 Variance Review Criteria**.

A. Lot Size

- 1. Single family detached dwelling 7,500 square feet
- 2. All other uses 7,500 square feet

**9,000 square feet maximum
for lots created by subdivision.**

B. Lot Depth and Width

1. The minimum average lot width shall be 60 feet.
2. The minimum lot depth shall be 80 feet.

C. Minimum Setback Requirements

1. Principle structures, accessory dwellings, attached accessory structures and detached accessory structures with a floor area greater than 200 square feet shall maintain the following minimum yard setbacks except that development on flag lots shall be subject to the setback standards of 16.32.030(C):
 - a. Front Yard (Principle structure, excluding the garage) **20 feet**
Garages, carports, accessory dwellings and accessory structures shall be flush with, or recessed behind, the front building elevation of the principle structure.
 - b. Rear Yard **10 feet**
6 feet for alley-access lots
 - c. Side Yard (interior) **5 feet**
 - d. Side Yard (adjacent to street) **10 feet** plus additional necessary to comply with the standards of 16.38 Clear Vision Areas.
 - e. Flag Lots approved pursuant to 16.32.030(C) 10 feet for all yards, except that the yard facing the garage door shall be a minimum of 20 feet

D. Height of Buildings

Buildings shall not exceed a height of 35 feet or two and a half stories, whichever is less.

E. Lot Coverage

In the **R7.5 District**, the maximum lot coverage shall not exceed fifty (50) percent of the total area of any lot.

16.06.050 Signs

Signs permitted in the **R7.5 District** shall be located at least 15 feet from the street line or flat against the building. The type and character of the sign shall be compatible with development in the area. Signs which meet the following standards are permitted in the **R7.5 District**.

- A. One (1) name plate, indirectly illuminated or not illuminated, not exceeding one and one-half square feet in area for each building.
- B. One (1) bulletin board, not exceeding twenty square feet in area, per church.
- C. One (1) temporary sign, not illuminated and not exceeding six square feet in area, advertising the sale, lease or rental of the property.
- D. One (1) temporary sign, not illuminated and not exceeding 42 square feet in area, advertising the sale of a tract of land or lots in a subdivision.

16.06.060 Parking Requirements

At least two (2) off-street parking spaces shall be provided for each single family detached dwelling unit. Parking requirements for all other uses are specified in **Chapter 16.23 Off Street Parking and Loading** of this Ordinance.

16.06.070 Development Standards

- A. The following standards will be applied to all single family dwellings (site-built, modular and manufactured homes) to be constructed or located in the City of North Plains:

All single family units shall utilize at least two of the following design features to provide visual relief along the front of the home:

- 1. dormers;
- 2. gables;
- 3. recessed entries;
- 4. covered porch entries;
- 5. cupolas;
- 6. pillars or posts;
- 7. bay or bow windows;
- 8. eaves (minimum 6" projection);
- 9. offsets on building face or roof (minimums 16");

- B. All manufactured homes shall also comply with the requirements of **Chapter 16.24 Manufactured Homes**.

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ORD. 347 - February 6, 2006

Chapter 16.07
HOW LAND MAY BE USED AND DEVELOPED
ZONING DISTRICTS (R-5)

Sections:

16.07.000	<u>Zoning Districts</u>
16.07.005	<u>Single Family Residential (R5)</u>
16.07.010	<u>Purpose</u>
16.07.020	<u>Permitted Uses</u>
16.07.030	<u>Conditional Uses</u>
16.07.040	<u>Dimensional Standards</u>
16.07.050	<u>Signs</u>
16.07.060	<u>Parking Requirements</u>
16.07.070	<u>Development Standards</u>

16.07.005 **Single Family Residential (R5)**

16.07.010 **Purpose**

The purpose of the **R5 District** is to provide areas for the development of single family residential uses and limited multi-family residential uses, and to implement the housing policies of the Comprehensive Plan.

16.07.020 **Permitted Uses**, subject to the requirements of **Chapters 16.40 - 43 Design Review**, if applicable.

- A. Single family dwelling, detached, including manufactured homes subject to the provisions of **Chapter 16.24 Manufactured Homes**.
- B. Two family dwelling (duplex), and attached single family dwellings with a maximum of four consecutively attached units, subject to the provisions of **Chapter 16.28 Duplex, Triplex and Attached Single Family Dwelling**.
- C. Manufactured home park, subject to the provisions of **Chapter 16.22 Manufactured Home Parks and Chapter 16.24 Manufactured Homes**.
- D. Planned Unit Development, subject to the provisions of **Chapter 16.21 Planned Unit Development**.
- E. Accessory structures and accessory dwellings, subject to the provisions of **Chapter 16.36**.
- F. Residential homes.

- G. Home occupations with no non-resident employees or home occupation related traffic coming to the property on which the home occupation is located.

16.07.030 Conditional Uses, subject to the requirements of **Chapter 16.40- 16.43 Design Review**, if applicable.

The following uses and their accessory structures may be permitted in the **R5 District** when authorized by the Planning Commission pursuant to **Chapter 16.51 Conditional Use Permit**.

- A. Church.
- B. Governmental structure or use, including a public park, playground, fire station, library or museum.
- C. Hospital, sanitarium, nursing home or convalescent home.
- D. School: Nursery, elementary, junior high, senior high, college or university.
- E. Day care facility, licensed by the State of Oregon.
- F. Utility substation or pumping station with no equipment storage.
- G. Home occupation with employees other than residents of the property or with business related traffic coming to the property, subject to compliance with **Chapter 16.23 Home Occupations** and **Chapter 16.51 Conditional Use Permit**.
- H. Public or private non-profit social service or recreational facility.
- I. Triplexes, subject to the provisions of **Chapter 16.28 Duplex, Triplex and Attached Single Family Dwelling**.

16.07.040 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the **R5 District** except for modifications permitted under **Chapter 16.51 General Exceptions** or **Chapter 16.21 Planned Unit Development**. In addition, a minor adjustment of up to 10% of the required lot size, lot depth or lot width may be granted by the City Planner pursuant to **Chapter 16.86**. For land within the city limits of the City of North Plains as of July 1, 2004, a minor adjustment of up to 10% of the lot size may also be granted by the City Planner pursuant to **Chapter 16.86 provided that**

there are findings made that the variance complies with Section 16.52.030 Variance Review Criteria.

A. Lot Size

1. Single family detached dwelling **5,000 square feet minimum**
4,000 sq. ft. minimum lot size within a Planned unit
development proposed pursuant to Chapter 16.21

6,000 square feet maximum
for lots created by subdivision.
2. Two family dwelling (duplex)
triplex & attached
single family dwelling **2,500 square feet minimum per unit**
3. All other uses **5,000 square feet minimum**

B. Lot Depth and Width

1. The minimum average lot width shall be 40 feet, except that lots for attached single family dwellings may have a minimum average lot width of 25 feet.
2. The minimum lot depth shall be 80 feet.

C. Minimum Setback Requirements

1. Principle structures, accessory dwellings, attached accessory structures and detached accessory structures with a floor area greater than 200 square feet shall maintain the following minimum yard setbacks except that development on flag lots shall be subject to the setback standards of 16.32.030(C):
 - a. Front Yard (garage or carport) **20 feet**
 - b. Front Yard (all other structures) **15 feet**

10 feet for row houses
with alley access.
Garages, carports, accessory dwellings and accessory structures shall be flush with, or recessed behind, the front building elevation of the principle structure.
 - c. Rear Yard **10 feet** for street-access lots
6 feet for alley-access lots
 - d. Side Yard (interior)
Detached **5 feet**

Attached (common wall) **0 feet**

e. Side Yard (adjacent to street) **10 feet** plus additional necessary to comply with the standards of 16.38 Clear Vision Areas.

f. Flag Lots approved pursuant to 16.32.030 (C). **10 feet** for all yards, except that the yard facing the garage shall be a minimum of 20 feet.

D. Height of Buildings

Buildings shall not exceed a height of 35 feet or two and a half stories, whichever is less.

E. Lot Coverage

In the **R5 District**, the maximum lot coverage shall not exceed the following percentage of the total area of any lot.

- | | |
|---|-----|
| 1. Single family detached dwellings | 50% |
| 2. Duplexes, triplexes and single family attached dwellings | 65% |
| 3. Non-residential uses | 65% |

16.07.050 Signs

Signs permitted in the **R5 District** shall be located at least 15 feet from the street line or flat against the building. The type and character of the sign shall be compatible with development in the area. Signs which meet the following standards are permitted in the **R5 District**.

- A. One (1) name plate, indirectly illuminated or not illuminated, not exceeding one and one-half square feet in area for each building.
- B. One (1) bulletin board, not exceeding twenty square feet in area, per church.
- C. One (1) temporary sign, not illuminated and not exceeding six square feet in area, advertising the sale, lease or rental of the property.
- D. One (1) temporary sign, not illuminated and not exceeding 42 square feet in area, advertising the sale of a tract of land or lots in a subdivision.

16.07.060 Parking Requirements

At least two (2) off-street parking spaces shall be provided for each single family detached dwelling unit. Parking requirements for all other uses are specified in **Chapter 16.33 Off Street Parking and Loading** of this Ordinance.

16.07.070 Development Standards

A. The following standards will be applied to all single family dwellings (site-built, modular and manufactured homes) to be constructed or located in the City of North Plains:

All single family units shall utilize at least two of the following design features to provide visual relief along the front of the home:

1. dormers;
2. gables;
3. recessed entries;
4. covered porch entries;
5. cupolas;
6. pillars or posts;
7. bay or bow windows;
8. eaves (minimum 6" projection);
9. offsets on building face or roof (minimums 16");

B. All manufactured homes shall also comply with the requirements of **Chapter 16.24 Manufactured Homes**.

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ORD. 347 - February 6, 2006

Chapter 16.08
HOW LAND MAY BE USED AND DEVELOPED
ZONING DISTRICTS (R2.5)

Sections:

16.08.000	<u>Zoning Districts</u>
16.08.005	<u>Multi-Family Residential District (R2.5)</u>
16.08.010	<u>Purpose</u>
16.08.020	<u>Permitted Uses</u>
16.08.030	<u>Conditional Uses</u>
16.08.040	<u>Dimensional Standards</u>
16.08.050	<u>Signs</u>
16.08.060	<u>Parking Requirements</u>
16.08.070	<u>Development Standards</u>

16.08.005 **Multi-Family Residential District (R2.5)**

16.08.010 **Purpose**

The purpose of the **R2.5 District** is to provide areas for the development of multi-family housing, and to implement the housing policies of the Comprehensive Plan.

16.08.020 **Permitted Uses**, subject to the requirements of **Chapter 16.40-16.43 Design Review**, if applicable.

- A. Single family dwelling, detached, including manufactured homes subject to the provisions of **Chapter 16.24 Manufactured Homes**.
- B. Two family dwelling (duplex), triplexes, and attached single family dwellings with a maximum of four consecutively attached units, subject to the provisions of **Chapter 16.28 Duplex, Triplex and Attached Single Family Dwelling**.
- C. Multi-family dwelling to a maximum density of 24 dwelling units per gross acre, subject to the provisions of **Section 16.43.040 Multi-Family Dwelling(s)**.
- D. Manufactured home park subject to the provisions of **Chapter 16.22 Manufactured Home Parks** and **Chapter 16.24 Manufactured Homes**.
- E. Planned Unit Development, subject to the provisions of **Chapter 16.21 Planned Unit Development**.
- F. Accessory structures and accessory dwellings, subject to the provisions of **Chapter 16.36**.

- G. Residential Homes and Residential Facilities.
- H. Home occupations with no non-resident employees or home occupation related traffic coming to the property on which the home occupation is located.
- I. Condominium subject to the provisions of **Section 16.43.040 Multi-Family Dwelling(s)**.

16.08.030 **Conditional Uses**, subject to the requirements of **Chapter 16.40-16.43 Design Review**, if applicable.

The following uses and their accessory structures may be permitted in the **R2.5 District** when authorized by the Planning Commission pursuant to **Chapter 16.51 Conditional Use Permit**.

- A. Church.
- B. Governmental structure or use, including a public park, playground, fire station, library or museum.
- C. Hospital, sanitarium, nursing home or convalescent home.
- D. School: Nursery, elementary, junior high, senior high, college or university.
- E. Day care facility, licensed by the State of Oregon.
- F. Utility substation or pumping station with no equipment storage.
- G. Home occupation with employees other than residents of the property or with business related traffic coming to the property, subject to compliance with **Chapter 16.23 Home Occupations** and **Chapter 16.51 Conditional Use Permit**.
- H. Public or private non-profit social service or recreational facility.

16.08.040 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the **R 2.5 District** except for modifications permitted under **Chapter 16.37 General Exceptions** or **Chapter 16.21 Planned Unit Development**. In addition, a minor adjustment of up to 10% of the required lot size, lot depth or lot width may be granted by the City Planner pursuant to **Chapter 16.86 provided that there are findings made that the variance complies with Section 16.52.030 Variance Review Criteria..**

A. Lot Size

1. Single-family detached dwelling **4,000 square feet minimum**
6,000 sq. ft. maximum for lots created by subdivision
2. Two-family dwelling (duplexes)
Triplexes & attached
single family dwelling **2,500 square feet per unit minimum**
3. Multi-family developments
(greater than 3 units) **10,000 square feet minimum**
4. All other uses **4,000 square feet minimum**

B. Lot Depth and Width

1. The minimum average lot width shall be 40 feet, except that lots for attached single family dwellings may have a minimum average lot width of 25 feet.
2. The minimum lot depth shall be 80 feet.

C. Setback Requirements

1. Principle structures, accessory dwellings, attached accessory structures and detached accessory structures with a floor area greater than 120 square feet shall maintain the following minimum yard setbacks except that development on flag lots shall be subject to the setback standards of 16.32.030(C):
 - a. Front Yard (garage or carport) **20 feet**
 - b. Front Yard (all other structures) **15 feet**
Garages, carports, accessory dwellings and accessory structures shall be flush with, or recessed behind, the front building elevation of the principle structure.
 - c. Rear Yard **10 feet** for street-access lots
6 feet for alley-access lots
 - d. Side Yard (interior)
Detached **5 feet**

Attached (common wall)

0 feet

e. Side Yard (adjacent to street)

10 feet plus additional necessary to comply with the standards of 16.38 Clear Vision Areas.

f. Flag lots approved pursuant to 16.32.030 (C)

10 feet for all yards, except that the yard facing the garage shall be a minimum of 20 feet.

D. Height of Buildings

Buildings shall not exceed a height of 35 feet or two and a half stories, whichever is less.

E. Lot Coverage

In the **R2.5 District**, the maximum lot coverage shall not exceed the following percentage of the total area of any lot.

- | | |
|---|-----|
| 1. Single family detached dwellings | 50% |
| 2. Duplexes, triplexes and single family attached dwellings | 65% |
| 3. Multi-family dwellings | 55% |
| 4. Non-residential uses | 65% |

16.08.050 Signs

Signs permitted in the **R2.5 District** shall be located at least 10 feet from the street line or flat against the building. The type and character of the sign shall be compatible with development in the area.

Signs which meet the following standards are permitted in the **R2.5 District**.

- A. One (1) name plate, indirectly illuminated or not illuminated, not exceeding one and one-half square feet in area for each building.
- B. One (1) identification sign, not over nine (9) square feet in area, designating an apartment building.
- C. One (1) bulletin board, not exceeding twenty square feet in area, per church.

- D. One (1) temporary sign, not illuminated and not exceeding six square feet in area, advertising the sale, lease or rental of the property.
- E. One (1) temporary sign, not illuminated and not exceeding 42 square feet in area, advertising the sale of a tract of land or lots in a subdivision.

16.08.060 Parking Requirements

At least two (2) off-street parking spaces shall be provided for each single family detached dwelling unit. Parking requirements for all other uses are specified in **Chapter 16.33 Off Street Parking and Loading** of this ordinance.

16.08.070 Development Standards

- 1. The following standards will be applied to all single family dwellings (site-built, modular and manufactured homes) to be constructed or located in the City of North Plains:

All single family units shall utilize at least two of the following design features to provide visual relief along the front of the home:

- a. dormers;
- b. gables;
- c. recessed entries;
- d. covered porch entries;
- e. cupolas;
- f. pillars or posts;
- g. bay or bow windows;
- h. eaves (minimum 6" projection);
- i. offsets on building face or roof (minimums 16");

- 2. All manufactured homes shall also comply with the requirements of **Chapter 16.24 Manufactured Homes**.

Revisions: ORD. 291 May 20, 2002
ORD. 315 - May 3, 2004
ORD. 347 - February 6, 2006

Chapter 16.09
HOW LAND MAY BE USED AND DEVELOPED
ZONING DISTRICTS (C-1)

Sections:

- 16.09.000** **Zoning Districts**
- 16.09.005** **General Commercial District (C-1)**
- 16.09.010** **Purpose**
- 16.09.020** **Permitted Uses**
- 16.09.030** **Conditional Uses**
- 16.09.040** **Uses Subject to Special Conditions**
- 16.09.050** **Limitations on Use**
- 16.09.060** **Dimensional Standards**
- 16.09.070** **Signs**
- 16.09.080** **Parking Requirements**
- 16.09.090** **Lighting Requirements**

16.09.005 **General Commercial District (C-1)**

16.09.010 **Purpose**

The purpose of the **C-1 District** is to provide areas in the central business district to:

1. Allow a mixture of complimentary land uses including retail, offices, commercial services, civic and residential uses, to create economic and social vitality and to encourage the linking of trips;
2. Develop commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians;
3. Provide flexibility in the siting and design of new developments and redevelopment to anticipate changes in the marketplace;
4. Reinforce streets as public places that encourage pedestrian and bicycle travel;
5. Provide roadway and pedestrian connections to residential areas;
6. Provide transitions between high traffic streets and neighborhoods;
7. Encourage efficient land use by facilitating compact, high-density development and minimizing the amount of land that is needed for surface parking; and
8. Provide appropriate locations and design standards for automobile- and truck-dependent uses.

16.09.020 **Permitted Uses**, subject to the requirements of **Chapter 16.40-16.43 Design Review**, if applicable.

A. Category of Permitted Uses:

1. Amusement enterprise, including pool hall, bowling alley, dance hall, skating rink, or theater. The amusement enterprise shall be wholly enclosed within a building.
2. Bakery, for retail sale on the premises only.
3. Bank or other financial institution.
4. Barber or beauty shop.
5. Bicycle sales, service or repair.
6. Blueprinting, Photostating, printing, lithography, or other reproduction process.
7. Business machine sales, service or repair.
8. Catering establishment.
9. Club or lodge hall.
10. Floor Covering sales and service
11. Hotel, boarding house or lodging house.
12. Laundry or cleaning establishment.
13. Locksmith or gunsmith.
14. Magazine or newspaper distribution agency.
15. Medical or dental office or clinic.
16. Mortuary.
17. Office, business or professional.
18. Parking lot or garage.
19. Pawn shop.

20. Planned Unit Development subject to provisions of **Chapter 16.21 Planned Unit Development**.
21. Post office, city hall, fire station, or other similar institution.
22. Residential Uses as follows: Multi-family dwellings or condominiums when developed as part of a mixed use development and Live/Work Townhouses. Residential development developed pursuant to this section shall occupy no more than 25% of the front building elevation on the ground floor.
23. Restaurant, without drive-in service.
24. Retail store or shop, except those first listed in the C2 zone.
25. Scientific or professional instrument sales or repair.
26. Small household, recreational, radio, television, or business equipment rental or repair.
27. Studio, including music, art, dancing, photography, or health.
28. Watch or clock repair.
29. Residential uses including multi-family, condominiums, or attached single family dwellings with a maximum of two consecutively attached units, subject to Chapter 16.28 Supplemental Standards for Special Uses Duplex, Triplex and Attached Single Family Dwellings, when developed in conjunction with a commercial development as part of a mixed use development. Residential development developed pursuant to this Section shall occupy no more than 25% of the total street frontage on the ground floor.

16.09.030 **Conditional Uses**, subject to the requirements of **Chapter 16.40-16.43 Design Review**, if applicable.

The following uses and their accessory structures may be permitted in the **C1 District** when authorized by the Planning Commission pursuant to **Chapter 16.51 Conditional Use Permit**.

A. Category of Conditional Permitted Uses.

1. Church.

2. Day care facility, licensed by State of Oregon.
3. Hospital, sanitarium, rest home, nursing home, or convalescent home.
4. Public or private non-profit social service or recreational facility.
5. School: Nursery, primary, elementary, junior or senior high, college or university.
6. Utility substation or pumping station with no equipment storage.

16.09.040 Uses Subject to Special Conditions.

Adult bookstores and movie theaters are permitted in the **C1 District** when authorized by the Planning Commission pursuant to **Chapter 16.51 Conditional Use Permit** and subject to the following conditions and standards:

A. Locational Standards

No adult bookstore or theater shall be permitted to locate within one thousand (1,000) feet of any:

1. Public or private nursery, pre-school, elementary, junior, middle or high school.
2. Day care center, convalescent home, home for aged, resident care facility or hospital;
3. Public library;
4. Public park; or
5. Religious institution.

Distance shall be measured in a straight line, without regard to intervening structures, objects or roads, from the closest point of the structure or portion of structure containing the adult bookstore or theater, to the closest portion of the property line upon which a use specified above is located.

B. Operational Standards

1. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.

2. All windows less than seven (7) feet from the ground shall be covered or screened in such a manner that the sales area and inventory are not visible from the sidewalk adjacent to the use. Doors and windows shall at all times be closed except for normal ingress and egress.
3. No amplified or mechanically produced sounds shall emanate from the confines of the structure or portion of the structure in which the adult business is operated.

16.09.050 Limitations on Use

The following conditions and limitations shall apply to development in the **C1 District**.

A. The Commission may impose the following conditions before a building permit will be issued for the proposed development:

- 1) Limit or prohibit access to streets not designated as major streets on an officially adopted plan where the principal uses along the street in the block are residential.
- 2) Require sight or sound barriers.

B. The use shall not be objectionable in relationship to surrounding residential zones because of odor, dust, smoke, cinders, fumes, noise, glare, heat, or vibration.

C. Operational Standards

1. All business, service, repair, processing, storage or merchandise displays shall be conducted wholly within an enclosed building except for the following:
 - a. Off-street parking or loading.
 - b. Drive-in windows.
 - c. Display of merchandise along the wall of the building not extended more than three feet from the wall and not in a public right-of-way.
2. The use shall not be objectionable in relationship to surrounding residential zones because of odor, dust, smoke, cinders, fumes, noise, glare, heat, or vibration.

16.09.060 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the **C1 District** except for modifications permitted under **Chapter 16.37 General Exceptions** or **Chapter 16.21 Planned Unit Development**.

A. Lot Size

1. The minimum lot area shall be 2,500 square feet.
2. The minimum lot width shall be 25 feet.

B. Setback Requirements

1. Front Yard

Adjacent to a Residentially Zoned lot	10 feet
Adjacent to any other zone	No minimum required Maximum setback 10 feet

The maximum front setback standard shall be met when a minimum of 50 percent of the front building elevation is placed no more than 10 feet back from the front property line. On lots 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. An exception to this standard may also be approved through site design review for sites with multiple, detached buildings, when those buildings are oriented to an internal "shopping street".

2. Side Yard

Adjacent to a Residentially Zoned lot	10 feet
Adjacent to any other zone	None required

3. Rear Yard

Adjacent to a Residentially Zoned lot	10 feet
Adjacent to any other zone	None required

C. Building Orientation

New development 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 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 breeze-way/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 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 B(1), above.

D. Height of Buildings

1. Buildings in the **C1 District** shall not exceed a height of **45 feet**.

E. Lot Coverage

In the C-1 District, there is no maximum lot coverage requirement.

16.09.070 Signs

Signs permitted in the **C1 District** shall meet the standards listed below. No sign shall be approved unless the sign complies with the following standards.

A. All lighted signs shall:

1. Be non-flashing, non-rotating, and internally or externally lit from a light source which is completely hidden or screened from view from subject properties and right-of-way. No bare bulbs shall be visible;

All signs shall:

1. Be limited to two display surfaces; and
2. Not exceed 32 square feet per display surface.
3. Require a sign permit from the City of North Plains, with the exception of signs described in **Subsection 16.09.070 (H)(2)**.

B. Free-standing signs

Free-standing signs shall meet the following requirements in addition to (A) above:

1. Base shall be located within the property lines;
2. Display surfaces shall not protrude
3. 8 feet above grade, except for monument signs, and upper edge of display surfaces shall not be more than 20 feet above grade.
4. With the exception of **Section (B) (3)** above, monument signs shall comply with all other applicable sign requirements and the clear vision area requirements of **Chapter 16.38 Clear Vision Areas** of the ZDO.

C. Flush Wall-Mounted Signs

Flush wall-mounted signs shall meet the following requirements in addition to (A) above.

1. Display surface shall not protrude more than 14 inches from the wall to which it is attached; and
2. Lower edge of display surface shall not be less than 8 feet above grade.

D. Protruding Wall-Mounted Signs

Protruding wall-mounted signs shall meet the following requirements in addition to (A) above:

1. Display surfaces shall not protrude more than 3-1/2 feet from the wall to which they are attached; and
2. Lower edge of display surfaces shall not be less than 10 feet above grade.

E. Limitation on Number of Signs

There shall be a limit of two signs per property, only one of which may be free-standing.

1. For properties which include only one business and do not have frontage on U.S. 26, there shall be a limit of two signs per property, only one of which may be free-standing; except when a property has two street frontages totaling at least 400 lineal-feet that face commercially zoned property. In this case, two free standing signs are permitted.
2. Properties with more than one business are allowed to have one flush-mounted sign per business provided each flush-mounted sign does not exceed 32 square feet. A freestanding sign totaling 120 square-feet of sign area is also permitted, provided no individual tenant sign is larger than 32 square-feet.

F. Nonconforming Signs

When altered, extended, or replaced, an existing non-conforming sign must be brought into conformance with the provisions of this section.

G. Prohibited Signs

The following signs are prohibited:

1. **Advertising Bench**. A bench or similar device containing either off-premise or on-premise advertising.
2. **Portable Sign**. A sign that is not permanently affixed to a building, structure, or the ground; a sign designed to be moved from place to place; except for garage sale signs and real estate signs. These signs primarily include, but are not limited to A-frame signs, signs attached to wood or metal frames designed to be self-supporting and movable including trailer reader boards, paper, cardboard or canvas signs wrapped around supporting poles.
3. **Roof Sign**. A sign erected, maintained and displayed above the highest point of the building or structure, unless it is flush mounted.
4. **Pennants**. Except for temporary signs, pennants, streamers, festoon lights and other similar devices with parts intended to be moved by the wind.
5. **Signs on Utility Poles**. Signs attached to any tree or public utility pole, other than warning signs issued by public utilities.
6. **Traffic-type Signs**. Any sign which purports to be or is an imitation of or resembles an official traffic sign or signal, or which bears the

words "STOP," "GO," "SLOW," "CAUTION," "DANGER," "WARNING," or similar words.

H. Temporary Signs

1. Temporary signs and banners, announcing special events such as "grand openings" are allowed for a maximum period of two months from the date a permit is issued.
2. Temporary signs advertising the sale, lease or rental of property do not require a permit from the City. These signs shall not be illuminated, shall not exceed thirty-two (32) square feet in area and shall not be placed within right-of-way.
3. Temporary signs advertising seasonal sales of locally grown or crafted products are allowed for a period of two months from the date a permit is issued. Such signs shall not exceed twelve square-feet in area and shall not be placed within right-of-way.
4. Temporary signs for political advertisements are allowed for a period of two months from the date the permit is issued. Such signs shall not exceed six square feet in area and shall not be placed in the right-of-way.
5. Portable signs are considered temporary signs for the purposes of this Ordinance.
6. All temporary signs which require a permit shall also pay a deposit of \$25.00 to the City. The deposit shall be returned in full once all signs are removed from the City and disposed of or stored within the time limits of the sign permit. If signs are not removed within the time period of the permit, the City may use the deposit to defray the costs of removing signs and expired permits.
7. Only one temporary sign permit shall be issued per business in any six month period.

16.09.080 Parking Requirements

Parking requirements for commercial uses are specified in **Chapter 16.33 Off Street Parking and Loading** of this Ordinance.

16.09.090 Lighting Requirements

All building entrances, pathways and other pedestrian areas shall be lit to two-foot candles with pedestrian-scale lighting (e.g., wall mounted, sidewalk lamps, bollards, landscape up lighting, etc.).

Revisions: ORD. 315 - May 3, 2004

Chapter 16.10
HOW LAND MAY BE USED AND DEVELOPED
ZONING DISTRICTS (C-2)

Sections:

16.10.000	<u>Zoning Districts</u>
16.10.005	<u>Highway Commercial District (C-2)</u>
16.10.010	<u>Purpose</u>
16.10.020	<u>Permitted Uses</u>
16.10.030	<u>Conditional Uses</u>
16.10.040	<u>Uses Subject to Special Conditions</u>
16.10.050	<u>Limitations on Use</u>
16.10.060	<u>Dimensional Standards</u>
16.10.070	<u>Signs</u>
16.10.080	<u>Parking Requirements</u>

16.10.005 Highway Commercial District (C-2)

16.10.010 Purpose

The purpose of the **C-2 District** is to provide areas for the broad range of retail and service operations which are dependent upon highway accessibility and visibility.

16.10.020 Permitted Uses, subject to the requirements of **Chapter 16.40-16.43 Design Review**, if applicable.

A. Category of Permitted Uses:

1. A use permitted in the C-1 District, See **Chapter 16.09.020**. Except that residential uses such as multi-family dwellings or condominiums or mixed use development and live/work townhouses shall not be permitted,
2. Automobile, light truck, or motorcycle sales, service, repair, rental and storage.
3. Automobile laundry
4. Bus depot.
5. Business college.
6. Collection centers for recyclables, not including solid waste transfer stations and materials recovery processing plants.

7. Drive-in restaurant.
8. Franchise disposal service vehicle storage and repair.
9. Lumber yard, retail sales.
10. Marine craft sales, service, repair, or supplies.
11. Mortuary
12. Motel.
13. Nursery or greenhouse.
14. Service station.
15. Taxidermy shop
16. Tire shop.
17. Veterinarian's office or animal hospital.

16.10.030 Conditional Uses, subject to the requirements of **Chapter 16.40-16.43 Design Review**, if applicable.

The following uses and their accessory structures may be permitted in the **C-2 District** when authorized by the Planning Commission pursuant to **Chapter 16.51 Conditional Use Permit**.

A. Category of Conditional Permitted Uses.

1. Cabinet, carpentry, or woodworking shop.
2. Utility substation or pumping station.

16.10.040 Uses Subject to Special Conditions

Adult bookstores and movie theaters are permitted in the **C-2 District** when authorized by the Planning Commission pursuant to **Chapter 16.51 Conditional Use Permit** and subject to the following conditions and standards:

A. Locational Standards

No adult bookstore or theater shall be permitted to locate within one thousand (1,000) feet of any:

1. Public or private nursery, pre-school, elementary, junior, middle or high school.
2. Day care center, convalescent home, home for aged, resident care facility or hospital;
3. Public library;
4. Public park; or
5. Religious institution.

Distance shall be measured in a straight line, without regard to intervening structures, objects or roads, from the closest point of the structure or portion of structure containing the adult bookstore or theater, to the closest portion of the property line upon which a use specified above is located.

B. Operational Standards

1. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
2. All windows less than seven (7) feet from the ground shall be covered or screened in such a manner that the sales area and inventory are not visible from the sidewalk adjacent to the use. Doors and windows shall at all times be closed except for normal ingress and egress.
3. No amplified or mechanically produced sounds shall emanate from the confines of the structure or portion of the structure in which the adult business is operated.

16.10.050 Limitations on Use

The following conditions and limitations shall apply to development in the **C-2 District**.

- A. The Commission may impose the following conditions before a building permit will be issued for the proposed development:
 1. Limit or prohibit access to streets not designated as major streets on an officially adopted plan where the principal uses along the street in the block are residential.

2. Require sight or sound barriers.
- B. The use shall not be objectionable in relationship to surrounding residential zones because of odor, dust, smoke, cinders, fumes, noise, glare, heat, or vibration.

16.10.060 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the **C-2 District** except for modifications permitted under **Chapter 16.37 General Exceptions** or **Chapter 16.21 Planned Unit Development**.

A. Lot Size

1. The minimum lot area shall be **5,000 square feet**.
2. The minimum lot width shall be **50 feet** at the street line.

B. Setback Requirements

- | | |
|--------------------------------|---------------|
| 1. Front Yard | 20 feet |
| 2. Side Yard | |
| Adjacent to a Residential Zone | 10 feet |
| Adjacent to any other zone | None required |
| Adjacent to street | 20 feet |
| 3. Rear Yard | |
| Adjacent to a Residential Zone | 10 feet |
| Adjacent to any other zone | None required |
| Adjacent to street | 20 feet |

C. Height of Buildings

Buildings in the **C-2 District** shall not exceed a height of **45 feet**.

16.10.070 Signs

Signs permitted in the **C-2 District** shall meet the standards listed below. No sign permit shall be approved unless the sign complies with the following standards:

A. All lighted signs shall:

1. Be non-flashing, non-rotating, and internally or externally lit from a light source which is completely hidden or screened from view from subject properties and right-of-way. No bare bulbs shall be visible;

All signs shall:

1. Be limited to two display surfaces; and
2. Not exceed 32 square feet per display surface.
3. Require a sign permit from the City of North Plains, with the exception of signs described in Subsection 16.10.070 (2).

B. Free-standing signs

Free-standing signs shall meet the following requirements in addition to (A) above:

1. Base shall be located within the property lines;
2. Display surfaces shall not protrude into the public right-of-way; and
3. Lower edge of display surfaces shall not be less than 8 feet above grade, except for monument signs, and upper edge of display surfaces shall not be more than 20 feet above grade.
4. With the exception of Section (B) (3) above, monument signs shall comply with all other applicable sign requirements and the clear vision area requirements of **Chapter 16.23 Clear Vision Areas** of the ZDO.

C. Flush Wall-Mounted Signs

Flush wall-mounted signs shall meet the following requirements in addition to (A) above.

1. Display surface shall not protrude more than 14 inches from the wall to which it is attached; and
2. Lower edge of display surface shall not be less than 8 feet above grade. Unless the sign projects no more than 8 inches from the wall and is not a hazard to pedestrians.

D. Protruding Wall-Mounted Signs

Protruding wall-mounted signs shall meet the following requirements in addition to (A) above:

1. Display surfaces shall not protrude more than 3-1/2 feet from the wall to which they are attached; and
2. Lower edge of display surfaces shall not be less than 10 feet above grade.

E. Limitation on Number of Signs

There shall be a limit of two signs per property, only one of which may be free-standing.

1. For properties which include only one business and do not have frontage on U.S. 26, there shall be a limit of two signs per property, only one of which may be free-standing; except when a property has two street frontages totaling at least 400 lineal-feet that face commercially zoned property. In this case, two free standing signs are permitted.
2. Properties with more than one business are allowed to have one flush-mounted sign per business provided each flush-mounted sign does not exceed 32 square feet. A freestanding sign totaling 120 square-feet of sign area is also permitted, provided no individual tenant sign is larger than 32 square-feet.
3. One free-standing, freeway-oriented sign may be allowed in compliance with **Subsection Chapter 16.10.070 (G)** of this Ordinance.

F. Nonconforming Signs

When altered, extended, or replaced, an existing non-conforming sign must be brought into conformance with the provisions of this section.

G. Signs Adjacent to Freeways

Properties which meet **all** of the following criteria shall be allowed one free-standing sign in addition to signs allowed by **Section Chapter 16.10.070(E)**:

1. At least 50 feet of any property lot line must abut the U.S. 26 right-of-way;
2. The property is a minimum of one-half (1/2) acre in area.

3. The principle use of the property is for provision of automobile fuel or service, food and/or lodging for the highway traveling public. Determinations of compliance with this criterion shall be made by the City Planner. The property owner may request that the determination be made by the Planning Commission according to **Chapter 16.3 Similar Uses**.
4. Maximum sign size: 150 square feet per face.
5. Maximum sign height: 50 feet. Freeway signs over the 50-foot maximum height are strictly prohibited and existing non-conforming freeway signs shall conform to the requirements of **Section Chapter 16.10.070(F)** above.
6. Minimum setback adjacent to Residential District: 100 feet from any property line which is adjacent to a Residential District.

H. Prohibited Signs

The following signs are prohibited:

1. **Advertising Bench**. A bench or similar device containing either off-premise or on-premise advertising.
2. **Portable Sign**. A sign that is not permanently affixed to a building, structure, or the ground; a sign designed to be moved from place to place; except for garage sale signs and real estate signs. These signs primarily include, but are not limited to A-frame signs, signs attached to wood or metal frames designed to be self-supporting and movable including trailer reader boards, paper, cardboard or canvas signs wrapped around supporting poles.
3. **Roof Sign**. A sign erected, maintained and displayed above the highest point of the building or structure, unless it is flush mounted.
4. **Pennants**. Except for temporary signs, pennants, streamers, festoon lights and other similar devices with parts intended to be moved by the wind.
5. **Signs on Utility Poles**. Signs attached to any tree or public utility pole, other than warning signs issued by public utilities.
6. **Traffic-type Signs**. Any sign which purports to be or is an imitation of or resembles an official traffic sign or signal, or which bears the words "STOP," "GO," "SLOW," "CAUTION," "DANGER," "WARNING," or similar words.

I. Temporary Signs

1. Temporary signs and banners, announcing special events such as "grand openings" are allowed for a maximum period of two months from the date a permit is issued.
2. Temporary signs advertising the sale, lease or rental of property do not require a permit from the City. These signs shall not be illuminated, shall not exceed thirty-two (32) square feet in area and shall not be placed within right-of-way.
3. Temporary signs advertising seasonal sales of locally grown or crafted products are allowed for a period of two months from the date a permit is issued. Such signs shall not exceed twelve square-feet in area and shall not be placed within right-of-way.
4. Temporary signs for political advertisements are allowed for a period of two months from the date the permit is issued. Such signs shall not exceed six square feet in area and shall not be placed in the right-of-way.
5. Portable signs are considered temporary signs for the purposes of this Ordinance.
6. All temporary signs which require a permit shall also pay a deposit of \$25.00 to the City. The deposit shall be returned in full once all signs are removed from the City and disposed of or stored within the time limits of the sign permit. If signs are not removed within the time period of the permit, the City may use the deposit to defray the costs of removing signs and expired permits.
7. Only one temporary sign permit shall be issued per business in any six month period.

16.10.080 Parking Requirements

Parking requirements for commercial uses are specified in **Chapter 16.33 Off Street Parking and Loading** of this Ordinance.

Chapter 16.11
HOW LAND MAY BE USED AND DEVELOPED
ZONING DISTRICTS (M-1)

Sections:

16.11.000	<u>Zoning Districts</u>
16.11.005	<u>Light Industrial District (M1)</u>
16.11.010	<u>Purpose</u>
16.11.020	<u>Permitted Uses</u>
16.11.030	<u>Conditional Uses</u>
16.11.040	<u>Limitations on Use</u>
16.11.050	<u>Dimensional Standards</u>
16.11.060	<u>Signs</u>
16.11.070	<u>Parking Requirements</u>

16.11.005 **Light Industrial District (M1)**

16.11.010 **Purpose**

The purpose of the **M-1 District** is to provide for light industrial uses which will be compatible with adjacent urban development.

16.11.020 **Permitted Uses**, subject to the requirements of **Chapter 16.40-16.43 Design Review**, if applicable.

A. Category of Permitted Uses:

1. Electronic manufacture, assembly, and sales.
2. Freight depot and trucking establishment.
3. Frozen food lockers.
4. Governmental uses such as a post office.
5. Machine shop.
6. Machinery, farm equipment, logging equipment, or implement sales.
7. Planned unit development subject to the provisions of **Chapter 16.21 Planned Unit Development**.

8. Private and public utilities (electricity, gas, water, telephone service and maintenance facilities).
9. Sheet metal shop.
10. Truck assembly, service, rental, repair, and storage.
11. Warehousing and storage establishment.
12. Welding shop.
13. Laboratories and research facilities.
14. Office for executive, administrative, and professional uses related to the sale or service of industrial products.
15. Manufacturing, storage, and processing except canneries, sawmills, grain elevators, and meat packing plants.

16.11.030 **Conditional Uses**, subject to the requirements of **Chapter 16.40-16.43 Design Review**, if applicable.

The following uses and their accessory structures may be permitted in the **M-1 District** when authorized by the Planning Commission pursuant to **Chapter 16.51 Conditional Use Permit**.

A. Category of Conditional Permitted Uses.

1. Bulk oil sales, wholesale or retail.
2. Cabinet shop.
3. Clothing manufacture.
4. Feed and seed store.

16.11.040 **Limitations on Use**

The following conditions and limitations shall apply to development in the **M-1 District**.

A. Vehicular Access

1. Access points to an industrial site shall be located to minimize traffic congestion and, to the extent possible, to avoid directing traffic into residential areas.
2. Where possible within industrial districts, access shall be designed to serve more than one industrial site.

B. Landscaping

1. Properties abutting a residential zone shall provide and maintain a dense evergreen landscape buffer which attains a mature height of at least seven feet or such other screening measures as may be prescribed by the Commission in the event differences in elevation should defeat the purpose of this requirement.
2. Yards adjacent to streets shall be planted and continuously maintained with lawn, shrubs or trees suited to the site and climate.
3. Other yards and unused property shall be maintained in grass or other suitable ground cover.

16.11.050 Dimensional Standards

The following dimensional standards shall be the minimum requirement for all development in the **M-1 District** except for modifications permitted under **Chapter 16.37 General Exceptions** or **Chapter 16.21 Planned Unit Development**.

A. Lot Size

1. The minimum lot size shall be **5,000 square feet**.
2. The minimum lot width shall be **50 feet** at the front building line.

B. Setback Requirements

1. Front Yard

Adjacent to a Residential Zone	20 feet
Adjacent to any other zone	None required

2. Side Yard

Adjacent to a Residential Zone	15 feet
Adjacent to any other zone	None required
Adjacent to street	20 feet

3. Rear Yard

Adjacent to a Residential Zone	15 feet
Adjacent to any other zone	None required
Adjacent to street	20 feet

C. Height of Buildings

Buildings in the **M-1 District** shall not exceed a height of **80 feet**.

16.11.060 Signs

Signs permitted in the **M-1 District** shall meet the standards listed below. No sign permit shall be approved unless the sign complies with the following standards:

A. All lighted signs shall:

1. Be non-flashing, non-rotating, and internally or externally lit from a light source which is completely hidden or screened from view from subject properties and right-of-way. No bare bulbs shall be visible;

All signs shall:

1. Be limited to two display surfaces; and
2. Not exceed 32 square feet per display surface.
3. Require a sign permit from the City of North Plains, with the exception of signs described in **Subsection Chapter 16.11.060 (H)(2)**.

B. Free-standing signs

Free-standing signs shall meet the following requirements in addition to (A) above:

1. Base shall be located within the property lines;
2. Display surfaces shall not protrude into the public right-of-way; and
3. Lower edge of display surfaces shall not be less than ~~10~~ 8 feet above grade, except for monument signs, and upper edge of display surfaces shall not be more than 20 feet above grade.
4. With the exception of Section (B) (3) above, monument signs shall comply with all other applicable sign requirements and the clear vision area requirements of **Chapter 16.38 Clear Vision Areas** of the ZDO.

C. Flush Wall-Mounted Signs

Flush wall-mounted signs shall meet the following requirements in addition to (A) above.

1. Display surface shall not protrude more than 14 inches from the wall to which it is attached; and
2. Lower edge of display surface shall not be less than 8 feet above grade.

D. Protruding Wall-Mounted Signs

Protruding wall-mounted signs shall meet the following requirements in addition to (A) above:

1. Display surfaces shall not protrude more than 3-1/2 feet from the wall to which they are attached; and
2. Lower edge of display surfaces shall not be less than 10 feet above grade.

E. Limitation on Number of Signs

There shall be a limit of two signs per property, only one of which may be free-standing.

1. For properties which include only one business and do not have frontage on U.S. 26, there shall be a limit of two signs per property, only one of which may be free-standing; except when a property has two street frontages totaling at least 400 lineal-feet that face commercially zoned property. In this case, two free standing signs are permitted.
2. Properties with more than one business are allowed to have one flush-mounted sign per business provided each flush-mounted sign does not exceed 32 square feet. A freestanding sign totaling 120 square-feet of sign area is also permitted, provided no individual tenant sign is larger than 32 square-feet.

F. Nonconforming Signs

When altered, extended, or replaced, an existing non-conforming sign must be brought into conformance with the provisions of this section.

G. Prohibited Signs

The following signs are prohibited:

1. **Advertising Bench.** A bench or similar device containing either off-premise or on-premise advertising.

2. **Portable Sign**. A sign that is not permanently affixed to a building, structure, or the ground; a sign designed to be moved from place to place; except for garage sale signs and real estate signs. These signs primarily include, but are not limited to A-frame signs, signs attached to wood or metal frames designed to be self-supporting and movable including trailer reader boards, paper, cardboard or canvas signs wrapped around supporting poles.
3. **Roof Sign**. A sign erected, maintained and displayed above the highest point of the building or structure, unless it is flush mounted.
4. **Pennants**. Except for temporary signs, pennants, streamers, festoon lights and other similar devices with parts intended to be moved by the wind.
5. **Signs on Utility Poles**. Signs attached to any tree or public utility pole, other than warning signs issued by public utilities.
6. **Traffic-type Signs**. Any sign which purports to be or is an imitation of or resembles an official traffic sign or signal, or which bears the words "STOP," "GO," "SLOW," "CAUTION," "DANGER," "WARNING," or similar words.

H. Temporary Signs

1. Temporary signs and banners, announcing special events such as "grand openings" are allowed for a maximum period of two months from the date a permit is issued.
2. Temporary signs advertising the sale, lease or rental of property do not require a permit from the City. These signs shall not be illuminated, shall not exceed thirty-two (32) square feet in area and shall not be placed within right-of-way.
3. Temporary signs advertising seasonal sales of locally grown or crafted products are allowed for a period of two months from the date a permit is issued. Such signs shall not exceed twelve square-feet in area and shall not be placed within right-of-way.
4. Temporary signs for political advertisements are allowed for a period of two months from the date the permit is issued. Such signs shall not exceed six square feet in area and shall not be placed in the right-of-way.

5. Portable signs are considered temporary signs for the purposes of this Ordinance.
6. All temporary signs which require a permit shall also pay a deposit of \$25.00 to the City. The deposit shall be returned in full once all signs are removed from the City and disposed of or stored within the time limits of the sign permit. If signs are not removed within the time period of the permit, the City may use the deposit to defray the costs of removing signs and expired permits.
7. Only one temporary sign permit shall be issued per business in any six month period.

16.11.070 Parking Requirements

Off-Street parking and loading requirements for industrial uses are specified in **Chapter 16.33 Off Street Parking and Loading** of this Ordinance.

Chapter 16.12
HOW LAND MAY BE USED AND DEVELOPED
ZONING DISTRICTS (M2)

Sections:

16.12.000	<u>Zoning Districts</u>
16.12.005	<u>General Industrial District (M2)</u>
16.12.010	<u>Purpose</u>
16.12.020	<u>Permitted Uses</u>
16.12.030	<u>Conditional Uses</u>
16.12.040	<u>Limitations on Use</u>
16.12.050	<u>Dimensional Standards</u>
16.12.060	<u>Signs</u>
16.12.070	<u>Parking Requirements</u>

16.12.005 General Industrial District (M2)

16.12.010 Purpose

The purpose of the **M-2 District** is to provide areas appropriate for the location of a broad range of industrial processing and manufacturing uses.

16.12.020 Permitted Uses, subject to the requirements of Chapter 16.40-16.43 Design Review, if applicable.

A. Category of Permitted Uses

1. Collection centers for recyclables, not including solid waste transfer stations and materials.
2. Electronic manufacture, assembly, and sales.
3. Franchise disposal service vehicle storage and repair
4. Freight depot and trucking establishment.
5. Frozen food lockers.
6. Governmental uses such as a post office.
7. Machine shop.
8. Machinery, farm equipment, logging equipment, or implement sales.
9. Manufacturing, processing or storage uses.

10. Planned unit development subject to the provisions of **Chapter 16.24 Planned Unit Development**.
11. Private and public utilities (electricity, gas, water, telephone service and maintenance facilities).
12. Sheet metal shop.
13. Truck assembly, service, rental, repair, and storage.
14. Warehousing and storage establishment.
15. Welding shop.

16.12.030 **Conditional Uses**, subject to the requirements of **Chapter 16.40-16.43 Design Review**, if applicable.

The following uses and their accessory structures may be permitted in the **M-2 District** when authorized by the Planning Commission pursuant to **Chapter 16.51 Conditional Use Permit**.

A. Category of Conditional Permitted Uses

1. Auction yard, excluding livestock.
2. Bulk oil sales, wholesale or retail.
3. Cabinet shop.
4. Cannery.
5. Clothing manufacture.
6. Concrete and asphalt crushing
7. Dirt sifting for topsoils
8. Feed and seed store.
9. Grain elevator.
10. Meat packing establishment.
11. Saw mill.

16.12.040 **Limitations on Use**

The following conditions and limitations shall apply to development in the **M-2 District**.

A. **Vehicular Access**

1. Access points to an industrial site shall be located to minimize traffic congestion and, to the extent possible, to avoid directing traffic into residential areas.
2. Where possible within industrial districts, access shall be designed to serve more than one industrial site.

B. **Landscaping**

1. Properties abutting a residential zone shall provide and maintain a dense evergreen landscape buffer which attains a mature height of at least seven feet or such other screening measures as may be prescribed by the Commission in the event differences in elevation should defeat the purpose of this requirement.
2. Yards adjacent to streets shall be planted and continuously maintained with lawn, shrubs or trees suited to the site and climate.
3. Other yards and unused property shall be maintained in grass or other suitable ground cover.

16.12.050 **Dimensional Standards**

The following dimensional standards shall be the minimum requirement for all development in the **M-2 District** except for modifications permitted under **Chapter 16.37 General Exceptions** or **Chapter 16.21 Planned Unit Development**.

A. **Lot Size**

1. The minimum lot size shall be **5,000 square feet**.
2. The minimum lot width shall be **50 feet** at the front building line.

B. **Setback Requirements**

1. **Front Yard**

 Adjacent to a Residential Zone

 20 feet

Adjacent to any other zone None required

2. Side Yard

Adjacent to a Residential Zone 20 feet
Adjacent to any other zone None required
Adjacent to street 20 feet

3. Rear Yard

Adjacent to a Residential Zone 20 feet
Adjacent to any other zone None required
Adjacent to street 20 feet

C. Height of Buildings

Buildings in the **M-2 District** shall not exceed a height of **80 feet**.

16.12.060 Signs

Signs permitted in the **M-2 District** shall meet the standards listed below. No sign permit shall be approved unless the sign complies with the following standards:

A. All lighted signs shall:

1. Be non-flashing, non-rotating, and internally or externally lit from a light source which is completely hidden or screened from view from subject properties and right-of-way. No bare bulbs shall be visible;

All signs shall:

2. Be limited to two display surfaces; and
2. Not exceed 32 square feet per display surface.
3. Require a sign permit from the City of North Plains, with the exception of signs described in **Subsection Chapter 16.12.060 (H)(2)**.

B. Free-standing signs

Free-standing signs shall meet the following requirements in addition to (A) above:

1. Base shall be located within the property lines;
2. Display surfaces shall not protrude into the public right-of-way; and
3. Lower edge of display surfaces shall not be less than 8 feet above grade, except for monument signs, and upper edge of display surfaces shall not be more than 20 feet above grade.
4. With the exception of Section (B) (3) above, monument signs shall comply with all other applicable sign requirements and the clear vision area requirements of **Chapter 16.38 Clear Vision Areas** of the ZDO.

C. Flush Wall-Mounted Signs

Flush wall-mounted signs shall meet the following requirements in addition to (A) above.

1. Display surface shall not protrude more than 14 inches from the wall to which it is attached; and
2. Lower edge of display surface shall not be less than 8 feet above grade.

D. Protruding Wall-Mounted Signs

Protruding wall-mounted signs shall meet the following requirements in addition to (A) above:

1. Display surfaces shall not protrude more than 3-1/2 feet from the wall to which they are attached; and
2. Lower edge of display surfaces shall not be less than 10 feet above grade.

E. Limitation on Number of Signs

There shall be a limit of two signs per property, only one of which may be free-standing.

1. For properties which include only one business and do not have frontage on U.S. 26, there shall be a limit of two signs per property, only one of which may be free-standing; except when a property has two street frontages totaling at least 400 lineal-feet that face commercially zoned property. In this case, two free standing signs are permitted.
2. Properties with more than one business are allowed to have one flush-mounted sign per business provided each flush-mounted sign does not exceed 32 square feet. A freestanding sign totaling 120 square-feet of sign area is also permitted, provided no individual tenant sign is larger than 32 square-feet.

F. Nonconforming Signs

When altered, extended, or replaced, an existing non-conforming sign must be brought into conformance with the provisions of this section.

G. Prohibited Signs

The following signs are prohibited:

1. **Advertising Bench.** A bench or similar device containing either off-premise or on-premise advertising.
2. **Portable Sign.** A sign that is not permanently affixed to a building, structure, or the ground; a sign designed to be moved from place to place; except for garage sale signs and real estate signs. These signs primarily include, but are not limited to A-frame signs, signs attached to wood or metal frames designed to be self-supporting and movable including trailer reader boards, paper, cardboard or canvas signs wrapped around supporting poles.
3. **Roof Sign.** A sign erected, maintained and displayed above the highest point of the building or structure, unless it is flush mounted.
4. **Pennants.** Except for temporary signs, pennants, streamers, festoon lights and other similar devices with parts intended to be moved by the wind.
5. **Signs on Utility Poles.** Signs attached to any tree or public utility pole, other than warning signs issued by public utilities.
6. **Traffic-type Signs.** Any sign which purports to be or is an imitation of or resembles an official traffic sign or signal, or which bears the words "STOP," "GO," "SLOW," "CAUTION," "DANGER," "WARNING," or similar words.

H. Temporary Signs

1. Temporary signs and banners, announcing special events such as "grand openings" are allowed for a maximum period of two months from the date a permit is issued.
2. Temporary signs advertising the sale, lease or rental of property do not require a permit from the City. These signs shall not be illuminated, shall not exceed thirty-two (32) square feet in area and shall not be placed within right-of-way.
3. Temporary signs advertising seasonal sales of locally grown or crafted products are allowed for a period of two months from the date a permit is issued. Such signs shall not exceed twelve square-feet in area and shall not be placed within right-of-way.
4. Temporary signs for political advertisements are allowed for a period of two months from the date the permit is issued. Such signs shall not exceed six square feet in area and shall not be placed in the right-of-way.
5. Portable signs are considered temporary signs for the purposes of this Ordinance.
6. All temporary signs which require a permit shall also pay a deposit of \$25.00 to the City. The deposit shall be returned in full once all signs are removed from the City and disposed of or stored within the time limits of the sign permit. If signs are not removed within the time period of the permit, the City may use the deposit to defray the costs of removing signs and expired permits.
7. Only one temporary sign permit shall be issued per business in any six month period.

16.12.070 Parking Requirements

Off-street parking and loading requirements for industrial uses are specified in **Chapter 16.33 Off Street Parking and Loading** of this ordinance.

Chapter 16.25
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
Supplemental Standards for Special Uses
Livestock Restrictions

Sections:

16.25.000	<u>Supplemental Standards for Special Uses</u>
16.25.005	<u>Livestock Restrictions</u>
16.25.010	<u>Definitions</u>
16.25.020	<u>Purpose</u>
16.25.030	<u>Requirements</u>
16.25.040	<u>Other Restrictions</u>
16.25.050	<u>Penalty</u>
16.25.060	<u>Provisions</u>

16.25.005 Livestock Restrictions

16.25.010 Definitions

For the purposes of this Ordinance, the following definitions shall apply:

- A. "Livestock" shall include: cattle, horses, swine, sheep, goats, and poultry.
- B. "Tract of Land" shall mean all lots, parcels or lands that are contiguous to each other and owned by the same person or entity.

16.25.020 Purpose

Subject to the exemptions listed in **Chapter 16.25.030** below, it shall be unlawful for any person or other entity to keep, possess or maintain, or to permit the keeping, possessing or maintaining by others, of livestock on any tract of land within the corporate city limits of North Plains.

16.25.030 Requirements

Any existing livestock kept, possessed or maintained by the following persons on the following tracts of land within the City as of the effective date of this Ordinance shall be exempt from the provisions of **Chapter 16.25.020** above because the existence of their livestock predated the effective date of this ordinance. This exemption shall apply only to the actual number of

livestock existing on the tract of land on the effective date of this Ordinance. If the exempt livestock are sold, die or are otherwise removed from the following tracts of land, replacement shall be allowed up to the number existing on the date of this Ordinance. All exempt livestock shall be removed from the following tracts of land when the present owner sells the tract of land listed below.

Exempted Owners and Addresses

1. Mr. and Mrs. Paul Volpp - 30550 N.W. Old West Union Road,
2. Mr. and Mrs. Merrill Stearns - 10105 N.W. 314th Avenue.

16.25.040 Other Restrictions

It shall be unlawful to permit any livestock to run at large in the City, or to be tethered or tied in or upon any public street road, right-of-way or public property within the City.

16.25.050 Penalty

Any person or entity convicted of the violation of this Ordinance shall be fined \$250.00 for each violation. For the purposes of enforcement of this Ordinance, each day of a violation shall constitute a separate violation.

16.25.060 Provisions

The City Council hereby repeals all provisions of Ordinance No. 180 and Ordinance No. 188.

Chapter 16.28
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
Supplemental Standards for Special Uses
Duplex, Triplex and Attached Single Family Dwelling

Sections:

16.28.000	<u>Supplemental Standards for Special Uses</u>
16.28.005	<u>Duplex, Triplex and Attached Single Family Dwelling</u>
16.28.010	<u>Purpose</u>
16.28.020	<u>Standards and Requirements</u>
16.28.030	<u>Procedure</u>

16.28.005 **Duplex, Triplex and Attached Single Family Dwelling**

16.28.010 **Purpose**

The purpose for allowing duplexes, triplexes and attached single family dwellings, as defined in **Chapter 16.04 Definitions**, as a special use in certain residential zones, is to permit greater flexibility of design (including lot sizes and setbacks) and to permit greater opportunity for compatibility of housing types and ownership patterns .

16.28.020 **Standards and Requirements**

The following standards and requirements shall govern the development of duplexes, triplexes and attached single family dwellings:

A. Minimum Lot Size: The minimum lot size of each dwelling unit shall be as specified by the base zone.

B. Minimum Building Setbacks:

All setbacks shall comply with the setbacks required in the underlying zone, except that for interior side yards with a common wall, the side setback shall be zero feet.

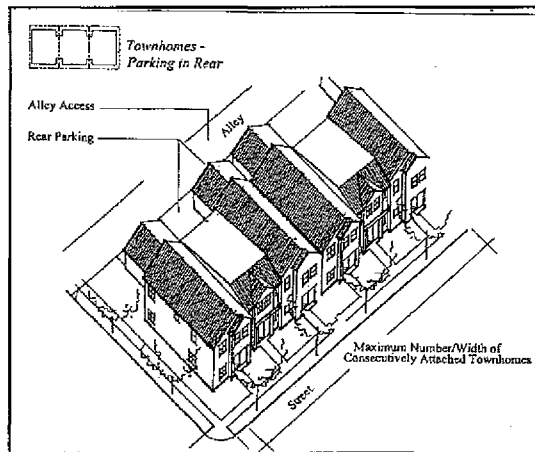
The location of all buildings shall comply with the vision clearance requirements of **Chapter 16.38 Clear Vision Areas** of the ZDO.

C. Design Standards

These standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

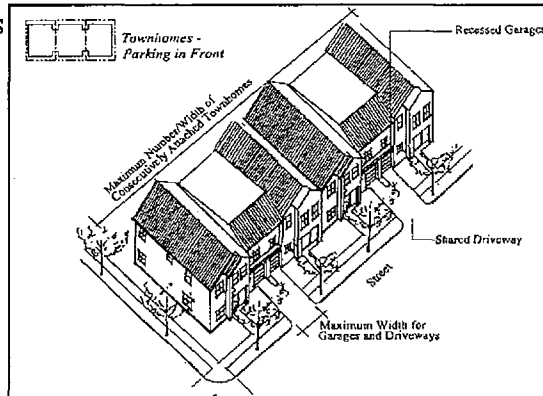
1. Building Mass Supplemental Standard. The maximum number and width of consecutively attached townhouses (i.e., with attached walls at property line) shall not exceed 2 units in the C-1 Zoning District and 4 units in the R-2.5 and R-5 Zoning Districts.
2. Alley Access. Townhouse subdivisions (creation of 4 or more lots for single-family attached dwellings) shall receive vehicle access only from a rear alley. Alley(s) shall be created at the time of subdivision approval. Alleys are not required when existing development patterns or topography make construction of an alley impracticable. As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhouse lots (e.g., between building breaks) to provide for pedestrian connectivity.

Alley Access
Townhouses



3. Street Access Developments. Townhouses receiving access directly from a street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, provide more on-street parking area, and minimize paved surfaces for better storm water management.

Street Access
Townhouses



- a. When garages face the street, they shall be flush with, or recessed behind the front elevation (i.e., living area or covered front porch).
 - b. The maximum allowable curb cut and driveway apron width is 18 feet per dwelling unit. The remainder of the driveway facing the street may not exceed the width of the garage door plus an additional four feet. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garage facing the street.
 - c. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.
4. **Common Areas.** "Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.
- D. Standards For Approval: Such uses shall be permitted as a use upon the following findings:**
1. The project shall comply with all other applicable provisions of the ZDO.

2. The project will accommodate the traffic generated by providing adequate off-street parking, access points and additional street right-of-way and improvements and other traffic facilities as required.
3. All public and private improvements shall be developed to applicable City Public Works standards.
4. Pedestrian walkways shall be provided for adequate pedestrian and bicycle traffic.
5. The overall housing density of the project shall comply with that permitted in the underlying R zone.
6. If proposed, private streets shall be owned and maintained by the owners of the lots which access the private street. A maintenance agreement shall be recorded which provides for the maintenance of the private street.

16.28.030 **Procedure**

The development of attached single family dwellings pursuant to this section shall require the approval of either a land partition or subdivision in order to create the legal lots of record. The proposed development shall comply with all applicable procedures and standards of either **Chapter 16.56 Land Partitioning** or **Chapter 16.57 Subdivisions**. A Development Agreement specifying that subsequent development on the lots be limited to attached single family dwellings shall also be required.

Revisions: ORD. 315 - May 3, 2004
 ORD. 347 - February 6, 2006

Chapter 16.31
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
General Development Standards
Street Standards

Sections:

16.31.000	<u>General Development Standards</u>
16.31.005	<u>Street Standards</u>
16.31.010	<u>Purpose</u>
16.31.020	<u>Scope</u>
16.31.030	<u>General Provisions</u>
16.31.040	<u>General Right-of-Way and Improvement Widths</u>
16.31.050	<u>Modification of Right-of-Way and Improvement Width</u>
16.31.060	<u>Construction Specifications</u>

16.31.005 **Street Standards**

16.31.010 **Purpose**

- A. To provide for safe efficient, and convenient vehicular movement in the City of North Plains.
- B. To provide adequate access to all proposed developments in the City of North Plains.
- C. To provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, waterlines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights-of-way.

16.31.020 **Scope**

The provisions of this Subsection shall be applicable to:

- A. The construction, dedication or creation of all new public streets in all subdivisions, partitions or other developments in the City of North Plains.
- B. The extension or widening of existing public street rights-of-way, easements, or street improvements, including those which may be proposed by an individual or the City, or which may be required by the City in association with other development approvals.

- C. The construction or modification of any utilities or sidewalks in public rights-of-way.

16.31.030 General Provisions

The following general provisions shall apply to the dedication, construction, improvement or other development of all public streets in the City of North Plains:

- A. **The location, width, and grade of streets** shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.
- B. **Development proposals** shall provide for the continuation of existing principal streets where necessary to promote appropriate traffic circulation in the vicinity of the development.
- C. **Reserve strips**: Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land composing such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.
- D. **Alignment**: All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the center lines thereof. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet.
- E. **Future extension of streets**: Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of a tract being developed and the resulting dead-end streets may be approved without turnarounds. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

- F. **Intersection angles:** Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angle, but in no case shall the acute angle be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of centerline tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial or collector street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line. All other intersections shall have a minimum corner radius sufficient to allow for a roadway radius of 10 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than two streets at any one point will not be approved.
- G. **Existing streets:** Whenever existing public streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision or development.
- H. **Cul-de-sacs:** Cul-de-sacs shall be as short as possible, and shall have maximum lengths of 600 feet and shall not serve more than 20 dwelling units. All cul-de-sacs shall terminate with circular turnarounds.
- I. **Street names:** No street names shall be used which will duplicate or be confused with the names of existing streets, except for extensions of existing streets. Street names and number shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission.
- J. **Grades and curves:** Grades shall not exceed 6 percent on arterials, 10 percent on collector streets or 12 percent on any other street. Center line radii of curves shall not be less than 300 feet on arterials, 200 feet on collectors or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope of 0.5 percent.

- K. **Marginal access streets**: If a development abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- L. **Alleys**: Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the Planning Commission. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have radii of not less than 10 feet.
- M. **Sidewalks** shall be a minimum of five feet in width. Curbs and sidewalks shall be required along both sides of all public streets. All new development upon lots, tracts or parcels of land adjacent to a public street will be required to construct curbs and sidewalks.
- N. Street trees, where provided, shall not be of a species which has a shallow spreading root system which is likely to disturb sidewalk or street improvements.

16.31.040 General Right-of-Way and Improvement Widths

The following standards are the general criteria for public streets in the City of North Plains. These standards shall be the minimum requirements for all streets, except where modifications are permitted under **Chapter 16.31.050** or where the Street Standard adopted by the City Council of North Plains is less restrictive.

Classification	Pavement Width (ft)	Sidewalk Width (ft)	Bikeway Width (ft)	Parking	ROW (ft)	Design Speed (MPH)
Local Street ₁	28	5	None	1 side	46	25-35
	28	5	None	1 side	38	25-35
	28	5 one side	None	1 side	34	25-35
Colector	38	5	None	2 sides	60-80	25-35
(Residential)	28	5	Shared	2 sides	60-80	25-35
(Commercial)	42	5	Shared	None	60-80	25-35
(Boulevard)	48	5	6	2 sides	60-80	25-35
Arterial ₁	48-50	5	6	None	60-100	35-50

₁ Planter strips (4 feet) should be considered as rights-of-way allow.

16.31.050 Modification of Right-of-Way and Improvement Width

The Planning Commission may allow modification to the public street standards of **Chapter 16.31.040** when both of the following criteria are satisfied.

- A. The modification is necessary to provide design flexibility in instances where:
1. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
 2. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of **Chapter 16.31.040**; or
 3. A modification is necessary to preserve trees or other natural features determined by the Planning Commission to be significant to the aesthetic character of the area; or
 4. A Planned Unit Development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.
- B. Modification of the standards of **Subsection Chapter 16.31.040** shall only be approved if the Planning Commission finds that the specific design proposed provides adequate vehicular access based on

anticipated traffic volumes. If there is insufficient area of on-street parking, the Planning Commission may require additional off-street parking and require that the street be posted to prohibit parking along one or both sides of the street.

16.31.060 Construction Specifications

Construction specifications for all public improvements shall comply with the criteria of the most recently adopted public works/street standards of the City of North Plains.

16.31.070 Bikeways and Sidewalks Required on Arterials and Collectors

- A. Glencoe Road: Include bicycle lanes and sidewalks on both sides of the road. This would provide connectivity to the existing sidewalks and future growth to the east of Glencoe Road.
- B. Commercial Street: Include bicycle lanes and sidewalks on both sides of the road. A detailed plan should be developed to make sure these facilities coexist with parking demand in the downtown area.
- C. North Avenue: On the near term a sidewalk should be constructed on the south side of North Avenue to connect the existing sidewalk to Gordon Road. Sidewalks should also be added on the south side of North Avenue between NW 309th Avenue and Glencoe Road. These improvements would complete a system of sidewalks on North Avenue in addition to providing connectivity to the adjacent street system. In the Long term sidewalks should to added to the north side of North Avenue also.
- D. Gordon Road: Provide sidewalk on the east side. This improvement will facilitate a connection to the future extension of sidewalk on the south side of North Avenue and to sidewalks along Commercial Street.

ORD. 325 - Adopted: November 15, 2004 (Transportation System Plan)

Chapter 16.36
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
General Provisions

General Provisions Regarding Accessory Uses, Structures and Dwellings

Sections:

- 16.36.000** **General Provisions**
- 16.36.005** **General Provisions Regarding Accessory Uses and Structures**
- 16.36.010** **Requirements for Accessory Uses and Structures**
- 16.36.020** **Requirements for Accessory Dwellings**

16.36.005 **General Provisions Regarding Accessory Uses and Structures**

16.36.010 **Requirements for Accessory Uses and Structures**

A. **Fences, walls and hedges**

Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of clear-vision areas. A fence, wall or hedge may not exceed six (6) feet in height in a residential zone without approval of a variance. Fences, walls or hedges shall not exceed a height of three feet along the front property line or within a front yard setback.

B. **Greenhouse**

A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales.

C. **Accessory Structures in Residential Zoning Districts**

In all residential zoning districts, all accessory structures associated with a single family dwelling, other than fences, walls, or hedges, shall be either recessed behind, or flush with, the front elevation of the dwelling.

16.36.020 **Requirements for Accessory Dwellings**

An accessory dwelling is a small, secondary housing unit on a single family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The housing density standard of the base zone does not apply to

accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

- A. Oregon Structural Specialty Code. The structure complies with the Oregon Structural Specialty Code;
- B. Owner-Occupied. Either the primary residence or accessory dwelling shall be owner-occupied. Alternatively, the owner may appoint a family member as a resident care-taker of the principal house and manager of the accessory dwelling;
- C. One Unit. A maximum of one accessory dwelling unit is allowed per lot;
- D. Floor Area. The floor area of the accessory dwelling shall not exceed 650 square feet;
- E. Building Height. The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed 25 feet;
- F. Buffering. A minimum 6 foot hedge or fence between an accessory dwelling and a lot line shall be required when the accessory dwelling will have windows or doors which face a side or rear lot line and are within 10 feet of the lot line;
- G. Location. Detached accessory dwellings shall either be recessed behind, or flush with, the front elevation of the principal dwelling.

Revisions: ORD. 315 - May 3, 2004

Chapter 16.37
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
General Provisions
General Exceptions

Sections:

16.37.000	<u>General Provisions</u>
16.37.005	<u>General Exceptions</u>
16.37.010	<u>Projections from Buildings</u>
16.37.020	<u>General Exception to Building Height Limitations</u>
16.37.030	<u>General Exception to Lot Size Requirements</u>
16.37.040	<u>General Exceptions to Yard Requirements</u>

16.37.005 **General Exceptions**

16.37.010 **Projections from Buildings**

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues and other similar architectural features may project not more than **two (2) feet** into a required yard or into required open space as established by coverage standards.

16.37.020 **General Exception to Building Height Limitations**

The following types of structures or structural parts are not subject to the building height limitations of this Ordinance: Chimneys, tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, masts, aerials, cooling towers, elevator shafts, transmission towers, smokestacks, flagpoles, radio and television towers, and other similar projections.

16.37.030 **General Exception to Lot Size Requirements**

If, at that time of passage of this Ordinance, a lot, or the aggregate of contiguous lots held in a single ownership, has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by a use permitted outright in the zone subject to the other requirements of the zone and providing, if there is an area deficiency, residential use shall be limited to a single-family residence.

16.37.040 General Exceptions to Yard Requirements

The following exceptions to the front yard requirements for a dwelling is authorized for a lot in any zone:

- A. If there are dwellings on both abutting lots with front yards of less than the required depth for the zone, the front yard for the subject lot need not exceed the average front yard of the abutting dwellings.

If there is a dwelling on one abutting lot with a front yard of less than the required depth for the zone, the front yard for the subject lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth.

- B. To permit or afford better light, air, and vision on more heavily traveled streets and on streets of substandard width; to protect arterial streets; and to have the location of structures compatible with the need for the eventual widening of streets, the Planning Commission may require a setback greater than the required yard specified in the zone.

Chapter 16.56
ZONING AND DEVELOPMENT ORDINANCE
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
Land Partitioning

Sections:

16.56.000	<u>Application Requirements and Review Procedures</u>
16.56.005	<u>Land Partitioning</u>
16.56.010	<u>Definitions</u>
16.56.020	<u>General Provisions</u>
16.56.030	<u>Submittal Requirements for Tentative Map Review</u>
16.56.040	<u>Process for Tentative Map Review</u>
16.56.050	<u>Process for Final Map Approval</u>

16.56.005 **Land Partitioning**

16.56.010 **Definitions**

- A. Partition:** A partition is required for any land division which creates two (2) or three (3) parcels in a calendar year which may or may not require the creation of a public road or roads to access any of the parcels.

16.56.020 **General Provisions**

- A.** All partitions shall conform to all applicable Zoning District Standards, Development Standards of **Chapter 16.32**, and other provisions of this ordinance and the comprehensive plan.
- B.** A master plan for development shall be required for any application which leaves a portion of the subject property capable of redevelopment.
- C.** **Partition** approval is valid in perpetuity, upon recording of the final surveyed map.
- D.** No parcel within an approved **partition** may be re-divided within the same calendar year in which it was recorded except through the subdivision process.
- E.** All Tentative Maps for **partitions** creating public road to access any of the proposed parcels shall be reviewed at a public hearing of the Planning Commission pursuant to the provisions of **Chapter 16.82 Public Hearings Before the Planning Commission**.

- F. Notice of the public hearing shall be provided in accordance with the provisions of **Chapter 16.80 Public Notice Requirements**.
- G. Approvals of any Tentative Map for a **partition** shall be valid for one (1) year after the date of the written decision. A final Map for a **partition** shall be approved and recorded within this one (1) year time period or the tentative approval shall lapse.
- H. The approval period for any **partition** may be extended for not more than one (1) additional year at a time. If the applicant does not complete the partition within the one year time period of approval, or the one year extension time, the Commission may grant an additional time extension of one year, provided that the applicant shows that the time delay was not in the control of the applicant. Any requests for extension of time shall be referred to affected city departments or other governmental jurisdictions for comment and the approval may be amended or conditions added as deemed necessary. Requests for extension of approval time shall be submitted in writing.

16.56.030 Submittal Requirements for Tentative Map Review

- A. Applications for partitions shall be submitted on forms provided by the City and accompanied by the appropriate filing fee.
- B. Each application shall include ten (10) copies of a tentative map drawn to scale and shall contain, at a minimum, the following:
 - 1. Name and address of the owner of the property to be divided.
 - 2. Legal description of the property, by Township, Range, Section and Tax Lot.
 - 3. North arrow and scale.
 - 4. Comprehensive Plan and Zoning designations for the subject property.
 - 5. Individual parcel designation, e.g. Parcel I, Parcel II.
 - 6. Dimensions and size in square feet or acres of all proposed parcels.
 - 7. Adjacent property under the same ownership.

8. All adjacent roads (public or private), including name and road width.
9. Location and size of all existing and proposed utilities.
10. All existing structures on the property and their setbacks.
11. Natural drainage ways, streams, wetlands or other significant natural features of the property.
12. Existing or proposed easements.

16.54.040 Process for Tentative Map Review

Tentative maps for **partitions** which do not create a public road to access any of the proposed parcels shall be reviewed administratively by the City Planner. Conditions may be attached to the approval of a tentative map.

Tentative maps for **partitions** creating a public road to access any of the proposed parcels shall be reviewed at a public hearing of the Planning Commission. The Planning Commission may require dedication of land and easements and may specify conditions or modifications in the tentative plan as necessary. In no event, however, shall the Planning Commission require greater dedications or conditions than would be required if the tract were subdivided.

16.56.050 Process for Final Map Approval

A. Survey Submitted

Within one year of the written decision approving a tentative map, two (2) copies of the final survey of the approved map shall be submitted to the City Planner for review. If the final survey is not submitted within one year, the tentative approval shall lapse.

B. Final Approval

If the final survey plat map of the partition is consistent with the approved tentative map, if the conditions of approval have been satisfied, and if the City Council has accepted dedication of any newly created public roads by either accepting a deed of dedication on a form acceptable to the City or authorizing the mayor or other City Council designee to sign an acceptance of dedication on the final plat map, the City Planner shall mark the survey map "APPROVED" and shall:

1. Transmit one copy of the approved map or the original mylar final plat map with acceptance of public road dedication to the applicant for recording, and
2. Retain one copy for the City's files, and
3. Send a final approval letter to the County Surveyor with instructions for final review and recording of the final survey map.

C. Recording of Approved Map Required

The applicant shall be responsible for recording the approved Partition with the Washington County Records Office. No building permit shall be issued, or parcel sold, transferred or assigned, until the approved Partition has been recorded.

D. Improvements/Bonding

Prior to issuance of a building permit, all improvements required by the Conditions of Approval shall be constructed or the construction shall be guaranteed through an irrevocable letter of credit, assignment of bank account, performance bond or other instrument acceptable to the City Attorney. If ownership of a parcel is transferred prior to satisfaction of the Conditions of Approval, the new owner shall be notified in writing of these Conditions by the transferor.

Revisions: ORD. 315 - May 3, 2004
ORD 347 - February 6, 2006

Chapter 16.57
ZONING AND DEVELOPMENT ORDINANCE
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
Subdivisions

Sections:

16.57.000	<u>Application Requirements and Review Procedures</u>
16.57.005	<u>Subdivisions</u>
16.57.010	<u>Definition</u>
16.57.020	<u>General Provisions</u>
16.57.030	<u>Submittal Requirements for Tentative Subdivision Plans</u>
16.57.040	<u>Preliminary Review of Tentative Subdivision Plan</u>
16.57.050	<u>Expiration of Tentative Approval</u>
16.57.060	<u>Phasing of Development</u>
16.57.070	<u>Final Subdivision Plat</u>
16.57.080	<u>Final Subdivision Plat Review</u>
16.57.090	<u>Improvements/Bonding</u>

16.57.005 Subdivisions

16.57.010 Definition

Subdivisions are all divisions of property which create four or more lots in one calendar year.

16.57.020 General Provisions

- A. All subdivisions shall conform to applicable Zoning District Standards, Development Standards of **Chapter 16.32** and other provisions of this ordinance and the comprehensive plan.
- B. A master plan for development shall be required for any application which leaves a portion of the subject property capable of redevelopment.
- C. Pre-application conferences shall be required prior to the submittal of all subdivision applications.

16.57.030 Submittal Requirements for Tentative Subdivision Plans

- A. All Subdivision applications shall be submitted on forms provided by the City and accompanied by the appropriate filing fee.
- B. Each application shall include fifteen (15) copies of the tentative subdivision plan drawn on a sheet of 18 x 24 inches in size at a scale of 1 inch equals 100 feet.
- C. The following information shall be shown on the tentative subdivision plan:
 - 1. Proposed name of the subdivision. This name shall not duplicate or resemble the name of any other subdivision in the county and shall be approved by the Planning Commission.
 - 2. Date, north point and scale of drawing.
 - 3. Appropriate identification of the drawing as a tentative plan.
 - 4. Description of the subdivision sufficient to define its location and boundaries and legal description of the tract boundaries.
 - 5. Names and addresses of the owner, subdivider, and engineer, surveyor or planner.
 - 6. The location, widths and names of both improved and unimproved streets within or adjacent to the tract, together with easements and other important features such as section lines, section corner, city boundary lines and monuments.
 - 7. Contour lines related to some established bench mark or other datum approved by the city engineer and having minimum intervals as follows:
 - a. For slopes of less than five per cent: two feet, together with not less than four spot elevations per acre, evenly distributed, if necessary.
 - b. For slopes of five percent to 15 percent: five feet.
 - c. For slopes of 15 percent to 20 percent: ten feet.
 - d. For slopes of over 20 percent: 20 feet.

8. The location of at least one temporary bench mark within the subdivision boundaries.
9. The location and direction of water courses and the location of areas subject to flooding and/or within a designated 100-year flood plain.
10. Natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.
11. Existing uses of the property and location of existing structures and structures to remain on the property after platting.
12. A vicinity map showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.
13. Proposed deed restrictions, if any, in outline form.
14. The location of existing sewage disposal facilities, water mains, culverts, storm drainage facilities and electric lines within and adjacent to the subdivision.
15. The location, width, names, approximate grades and radii of curves of proposed streets as shown on any development plan.
16. Dimensions and area of each proposed lot.
17. Proposed lot and block numbers.
18. Proposed sites, if any, allocated for purposes other than detached single-family dwellings.
19. If the proposed subdivision includes only part of the tract owned or controlled by the subdivider, the City Planner or Planning Commission may require a sketch or tentative layout for streets and lots in the unsubdivided portion.
20. Any of the following may be required by the City Planner or Planning Commission to supplement the tentative subdivision plan:

- a. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and sidewalks and the nature and extent of street construction.
- b. A schematic plan for domestic water supply lines and related water service and sewage disposal facilities.
- c. Proposals for storm water drainage and flood control, including profiles of proposed drainage ways.
- d. If lot areas are to be graded or filled, a plan showing the nature of cuts and fills and information on the character of the soil.
- e. Proposals for other improvements such as electric utilities.

16.57.040 Preliminary Review of Tentative Subdivision Plan

- A. Upon receipt of a complete application, the City Planner shall refer copies of the tentative subdivision plan and supplementary material to affected agencies for review and comments.
- B. The City Planner shall prepare a staff report and recommendation on the tentative subdivision plan for the Planning Commission. The City Planner may recommend approval of the tentative plan as submitted or as it may be modified. The City Planner may attach any reasonable conditions found necessary to carry out the purposes of this or any other City ordinance or State statute.
- C. If the City Planner recommends denial, the staff report and recommendation shall set out clearly the grounds for denial and shall clearly inform the applicant of the changes or modifications needed to allow the lawful division of the property.
- D. Upon receipt of the City Planner's staff report and recommendation, the Planning Commission shall hold a public hearing to give consideration to the tentative subdivision plan. The Planning Commission may approve the tentative plan as submitted or as it may be modified by recommendation of the City Planner or Planning Commission.

- E. Approval of the tentative plan shall indicate approval of the final plat if there is no change in the plan of the subdivision and if the subdivider complies with the requirements of this ordinance.
- F. The action of the Planning Commission shall be noted on two copies of the tentative plan, including reference to any attached documents describing conditions. One copy shall be retained by the City and the other shall be returned to the applicant with a written statement of the Commission's action.

16.57.050 Expiration of Tentative Approval

Approval of the tentative plan shall become null and void if a final plat in accordance with these regulations is not submitted within one year after the date of the approval of the tentative plan. If the subdivider cannot complete the preparation of the final plat within the one year time period, he may petition the commission for up to a one year extension of the tentative approval. If the delay is caused by circumstances out of control of the applicant, the commission may grant more than one - one year extension.

16.57.060 Phasing of Development

If requested in the original application, a large subdivision may be approved for phased development. The final plat for the first phase of such a phased subdivision shall be submitted within one year of the date of approval of the tentative plan. Final plats of subsequent phases may be submitted after the one year limitation, provided that each phase complies with the approved tentative plan of the subdivision. If the subdivider cannot complete the first phase of the subdivision within the one year time period, he may petition the commission for up to a one year extension of approval. If the delay is caused by circumstances out of control of the applicant, the commission may grant more than one - one year extension. However, in no case shall the final plat for the last phase be submitted more than 6 years after the approval of the tentative plan.

16.57.070 Final Subdivision Plat

A. Submittal of Final Subdivision Plat

Within six (6) months after approval of the tentative plan, the subdivider shall have the subdivision surveyed and a plat prepared which conforms with the approved tentative plan.

If the sub-divider cannot complete the subdivision within the one year time period, he may petition the commission for up to a one year extension of approval. If the delay is caused by circumstances out of control of the applicant, the Commission may grant more than one-one year extension. If conditions have changed sufficiently to invalidate the original approval, the commission may require the sub-divider to submit a new tentative plan and make any revisions necessary to meet the changed conditions. Such a re-submittal, if required, shall be processed as if it were an original submittal.

B. Information on Plat

The applicant shall submit one (1) original and five (5) copies of the final subdivision plat. The following information shall be included on the plat:

1. Reference points of existing surveys identified, related to the plat by distance and bearings, and referenced to a field book or map as follows:
 - a. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - b. Adjoining corners of adjoining subdivisions.
 - c. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.
2. The exact location and width of streets and easements intercepting the boundary of the tract.
3. Tract, block and lot boundary lines and street right-of-way and center lines, with dimensions, bearing or deflection angles, radii, arcs, points of curvature and tangent bearings. Normal high water lines for any creek or other body of water and any designated 100-year flood plains. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet.
4. The width of the portion of streets being dedicated and width of existing right-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.
5. Easements denoted by fine dotted lines, clearly identified and, if

already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's Certificate of Dedication.

6. Lot numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision.
7. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.
8. Building setback lines, if any, are to be made a part of the subdivision restrictions.
9. The following certificates which may be combined where appropriate:
 - a. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.
 - b. A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for exclusive use of the lot owners in the subdivision, their licenses, visitors and tenants.
 - c. A certificate with the seal of and signed by the engineer or surveyor responsible for the survey and final map.
 - d. Other certifications now or hereafter required by law.

C. Supplemental Information with Plat

The following information shall accompany the final plat:

1. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
2. Sheets and drawings showing the following:
 - a. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
 - b. The computation of distances, angles and courses shown on the plat.

- c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
3. A copy of any deed restrictions applicable to the subdivision.
4. A copy of any dedication requiring separate documents.
5. A list of all taxes and assessments on the tract which have become a lien on the tract.

D. Technical Plat Review

1. Upon receipt of the final plat, the plat and other data shall be reviewed by the City Engineer and City Planner to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan and that the subdivision is in compliance with provisions of state law and this ordinance.
2. The City Engineer may make such field checks as are necessary to verify that the map is sufficiently correct on the ground.
3. If the City Engineer and City Planner determine that changes of additions must be made to the final plat, they shall notify the subdivider and afford the sub-divider an opportunity to make the changes or additions.

16.57.080 Final Subdivision Plat Review

- A. The final subdivision plat shall be submitted to the Planning Commission for review pursuant to **Chapter 16.81 Administrative Review by Planning Commission**. The Planning Commission shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The Planning Commission Chairman shall signify Planning Commission approval of the final plat by signing the recorder's plat sheet and exact duplicate.
- B. A sub-divider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 90 days after the date of the last required approving signature has been obtained.

- C. At the time of submittal for final approval, the sub-divider shall pay to the City a final plat filing fee to defray the cost incurred by the City in checking, investigating, and otherwise reviewing the final plat for conformance to all applicable laws. The final plat filing fee must be paid at the time of submittal, in no way assures approval and cannot be refunded.

16.57.090 Improvements/Bonding

Prior to the recording of the Final Subdivision Plat, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through an irrevocable letter of credit, assignment of bank account, performance bond or other instrument acceptable to the City Attorney.

Revised ORD. 347 - February 6, 2006