

City Documents > Zoning & Development Codes

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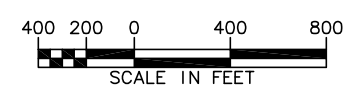
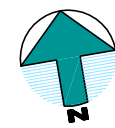
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CITY OF NORTH PLAINS ZONING MAP



LEGEND

R 10	- SINGLE FAMILY RESIDENTIAL
R 7.5	- SINGLE FAMILY RESIDENTIAL
R 5	- SINGLE FAMILY RESIDENTIAL
R 2.5	- MULTI-FAMILY RESIDENTIAL
C 1	- GENERAL COMMERCIAL
C 2	- HIGHWAY COMMERCIAL
M 1	- LIGHT INDUSTRIAL
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CS	- COMMUNITY SERVICE
HO	- HISTORIC OVERLAY DISTRICT



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NORTH PLAINS

ZONING AND DEVELOPMENT

ORDINANCE

Compiled & Adopted: ORD. 270 - March 20, 2000

Revisions:

ORD. 291 - Adopted: May 2, 2002

ORD. 296 - Adopted: September 3, 2002

ORD. 314 - Adopted: April 5, 2004 (Map Revised:)

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ORD. 321 - Adopted: February 7, 2005

ORD. 323 - Adopted: November 15, 2004

ORD. 337 - Adopted: August 15, 2005

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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

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16.03.000	<u>Zoning and Development Ordinance</u>
16.03.005	<u>Planning Commission</u>
16.03.010	<u>Establishment</u>
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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 - Adopted - 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>
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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>
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16.04.101	<u>Home Occupation</u>
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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>
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16.04.158	<u>Lot Line, Front</u>
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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>
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16.04.200	<u>Parking Space</u>
16.04.204	<u>Partition</u>
16.04.206	<u>Person</u>
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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**.

Revisions: ORD. 315 - May 3, 2004
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**

- | | |
|--|---|
| 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**.

Revisions: ORD. 315 - May 3, 2004
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	<u>Zoning Districts</u>
16.09.005	<u>General Commercial District (C-1)</u>
16.09.010	<u>Purpose</u>
16.09.020	<u>Permitted Uses</u>
16.09.030	<u>Conditional Uses</u>
16.09.040	<u>Uses Subject to Special Conditions</u>
16.09.050	<u>Limitations on Use</u>
16.09.060	<u>Dimensional Standards</u>
16.09.070	<u>Signs</u>
16.09.080	<u>Parking Requirements</u>
16.09.090	<u>Lighting Requirements</u>

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
ORD. 347 - February 6, 2006

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.

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

REVISED ORD. 347 - February 6, 2006

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

Sections:

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

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 ~~40~~ 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.

REVISED ORD. 347 - February 6, 2006

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.

REVISED ORD. 347 - February 6, 2006

Chapter 16.13
HOW LAND MAY BE USED AND DEVELOPED
ZONING DISTRICTS (CS)

Sections:

- 16.13.000** **Zoning Districts**
- 16.13.005** **Community Service Overlay District (CS)**
- 16.13.010** **Purpose**
- 16.13.020** **Application**
- 16.13.030** **Discontinuation of Community Use**

16.13.005 **Community Service Overlay District (CS)**

16.13.010 **Purpose**

The purpose of the **Community Service Overlay District (CS)** is to identify and protect public and private facilities which serve a community educational, cultural, recreational, social, or governmental function, subject to **Chapter 16.40-16.43, Design Review**, if applicable, including:

- A. Churches.
- B. Public or private schools.
- C. Public or private non-profit social service, community, or recreational facilities.
- D. Governmental structures such as city offices, fire station, library, post office, and public parks.
- E. Public utilities including wells, water storage tanks, and sanitary sewer pump stations.
- F. Private utilities including electric power substations; telephone exchanges; television, radio or microwave transmission facilities.
- G. Other similar uses deemed appropriate by Planning Commission.

16.13.020 Application

At the time a conditional use is approved, or, in the case of an outright use, at the time a building permit is issued, for a facility named in **Chapter 16.13.010**, said property shall be placed in a Community Service Overlay District on the Zoning Map. In taking any subsequent action which affects a property so designated, the Planning Commission shall consider the special community value and benefits of said facility. The use shall be subject to all standards and requirements of the underlying zone.

16.13.030 Discontinuation of Community Use

At such time a use designated as a community service is discontinued and a use other than one listed in **Chapter 16.13.010** is established on the site, the CS Overlay designation shall be removed.

Chapter 16.14
HOW LAND MAY BE USED AND DEVELOPED
ZONING DISTRICT (FP)

Sections:

16.14.000	<u>Zoning Districts</u>
16.14.005	<u>Flood Plain Overlay District (FP)</u>
16.14.010	<u>Purpose</u>
16.14.020	<u>Definitions</u>
16.14.030	<u>General Provisions</u>
16.14.040	<u>Administration</u>
16.14.050	<u>Provisions for Flood Hazard Protection</u>
16.14.060	<u>Specific Standards</u>

16.14.005 **Flood Plain Overlay District (FP)**

16.14.010 **Purpose**

The purpose of the Flood Plain Overlay District (FP) is to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

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

16.14.020 Definitions

For the purpose of this Section, the following words, terms and expressions shall be interpreted in accordance with the following definitions, unless the context requires otherwise.

Appeal: A request for a review of the Planning Commission's interpretation of any provision of this Section or a request for a variance.

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

Area of Special Flood Hazard: The land in the Flood Plain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year. The base flood is also referred to as the "100-year flood."

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

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

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

Flood Insurance Rate Map (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

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

Lowest Floor: The lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure allows the entry and exit of flood waters.

Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For Flood Plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured Home Park or Subdivision: A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

New Construction: Structures for which the start of construction commenced on or after January 18, 1982.

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

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

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started, or
2. If the structure has been damaged and is being restored, before the

damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Variance: A grant of relief from the requirements of this section which permits construction in a manner that would otherwise be prohibited by the section.

16.14.030 General Provisions

A. Area of Application

All property, regardless of the underlying zoning designation, which falls within the boundaries of the 100-year Flood Plain, also known as the area of special flood hazard, shall be subject to the provisions of **Chapter 16.14 Zoning District (FP)** of this Ordinance.

B. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study of the City of North Plains, Oregon, Washington County, Oregon," dated October 1, 1981, with the accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the City of North Plains, City Hall, North Plains, Oregon. The City shall utilize all authoritative information available in determining the location of special flood hazard areas.

C. Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations.

D. Abrogation and Greater Restrictions

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation

In the interpretation and application of this section, all provisions shall be:

1. Considered as minimum requirements;
2. Literally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of North Plains, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

16.14.040 Administration

A. Development Permit Required

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in **Chapter 16.14.030 (A)**. The permit shall be required for all structures including manufactured homes, as set forth in the Definitions, and for all other development including fill and other activities, also as set forth in the Definitions.

B. Application for Development Permit

Application for a development permit shall be made on forms furnished by the City Recorder and may include, but not be limited to, plans in

duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials and drainage facilities. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which the structure has been flood proofed;
3. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in **Chapter 16.14.060 (B)**.
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

C. Designation of Planning Commission as Administrative Body

The Planning Commission is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

The duties of the Planning Commission shall include, but not be limited to:

1. Permit Review

- a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
- c. Review all development permits to determine if the proposed development is located in the flood way. If located in the flood way, assure that the encroachment provisions of **Chapter 16.14.060 (D)** are met.

2. Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with **Chapter 16.14.030 (B)**, the Planning Commission shall obtain, review and reasonably utilize any base flood elevation and flood way

data available from federal, state, or other sources, in order to administer **Chapter 16.14.060**.

3. Information to be Obtained and Maintained

- a. Where base flood elevation data is provided through the Flood Insurance Study or required as in **Chapter 16.14.040 (2)**, obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b. For all new or substantially improved flood proofed structures:
 - (i) Verify and record the actual elevation (in relation to the mean sea level), and
 - (ii) Maintain the flood proofing certifications required in **Chapter 16.14.040 (B)(3)**.
- c. Maintain for public inspection all records pertaining to the provisions of this ordinance.

4. Alteration of Watercourses

- a. Notify adjacent communities and the Oregon Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b. Require that maintenance is provided within the altered or relocation portion of said watercourse so that the flood carrying capacity is not diminished.

5. Interpretation of FIRM Boundaries

Make interpretations where needed as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

16.14.050 Provisions for Flood Hazard Protection

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

A. Anchoring

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

B. Construction Materials and Methods

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

C. Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
3. On-site disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres, whichever is less.

E. Review of Building Permits

Where elevation data is not available, either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgement and includes use of historical data, high water marks, photographs of past flooding, etc., where available. The City of North Plains has been notified that failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

16.14.060 Specific Standards

In all areas of special flood hazards where base flood elevations data has been provided as set forth in **Chapter 16.14.030 (B) or 16.14.040 (C)(2)**, the following provisions are required:

A. Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above base flood elevations. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited. Parking, crawl spaces and storage is allowed below the lowest floor provided the area is designed to permit the entry and exit of flood waters.

B. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure located within number A zones (as defined by the Federal Emergency Management Agency) shall either have the lowest floor, including basement, elevated to one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered professional engineer or architect that the design and methods of construction in accordance with accepted standards of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in **Chapter 16.14.040 (B)(3)**.
4. Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in **Chapter 16.14.060 (A)**.
5. Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

C. Manufactured Home

All manufactured homes to be placed or substantially improved within Zones AI-30, AH, and AE (as defined by the Federal Emergency Management Agency) shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of **Chapter 16.14.050(A)**.

D. Flood Ways

Located within areas of special flood hazard established in **Chapter 16.14.030 (A)** are areas designated as flood ways. Since the flood way is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within Zones A1 and A2 (as defined by the Federal Emergency Management Agency) unless certification by registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

2. If **Chapter 16.14.060(D)(1)** is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of **Chapter 16.14.060**.
3. Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.

Chapter 16.15
HOW LAND MAY BE USED AND DEVELOPED
ZONING DISTRICT (HO)

Sections:

16.15.000	<u>Zoning Districts</u>
16.15.005	<u>Historic Overlay District (HO)</u>
16.15.010	<u>Purpose</u>
16.15.020	<u>Definitions</u>
16.15.030	<u>General Provisions</u>
16.15.040	<u>Exterior Alterations</u>
16.15.050	<u>Demolition</u>

16.15.005 **Historic Overlay District (HO)**

16.15.010 **Purpose**

The purpose of the Historic Overlay District is to promote the public health, safety and general welfare by providing for the protection, enhancement, perpetuation and use of designated historic sites and structures in order to:

- A. Safeguard the City's heritage as embodied and reflected in historic resources;
- B. Encourage public knowledge, understanding and appreciation of the City's history and culture;
- C. Foster community pride and sense of identity based on recognition and use of historic resources;
- D. Promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of the City;
- E. Preserve architectural styles reflecting the City's history;
- F. Identify and resolve conflicts between the preservation of historic resources and incompatible improvements and uses; and
- G. Carry out the provisions of Land Conservation and Development Commission Goal 5.

16.15.020 Definitions

For the purposes of this Section, the following definitions apply:

- A. **Alteration**: The addition to, removal of or from, or physical modification of any exterior part or portion of a landmark, identified building or object in a Historic District.
- B. **Architectural Significance**: The building or district (1) portrays the environment of a group of people in an era of history characterized by a distinctive architectural style; (2) embodies those distinguishing characteristics of an architectural type/specimen; (3) is the work of an architect or master builder whose individual work has influenced the development of the City; (4) contains elements of architectural design, detail, materials or craftsmanship which represent a significant innovation.
- C. **Certificate of Appropriateness**: Written authorization granted by the City for exterior alteration of a designated Landmark or designated building in a Historic District.
- D. **Demolish**: To raze, destroy, dismantle, deface, or in any other manner cause partial or total ruin of a designated Landmark or designated building in a Historic District.
- E. **Exterior**: Any portion of the outside of a historic resource.
- F. **Historic Resource(s)**: An individual building site, object or structure of architectural, historic, cultural or archaeological significance as designated in the North Plains Comprehensive Plan.
- G. **Historic Significance**: The building or district (1) has character, interest or value, as part of the development, heritage or cultural characteristics of the City, State or Nation; (2) is the site of a historic event with an effect upon society; (3) is identified with a person or group of persons who had some influence on society; or (4) exemplifies the cultural, political, economic, social or historic heritage of the community and (5) is recognized in the North Plains Comprehensive Plan.

16.15.030 General Provisions

A. Area of Application

Sites and structures which are designated in the City of North Plains Comprehensive Plan as historically significant shall be subject to **Chapter 16.15**. Only the specific sites identified in the Comprehensive Plan are subject to the provisions of this Section; other existing structures and uses on the same tax lot are not subject to this section unless specifically designated as historically significant resources. If a resource is relocated, the Overlay District shall apply to the new location and be removed from the old location at the initiation of the City. All sites and structures designated as historically significant shall be identified on the North Plains Zoning Map as being within the Historic Resource Overlay District.

B. Uses Allowed

Uses allowed within the Historic and Overlay District shall be the same as those allowed in the primary district if consistent with all provisions of this section.

C. Ordinary Maintenance and Repair

Nothing in this Section shall be construed to prevent the ordinary maintenance or repair in or on any resource designated by this Section that does not involve a change in design, material or external appearance thereof.

D. Compliance

No structure or site shall hereafter be altered or demolished without full compliance with the terms of this ordinance and other applicable regulations.

16.15.040 Exterior Alterations

Except as provided within this Section, no person may alter any designated historic resource in such a manner as to affect the exterior appearance unless a Certificate of Appropriateness has been issued by the City.

A. Application for a Certificate of Appropriateness

The application shall be submitted to the City Planner and shall be referred to the Planning Commission. The Application shall include a detailed description of the request and compliance with the review criteria in **Chapter 16.15.030 (D)**.

B. Coordination with County Museum

Prior to action on any Historic Resource issue, the City shall notify the Washington County Museum and, in concert with the museum staff, may conduct a study of the proposed action, prepare documentation as may be appropriate and make a recommendation in the form of a staff report to the Planning Commission as to the appropriateness of the proposed action.

C. Planning Commission Review

The Planning Commission shall approve, approve with conditions or disapprove issuance of the Certificate of Appropriateness for exterior alterations. The decision of the Planning Commission shall include findings of fact. Decisions of the Planning Commission may be appealed to the City Council according to **Chapter 16.84 Appeal Provisions**.

D. Review Criteria

The Planning Commission shall consider the following criteria in reviewing proposed exterior alterations to historic resources.

1. **Retention of original construction**: All original exterior materials and details shall be preserved to the maximum extent feasible.
2. **Height**: Additional stories may be added to historic buildings provided:
 - a. The added height complies with requirements of the Building and Development Codes;
 - b. The added height does not exceed that which was traditional for the style of the building;
 - c. The added height is visually compatible with adjacent historic buildings.

3. **Bulk**: Horizontal additions may be added to historic buildings provided:
 - a. The bulk of the addition does not exceed that which was traditional for the building style;
 - b. The addition maintains the traditional scale and proportion of the building style, particularly as viewed from the sides of the building which front on public rights-of-way;
 - c. The addition is visually compatible with adjacent historic buildings.
4. **Visual integrity of structure**: The lines of columns, piers, spandrels, or other primary structural elements shall be maintained so far as is practicable.
5. **Scale and proportion**: The scale and proportion of altered or added building elements and the relationship of windows to walls shall be visually compatible with the traditional architectural character of the historic building.
6. **Material, color and texture**: The materials, colors and textures used in the alteration or addition shall be visually compatible with the traditional architectural character of the historic building and matches existing materials, colors and textures to the maximum extent feasible. Original masonry and mortar, without the application of any surface treatment, shall be retained whenever possible.
7. **Signs, Lighting**: Signs, lighting and other appurtenances, such as walls, fences, and awnings shall be visually compatible with the traditional architectural character of the historic building. Trees larger than 18" in diameter at breast height shall be retained whenever possible.
8. **Preservation, Cleaning and Repair**: Preservation, cleaning, repair, and other treatment of original materials shall be in accord with the Secretary of Interiors Standards of Rehabilitation and Guidelines for Rehabilitation of Historic Buildings.

16.15.050 Demolition

A. Application for Demolition Permit

If an application for a permit to demolish a designated Landmark or any building within a designated Historic District is received, the Building Official shall, within seven (7) days, transmit to the City Planner and Planning Commission a copy of said transaction, unless the Building Official has found that the building does not comply with the Uniform Code for Abatement of Dangerous Buildings and has ordered the removal or demolition of such building on the basis of a danger to life, health or property.

B. Planning Commission Review

Applications for demolition of historic resources shall be subject to the public notice requirements of **Chapter 16.80 Public Notice Requirements** and the public hearing requirements of **Chapter 16.82 Public Hearing before Planning Commission**. Prior to the issuance of a permit for the demolition of any designated landmark, the Planning Commission shall review the request to determine to their satisfaction that the applicant has met the following conditions:

1. The applicant has advertised such building for sale or removal from the site, with such advertisement to run two consecutive weeks (no less than seven days apart) in a newspaper of general circulation in the North Plains area.
2. The applicant has not rejected the highest bona fide offer for sale and removal of the building.

C. Approval of Request and Appeal Period

The Planning Commission may approve or deny the demolition request. If the request is granted and no appeal is filed within the time frames set forth in **Chapter 16.84 Appeal Provisions** of this Ordinance, the Building Official shall issue the permit after determining that the permit is in compliance with all other codes and ordinances of the City.

D. Denial of Request and Temporary Stay of Demolition

Should the Commission reject the application to demolish, issuance of the permit shall be suspended for a period of up to 90 days so that alternative disposition of the property may be considered. During such period of suspension, no permit shall be issued for such demolition nor shall any person demolish the building or structure. If all programs or projects to save the building from demolition are demonstrated to the Planning Commission to be unsuccessful and the applicant has not withdrawn the application for demolition, the Planning Commission shall authorize the Building Inspector to issue such permit if the application otherwise complies with the codes and ordinances of the City.

Chapter 16.16
HOW LAND MAY BE USED AND DEVELOPED
ZONING DISTRICT (SNR)

Sections:

- 16.16.000** Zoning Districts
- 16.16.005** Significant Natural Resources Overlay District (SNR)
- 16.16.010** Purpose
- 16.16.020** Definitions
- 16.16.030** General Provisions
- 16.16.040** General Development Standards
- 16.16.050** Natural Resource Enhancement and Restoration
- 16.16.060** Variances to Chapter 16.16
- 16.16.070** Mitigation Standards

16.16.005 Significant Natural Resources Overlay District (SNR)

16.16.010 Purpose

The Significant Natural Resources Overlay District provides protection for identified significant natural resources within the City of North Plains as designated under Statewide Planning Goal 5. For the purpose of this overlay zone, significant natural resources are designated as Significant Wetlands and Riparian Corridors. These resources have been inventoried within the City of North Plains according to procedures, standards and definitions established under Goal 5 and are identified on the Significant Natural Resources Map as adopted in the Comprehensive Plan.

The Significant Natural Resources Overlay Zone District is intended to:

- A.** Protect valuable natural resources within the City of North Plains? Urban Growth Boundary, while ensuring reasonable economic use of property;
- B.** Augment existing regulation of water quality sensitive areas and vegetated corridors by Clean Water Services through the Design and Construction Standards - Resolution and Order 00-7, and the regulation of wetlands and water resources by the Division of State Lands through the Removal-Fill Law (ORS 196.800-196.990) and by the US Army Corps of Engineers through Section 404 of the Clean Water Act;
- C.** Encourage public knowledge, understanding and appreciation of the City's natural resources;
- D.** Provide protection of wetlands and riparian corridors to maintain salmonid habitat, water quality, thermal regulation, sediment trapping, hydrologic

control of flood waters; stream bank stabilization and other important functions and conditions;

- E. Encourage restoration of wetlands and riparian corridors; and
- F. Carry out the provisions of Statewide Planning Goal 5.

16.16.020 Definitions

For the purposes of this Section, the following definitions apply:

- A. **Alteration**: The addition to, removal of or from, or physical modification of any exterior part or portion of a landmark, or identified building.
- B. **Bank full Stage**: The elevation at which water overflows the natural banks of the stream.
- C. **Bioengineering**: A method of erosion control and landscape restoration using live plants, such as willows.
- D. **Building Envelope**: The land area, outside of all required setbacks, which is available for construction of a primary structure on a particular property.
- E. **Delineation**: An analysis of a resource by a qualified professional that determines its boundary according to an approved methodology.
- F. **Excavation**: Removal of organic or inorganic material (e.g. soil, sand, sediment, muck) by human action.
- G. **Fill**: Deposition of organic or inorganic material (e.g. soil, sand, sediment, muck, debris) by human action.
- H. **Impervious surface**: Any material (e.g. rooftops, asphalt, concrete) which reduces or prevents absorption of water into soil.
- I. **Lawn**: Grass or similar materials usually maintained as a ground cover of less than 6 inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.
- J. **Mitigation**: A means of compensating for impacts to a Significant Natural Resource or its buffer including: restoration, creation, or enhancement. Some examples of mitigation actions are construction of new wetlands to replace an existing wetland that has been filled, replanting trees, removal of nuisance plants, and restoring stream-side vegetation where it is disturbed.

- K. Native Vegetation:** Plants identified as naturally occurring and historically found within the City of North Plains.
- L. Natural Resource Enhancement:** A modification of a natural resource to improve its quality.
- M. Natural Resource Overlay:** Designation given to all Significant Wetlands and Riparian Corridors delineated on the Significant Natural Resources Map.
- N. Non-conforming:** A structure or use that does not conform to the standards of this ordinance but has been in continuous existence from prior to the date of adoption of this ordinance up to the present. Non-conforming uses are not considered violations and are generally allowed to continue, although expansion, re-construction, or substantial improvements are regulated.
- O. Qualified Professional:** An individual who has proven expertise and vocational experience in a given natural resource field. A qualified professional conducting a wetland delineation must appear on the Oregon Division of State Lands Consultants List.
- P. Review Authority:** The City of North Plains.
- Q. Riparian Corridor:** A Goal 5 resource that includes the water areas, fish habitat, riparian areas, and wetlands within the riparian corridor boundary. In the City of North Plains, Riparian Corridor boundaries are measured as follows:
- a. The unnamed tributary of McKay Creek: 50 feet from the top of bank or from the edge of a delineated significant wetland, whichever is further landward, and;
 - b. McKay Creek: 75 feet from the top of bank or from the edge of a delineated significant wetland, whichever is further landward.
- R. Significant Natural Resource:** Significant Wetlands and Riparian Corridors within the City of North Plains Urban Growth Boundary and designated on the Significant Natural Resources Map.
- S. Significant Wetland:** A wetland mapped on the City of North Plains *Local Wetlands Inventory* which meets the primary criteria of the Oregon Division of State Lands Administrative Rules for Identifying Significant Wetlands (July, 1996). The final boundary of a significant wetland is established through a wetland delineation using the required methodology and suggested methodologies of the 1987 US Army Corps of Engineers Wetland Delineation Manual;

- T. State and Federal Natural Resource Agency:** Oregon Division of State Lands, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, U.S. Department of Agriculture Natural Resources Conservation Service, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency.
- U. Stream:** A channel, such as McKay Creek or the unnamed tributary of McKay Creek, that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.
- V. Structure:** A building or other major improvement that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances.
- W. Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
- a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
 - c. The term does not, however, include either:
 - d. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
 - e. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- X. Top of Bank:** A distinct break in slope between the stream bottom and the surrounding terrain, which corresponds with the bankfull stage of the stream.
- Y. Variance:** A grant of relief from the requirements of this ordinance, which permits activity in a manner that would otherwise be prohibited by this ordinance.

- Z. **Wetland:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands are generally regulated by the Oregon Division of State Lands and the US Army Corps of Engineers.

16.16.030 General Provisions

- A. **Affected Property:** The procedures and requirements of the Significant Natural Resources Overlay Zone District (SNR):

1. apply to any parcel designated as having a Significant Natural Resource on any portion of the tax lot;
2. apply in addition to the standards of the property's underlying zone;
3. supercede the property's underlying zone where the underlying zone does not provide the level of Significant Natural Resource protection afforded by the Significant Natural Resources Overlay Zone District.

- B. **Activities Subject to Review:** Activities subject to the review shall include all development on properties outlined in 16.16.030 A and not specifically exempted from review as outlined in 16.16.030 C, including:

1. Partitioning and subdividing of land.
2. New structural development.
3. Exterior expansion of any building or structure, or increases in impervious surfaces or storage areas.
4. Site modifications including grading, excavation or fill, installation of new above or below ground utilities, construction of roads, driveways, or paths.
5. Removal of trees or the clearing of native vegetation within a Significant Natural Resource.

- C. **Exemptions:** Activities exempt from this ordinance include:

1. The sale of property.
2. Temporary emergency procedures necessary for the safety or protection of property.

3. Commercial forest practices regulated by the Oregon Forest Practices Act.
 4. Normal and accepted farming practices other than the construction of buildings, structures, or paved roads.
- D. Agency Review:** Decisions made by the City of North Plains under this ordinance do not supercede the authority of the state or federal agencies which may regulate or have an interest in the activity in question. It is the responsibility of the applicant to determine which agencies, if any, have regulatory jurisdiction, and make the appropriate contacts.
- E. Map as Reference:** The Significant Natural Resources Overlay Zone map shall be a reference for identifying areas subject to the provisions of this ordinance. An applicant with any parcel designated as having a Significant Natural Resource on any portion of the tax lot(s) is required to:
1. Delineate wetland boundaries using the methods described in the 1987 US Army Corps of Engineers Wetland Delineation Manual;
 2. Provide the City with a delineation of the significant natural resources on the subject property as part of their application. An application shall not be complete until this delineation is submitted to the City;
 3. Obtain concurrence of the wetland delineation from the Oregon Division of State Lands.

16.16.040 General Development Standards

- A.** The permanent alteration of the Significant Natural Resource by grading, by excavation or fill, by the placement of structures or impervious surfaces, or by the removal of native vegetation is prohibited, except for the following uses provided they are designed to minimize intrusion into the significant natural resource, and no other options or locations are feasible:
1. Streets, roads, paths, and driveways;

Public or private streets, driveways, or paths may be placed within a Significant Natural Resource to access development activities if it is shown to the satisfaction of the reviewing authority that no other practicable method of access exists. If allowed, the applicant shall comply with the following requirements:
 - a. Demonstrate to the reviewing authority that no other practicable access to the build able area exists or access from an off-site location through the use of easements is not possible;

- b. Design roads, driveways, and paths to be the minimum width necessary and for the minimum intrusion into the Significant Natural Resource while also allowing for safe passage of vehicles and/or pedestrians;
- c. Use bridges, arched culverts, or box culverts with a natural bottom for crossing of a Significant Natural Resource if the crossing is found unavoidable. The lower lip of any culvert must meet the channel bed at or below grade. The number of channel crossings shall be minimized through use of shared access for abutting lots and access through easements for adjacent lots;
- d. Consider the need for future extensions of shared access, access easements, or private streets to access potential new building sites at the time of this application in order to avoid subsequent encroachments into the Significant Natural Resource;
- e. Prior to construction, the Significant Natural Resource area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as allowed by the provisions of this ordinance. Such markings shall be maintained until construction is complete;
- f. During construction, no stockpiling of fill materials, parking, or storage of equipment shall be allowed within the Significant Natural Resource;
- g. Erosion control measures, such as silt fences and bio-filter bags, shall be used to reduce the likelihood of sediment and untreated storm water entering the Significant Natural Resource.
- h. Permanent alteration of the Significant Natural Resource by the placement of public or private streets, driveways, or paths is subject to the mitigation requirements of Section VII.

2. Utilities and drainage facilities;

Public and private utilities or drainage facilities may be placed within a significant natural resource when it is shown to the satisfaction of the review body that no other practicable alternative location exists. If a utility or drainage facility is allowed within a Significant Natural Resource the following standards shall apply:

- a. Demonstrate to the reviewing authority that no other practicable access exists or access from an off-site location through the use of easements is not possible;
 - b. The corridor necessary to construct utilities shall be the minimum width practical so as to minimize intrusion into the Significant Natural Resource. Removal of trees and native vegetation shall be avoided unless absolutely necessary. The existing grade of the land shall be restored after construction. Native vegetation shall be used to restore the vegetative character of the construction corridor.
 - c. Prior to construction, the Significant Natural Resource area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as allowed by the provisions of this ordinance. Such markings shall be maintained until construction is complete;
 - d. During construction, no stockpiling of fill materials, parking, or storage of equipment shall be allowed within the Significant Natural Resource.
 - e. Erosion control measures, such as silt fences and bio-filter bags, shall be used to reduce the likelihood of sediment and untreated storm water entering the Significant Natural Resource.
3. Replacement of existing structures with structures in the same location that do not disturb additional surface area;
 4. Structures or other non-conforming alterations existing fully or partially within the Significant Natural Resource may be expanded provided the expansion occurs outside of the Significant Natural Resource. Substantial improvement of a non-conforming structure in the Significant Natural Resource shall require compliance with the standards of this ordinance.
 5. Existing lawn within the Significant Natural Resource may be maintained, but not expanded within the limits of the Significant Natural Resource. Development activities shall not justify replacement of native vegetation, especially native riparian vegetation, with lawn.
 - a. Existing bank stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the

Planning Department and appropriate state or federal natural resource agency. Such alteration of Significant Natural Resources shall be approved only if less-invasive or non-structural methods, such as bioengineering, will not adequately meet stabilization or flood control needs.

- b. The types, sizes, and intensities of lights must be placed so that they do not shine directly into the Significant Natural Resource.

B. Removal of vegetation from the Significant Natural Resource is prohibited, except for:

1. Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, shall maintain or exceed the density of the removed vegetation, and shall maintain or improve the shade provided by the vegetation.
2. Removal of vegetation necessary for the continued maintenance of dikes, drainage ditches, or other storm water or flood control facilities. Vegetation removal shall be kept to the minimum necessary.
3. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation from a certified arborist and approval from the Planning Department. If no hazard will be created, the department may require these trees, if felled, to be left in place in the Significant Natural Resource.
4. The control or removal of nuisance plants should primarily be by mechanical means (e.g. hand-pulling). If mechanical means fail to adequately control nuisance plant populations, a glyphosate-based herbicide is the only type of herbicide that can be used in a significant natural resource area. No pre-emergent herbicides or auxin herbicides that pose a risk of contaminating water should be used. A herbicide application is preferred to be made early in the morning or during windless periods at least 4 hours before probable rainfall.

16.16.050 NATURAL RESOURCE ENHANCEMENT AND RESTORATION

The City strongly encourages the enhancement or restoration of natural resources, such as riparian corridors along the unnamed tributary of McKay Creek and McKay Creek, in-channel habitat improvements, non-native plant control, and similar projects which propose to improve the quality of a Significant Natural Resource. However, no enhancement activity requiring the excavation or filling of material in

a wetland shall be allowed unless all applicable State and Federal wetland permits have been granted.

16.16.060 Variances to Chapter 16.16

A variance to the provisions of Chapter 16.16 is permitted only as a last resort and is only considered necessary to allow reasonable economic use of the subject property. The property must be owned by the applicant and not created after the effective date of this Section. Approval of a variance is based on meeting the requirements of both subsections A and B, below.

A. A variance shall only apply to:

1. Lots on which the location of a Significant Natural Resource results in a building area depth for a single-family dwelling of 25 feet or less or a building envelope of 800 square feet or less;
2. Lots where strict adherence to the standards and conditions of Section 16.16 would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

B. A variance may be authorized upon adequate demonstration by the applicant that the proposed variance satisfies the following criteria:

1. That special conditions and circumstances exist which are peculiar to the property involved;
2. That granting the proposed variance would be in the public interest and would be in harmony with the purpose of the underlying zoning district and the intent and purpose of this Ordinance;
3. That the variance would result in minimal detriment to the immediate vicinity;
4. That the variance requested is the minimum variance which would make possible the reasonable use of the applicant's property; and
5. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.

6. Permanent alteration of the Significant Natural Resource by an action requiring a variance is subject to the procedures and criteria of Chapter 16.01 and the mitigation requirements of Section 16.16.070.

16.16.070 Mitigation Standards

When approved impacts to any identified Significant Natural Resource occurs, mitigation will be required. For impacts to Significant Wetlands, the standards and criteria of Section 16.16.070 (A) shall apply. For impacts to Riparian Corridors, the standards and criteria of Section 16.16.070 (B) shall apply.

- A.** When mitigation for impacts to a Significant Wetland is proposed, the mitigation plan shall comply with all Oregon Division of State Lands and U.S. Army Corps of Engineers wetland regulations. The City may approve a development but shall not issue a building permit until all applicable State and Federal wetland permit approvals have been granted and copies of those approvals have been submitted to the City.
- B.** When mitigation for impacts to a non-wetland riparian area is proposed, a mitigation plan prepared by a qualified professional shall be submitted to the review authority. The mitigation plan shall meet the following criteria:
 1. Mitigation for negative impacts to a Riparian Corridor shall follow all of the requirements of Clean Water Services? *Design and Construction Standards - Resolution and Order 00-7*;
 2. Mitigation shall occur on-site and as close to the impact area as possible. If this is not feasible, mitigation shall occur within the same drainage basin as the impact;
 3. All vegetation planted within the mitigation area shall be native to the region. Species to be planted in the mitigation area shall replace those impacted by the development activity;

Revised: ORD. 323 - November 15, 2004

Chapter 16.17
HOW LAND MAY BE USED AND DEVELOPED
ZONING DISTRICT
Neighborhood Community Zone (NC)

Sections:

- 16.17.000** **Zoning Districts**
- 16.17.005** **Neighborhood Community Zone (NC)**
- 16.17.010** **Purpose**
- 16.17.015** **Objectives**
- 16.17.020** **Permitted Uses**
- 16.17.030** **Conditional Uses**
- 16.17.040** **Standards and Requirements**
- 16.17.050** **Procedure**

16.17.005 **Neighborhood Community Zone (NC)**

16.17.010 **Purpose**

The Neighborhood Community zone (NC) incorporates a number of design, development and infrastructure features indicative of a self-reliant neighborhood, including but not limited to: quality and craftsmanship in the built environment; an appropriate mix of architectural styles, residential types and densities and neighborhood commercial opportunities to serve the surrounding neighborhood; advantageous and sensitive use of natural resource features and open space; and innovative and imaginative site planning in order to develop a sense of place where amenities, facilities, features and overall urban design could not be achieved through application of individual or combinations of zones. The NC zone shall be used to implement the Neighborhood Community Comprehensive Plan designation.

Master planning of the non-exception expansion areas is necessary to achieve a cohesive vision for the build out of these areas. No development may occur within the subject non-exception expansion areas prior to master plan approval. Master plans in these areas shall generally reflect the land use pattern and density ranges illustrated on the “Density/Land Use Plans” adopted as part of the Comprehensive Plan. Identification of multiple use areas and adjustments to the specific locations of proposed uses and/or street pattern may be considered during the master plan process.

16.17.015 **Objectives**

The following objectives shall be considered in reviewing an application for a master plan:

- A. To provide for a master planned neighborhood(s) that provide a mix of uses and densities as illustrated on the Density/Land Use Plans prepared for the north and east non-exception expansion areas and adopted by reference in the Comprehensive Plan.
- B. To encourage complete, pedestrian-oriented neighborhoods with a variety of housing types, neighborhood-scale commercial uses, open spaces and parks, and appropriate institutional uses.
- C. To encourage development of the Urban Growth Boundary expansion areas consistent with Chapter 15.01 of the Comprehensive Plan.

16.17.020 Permitted Uses

The following uses are permitted outright within the NC zone when associated with an approved master plan:

- A. Single family detached housing.
- B. Single family attached housing.
- C. Duplexes.
- D. Row homes/Town homes.
- E. Multifamily dwellings.
- F. Mixed-Use.
 - 1. In this case, mixed-use is defined as a development in which a site or building provides more than one type of use, such as commercial, residential, or institutional.
- G. Permanent open space.
- H. Neighborhood commercial uses.
 - 1. Neighborhood commercial uses are defined as small to medium sized shopping and service facilities and limited office use. Neighborhood commercial uses are intended for the shopping and service needs of the immediate urban neighborhood. Neighborhood commercial locations should be easily accessible by car and foot from neighborhoods in the area. These uses should have minimal negative impact on surrounding residential properties.

16.17.030 Conditional Uses

The following uses and their accessory structures may be permitted in the NC zone when authorized by the Planning Commission pursuant to Chapter 16.51.

- A. Church / Religious Institution.

- B. Governmental structure or use, including a fire station, library or museum.
- C. School: nursery, elementary, junior high, senior high, college or university.
- D. Geriatric care or assisted living facility.
- E. Community service facility.

16.17.040 Standards and Off Street Parking Requirements

Development within the NC District shall comply with the standards for lot size and dimensional requirements, lot coverage, building height and setbacks as contained within Table NC-1: Development Standards, or as modified and approved during the Master Plan process.

Development within the NC District shall provide off street vehicular and bicycle parking as addressed in table NC-2: Off Street Parking Requirements, or as modified and approved during the Master Plan process.

16.17.050 Standards and Requirements for Master Plans

The following standards and requirements shall govern the application for master plan approval within the NC zone:

- A. The land uses in a master plan shall be those identified on the corresponding Density/Land Use Plan for each of the expansion areas. Flexibility in arrangement of uses and densities is permitted provided that the overall master plan is in substantial compliance with the area totals and density ranges as identified in Chapter 15.02.120 of the Comprehensive Plan.
- B. A master plan application must address the entirety of each expansion area individually or may combine the two.
- C. Neighborhoods shall have defined centers which include public spaces such as a plaza, park, school, or community square.
- D. Residential uses are encouraged to be designed so that garage doors and driveways face rear alleys where practicable to diminish conflicts with sidewalks along the public streets.
- E. Commercial buildings shall be designed to front on pedestrian-friendly streets rather than parking lots or arterial roadways.

16.17.070 Procedure

The following procedure shall be observed when a Master Plan proposal is submitted for consideration:

- A. The applicant shall submit 1 copy of a master plan application and 20 copies of all exhibits to the City for study at least 45 days prior to the scheduled public hearing. The master plan submittal shall include the following information in graphic and written form:
 - 1. Proposed land uses and housing unit densities.
 - 2. Tables detailing the dimensional, area, and setback requirements for each of the proposed use categories.
 - 3. Proposed access and circulation.
 - 4. Proposed open space uses.
 - 5. Preliminary grading and drainage pattern.
 - 6. Preliminary utility plan for sanitary sewer and water.
 - 7. Relation of the proposed master plan to the surrounding area and the Comprehensive Plan.
 - 8. Phasing schedule identifying anticipated sequence and timing of each phase or phases.
- B. Public notice of the proposed Master Plan shall be provided in accordance with the public notice provision of Section 16.80.020.
- C. In considering the Master Plan, the Commission shall determine whether:
 - 1. The minimum residential density of the north and east non-exception expansion areas shall be 8.4 units per net acre. If an applicant is seeking Master Plan approval for a single expansion area, the applicant must demonstrate that the single Master Plan achieves a minimum 8.4 residential units per net acre.
 - 2. The distribution of land uses and their associated acreage for each expansion area is consistent with Chapter 15.02.120 of the Comprehensive Plan.

3. The proposed circulation system (including proposed street sections) is adequate to support the anticipated traffic and the development will not overload the streets outside the boundaries of the Master Plan.
 4. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.
- D. If, in the opinion of the Commission, the provisions of Section 16.21.040 (C) are satisfied, the proposal shall be approved. If the Commission finds the provisions are not satisfied, it may deny the application or return the plan to the applicant for revision. In addition to the requirements of this section, the Commission may attach conditions it finds are necessary to carry out the purposes of this Ordinance.
- E. Applications for individual phases within the Master Plan may be applied for concurrently with or subsequent to Master Plan approval. Applications for individual phases within the Master Plan shall be reviewed under the provisions and requirements of Section 16.57 of this Code.
- F. In the process of reviewing applications for individual phases within an approved Master Plan, the Commission may approve the refinements to the Master Plan. Refinements to the Master Plan are defined as:
1. Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians.
 2. Changes to the nature or location of park type, trails, or open space that do not significantly reduce function, livability, usability, connectivity, or overall distribution or availability of these uses in the Master Plan area.
 3. Changes to the location or mix of land uses that do not significantly alter the overall distribution or availability of uses in the Master Plan area.
- G. Refinements meeting the above definition may be approved by the Commission upon finding that:
1. The refinement(s) will equally or better meet the conditions of the approved Master Plan.

2. The refinement will not preclude an adjoining phase from development consistent with the approved Master Plan.

H. Significant changes to an approved Master Plan shall be submitted to the Planning Commission for processing as an amendment to an approved Master Plan. Significant changes would be defined as any change not covered by Subsection F (1-3) above.

Adopted: ORD. 321 February 7, 2005

TABLE NC-1: DEVELOPMENT STANDARDS

Building Type	Min. Lot Size (sq. ft.)	Min. Lot Width (feet)	Min. Lot Depth (feet)	Max. Lot Coverage (percent)	Max. Building Height (feet)	Min. Front Setback Front / Alley Loaded	Min. Rear Setback Front / Alley Loaded	Min. Side Setback	Min. Street Side Setback
Single Family – small lot	2,500	30	70	75	35	12 / 10	5 / 0	0	7
Single Family – med. lot	4,200	45	85	65	35	15 / 12	15 / 0	0	7
Single Family – large lot	6,500	55	90	55	35	15 / 12	15 / 0	5	10
Duplexes (includes ancillary units)	4,000	45	85	65	35	12 / 10	10 / 0	4	7
Townhomes	N/A	15	50	80	45	12 / 10	none	none	7
Multifamily/Apartments	5,000	50	85	50	45	15 / 12	10 / 0	5	10
Mixed Use Buildings	6,000	55	85	50	45	none	none	none	none
Commercial/Institutional	7,000	60	85	50	45	none	none	none	none

Notes:

- 1 The garage setback from an alley shall be between 3 and 5 feet, or if providing an off-street parking space between the garage and alley the garage must be setback from the alley a minimum of 20 feet.
- 2 Street-loaded garages shall have a minimum 20-foot setback to the face of garage and the garage face must be set back a minimum of 5 feet from nearest front façade, front porch or stoop. In no cases shall the garage face extend beyond the front façade of the residential structure.
- 3 Porches, stoops, decks, balconies, and other similar building projections may extend 4 feet beyond a front setback.
- 4 Commercial/institutional/mixed use structures adjacent to a residential use shall have a minimum setback of 10 feet along the adjoining yard.
- 5 Lot sizes, widths and/or depths may be reduced to 90% of the standard provided the overall lot average meets the corresponding lot size requirement.

TABLE NC-2: OFF STREET PARKING REQUIREMENTS

Permitted or Conditional Uses	Min. Vehicle Spaces	Min. Bike Spaces
Single Family Detached Dwellings	2.0 / dwelling	none
Duplex *	2.0 / dwelling	none
Townhome	1.0 / 1 bedroom 1.5 / 2 bedroom 2.0 / 3 bedroom	none
Multifamily/Apartment	1.0 / 1 bedroom 1.5 / 2 bedroom 2.0 / 3 bedroom	1 per 10 units minimum of 2
Commercial Uses		
Convenience store	3 / 1000 square feet	1 per 5000 s.f. minimum of 2
Restaurant / Pub	3 / 1000 square feet	1 per 5000 s.f. minimum of 2
Child Day Care	0.2 per student/staff	none
Medical / Dental	3 / 1000 square feet	1 per 10000 s.f. minimum of 2
All other commercial uses	3 / 1000 square feet	1 per 10000 s.f. minimum of 2
Conditional Uses		
Church / Religious Institution	.25 per seat	1 per 2000 s.f. minimum of 2
Elementary or Middle Schools	1 per classroom plus 1 per administrative employee, or 1 per 4 seats or 8 feet of bench length in the auditorium whichever is greater	6 per classroom
High School	.20 per student and staff member	4 per classroom
Government structure or use, including fire station, library or museum	3 / 1000 square feet	1 per 2000 s.f. minimum of 4
All other Conditional Uses	3 / 1000 square feet	1 per 10000 s.f. minimum of 2

* Ancillary dwelling units require 1 off-street parking space

Chapter 16.20
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
SUPPLEMENTAL STANDARDS FOR SPECIAL USES

Sections:

- 16.20.000** **Zoning and Development Ordinance**
- 16.20.005** **Supplemental Standards For Special Uses**
- 16.20.010** **General Provisions**

16.20.005 **Supplemental Standards For Special Uses**

16.20.010 **General Provisions**

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These conditions and standards may differ from the development standards established for other uses in the same Zoning District. When a dimensional standard or a special use differs from that of the underlying district, the standard for the special use shall apply.

Chapter 16.21
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
Supplemental Standards for Special Uses
Planned Unit Development

Sections:

16.21.000	<u>Supplemental Standards for Special Uses</u>
16.21.005	<u>Planned Unit Development</u>
16.21.010	<u>Purpose</u>
16.21.020	<u>Objectives</u>
16.21.030	<u>Standards and Requirements</u>
16.21.040	<u>Procedure</u>

16.21.005 **Planned Unit Development**

16.21.010 **Purpose**

The purpose of a planned unit development is to permit the application of new technology and greater freedom of design in land development than possible under a strict interpretation of the provisions of this ordinance, including those governing lot size, setbacks, and density. The use of these provisions are dependent upon the submission of an acceptable plan and satisfactory assurance it will be carried out. Such plan should accomplish substantially the same general objectives as proposed by the Comprehensive Plan for the City.

16.21.020 **Objectives**

The following objectives shall be considered in reviewing an application for a conditional use permit for a planned unit development:

- A. To provide more desirable living, shopping, and working environments by preserving the natural character of open fields, stands of trees, brooks, ponds, flood plains, hills, and similar natural assets.
- B. To encourage the use of innovative siting and construction techniques and materials as a means of reducing building and maintenance costs and conserving energy.
- C. To encourage developers to provide residents with a variety of amenities, including recreational facilities and pedestrian and bicycle paths.

- D. To encourage variety in the physical development pattern of the community.

16.21.030 Standards and Requirements

The following standards and requirements shall govern the application of the planned unit development:

- A. Minimum Size For A Planned Unit Development. No application shall be made for an area of less than 4 acres in any zone.
- B. Limitation On Application. No application shall be accepted for a use which will require a change of zone unless accompanied by an application for a zoning amendment.
- C. Standards For Approval. Such uses may be permitted as a special use upon the following findings:
 - 1. The proposal conforms with the Comprehensive Plan.
 - 2. The project will satisfactorily accommodate the traffic it generates by means of adequate off-street parking, access points and additional street right-of-way and improvements and any other traffic facilities required. All such improvements shall be developed to City Public Works standards.
 - 3. Streets and roads in Planned Unit Developments which are to be dedicated, shall be public and developed to City Public Works standards.
 - 4. Pedestrian walkways shall be provided for adequate pedestrian and bicycle traffic and these shall be constructed to City Public Works standards except as varied by the Planning Commission.
 - 5. All utility facilities shall be installed underground and in accordance with City Public Works standards.
 - 6. The design of a Planned Unit Development shall provide direct access for all units and lots to open space areas and facilities.
 - 7. The project will be compatible with adjacent development and will not adversely affect the character of the area.
 - 8. All public utilities will be developed consistent with Urban Growth Boundary policies, plans and standards.

9. The Planned Unit Development shall not have adverse impacts on public facilities such as schools, roads, water and sewage systems, fire protection, etc.
10. A Planned Unit Development shall not be approved in any R zone if the housing density of the proposed development will result in an intensity of land use greater than permitted by the Comprehensive Plan.
11. Developments which either provide for or contemplate private streets and common areas which will be or are proposed to be maintained by the owners of units or lots within a development must organize and maintain an owner's association. The owners association shall consist of all the owners of units or lots within the development and membership in the association must be required of all owners who must adopt and record bylaws as provided by ORS 100.410. The owners association shall adopt bylaws that contain the provisions required by ORS 100.415 and specifically the power to create a lien upon the unit or lot for services, labor or material lawfully chargeable as common expenses as provided in ORS 100.450. The owners associations power to create such a lien shall exist whether or not the property is submitted to the Oregon Unit Ownership Law (ORS 100.005-100.620).
12. All other subdivision restrictions contained in the City of North Plains Subdivision Ordinance shall be met.
13. The system of ownership of the units and open space, and the means of developing, preserving and maintaining open space is adequate.
14. That sufficient financing exists to assure the proposed development will be substantially completed within four years of approval.
15. Sixty-five percent (65%) of the land is to be maintained in open space.

16.21.040 **Procedure**

The following procedure shall be observed when a planned unit development proposal is submitted for consideration:

- A. The applicant shall submit 5 copies of a preliminary development plan to the Commission for study at least 30 days prior to the scheduled

public hearing. The preliminary plan shall include the following information in graphic and written form:

1. Proposed land uses, building locations, and housing unit densities.
 2. Proposed access and circulation, including the status of street ownership.
 3. Proposed open space uses.
 4. Proposed grading and drainage pattern.
 5. Proposed method of water supply and sewage disposal.
 6. Relation of the proposed development to the surrounding area and the Comprehensive Plan.
- B. Public notice of the proposed planned unit development shall be provided in accordance with the public notice provision of **Chapter 16.80 Public Notice Requirements**.
- C. In considering the plan, the Commission shall determine whether:
1. There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard ordinance requirements.
 2. Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area.
 3. The area around the development can be planned and used in substantial harmony with the proposed plan.
 4. The plan can be completed within a reasonable period of time.
 5. The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.
 6. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.
- D. If, in the opinion of the Commission, the provisions of **Chapter 16.21.040(C)** are satisfied, the proposal shall be approved. If the

Commission finds the provisions are not satisfied, it may deny the application or return the plan to the applicant for revision.

- E. In addition to the requirements of this section, the Commission may attach conditions it finds are necessary to carry out the purposes of this Ordinance.
- F. Building permits in a planned development shall only be issued on the basis of the approved plan. Any changes in the approved plan shall be submitted to the Commission for processing as an amendment to the approved conditional use permit for a planned unit development.
- G. An approved planned unit development shall be identified on the zoning map as an overlay to the existing zoning district.

Revisions: ORD. 315 - May 3, 2004

Chapter 16.22
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
Supplemental Standards for Special Uses
Manufactured Home Parks

Sections:

- 16.22.000** **Supplemental Standards for Special Uses**
- 16.22.005** **Manufactured Home Parks**
- 16.22.010** **Purpose**
- 16.22.020** **Development Standards**
- 16.22.030** **Review Procedure for Manufactured Home Park**

16.22.005 **Manufactured Home Parks**

16.22.010 **Purpose**

Because a manufactured home park can have significant impacts on the surrounding community, special standards governing development of these uses have been established.

16.22.020 **Development Standards**

A. Site Size

A minimum parcel size of **five (5) acres** is required for development of a manufactured home park.

B. Vehicular and Pedestrian Access

1. Manufactured home parks shall abut and have direct access to a street.
2. Access drives shall be provided to each manufactured home space, shall be continuous unless provided with adequate turn-around area or cul-de-sac, and shall have a minimum width of twenty (20) feet. The point of principal access to the street shall be at least thirty-six (36) feet in width.
3. Walkways, not less than two (2) feet in width, shall be provided from each manufactured home space to service buildings and along both sides of all access drives.

C. Perimeter Treatment

Except as required for vision clearance, the outer perimeter of each park shall be improved with one of the following:

1. Sight-obscuring fence or wall not less than five nor more than six feet in height;
2. Maintained evergreen landscaping that is at least five feet in depth, will mature within three years, and reach at least five feet in height at maturity;
3. Combination of (1) and (2) above.

D. Occupied Area Surface Treatment

1. Unless in conflict with state laws and regulations, all areas covered by manufactured homes and accessory buildings shall be paved with asphalt or concrete, or covered with permanently contained crushed rock.
2. If required by state statute, each manufactured home space shall be improved with one patio of concrete or other suitable impervious material, having a minimum area of one hundred fifty (150) square feet.

E. Open Areas

1. All open areas, except as otherwise specified herein, shall be suitably landscaped according to plans and specifications approved by the Planning Commission. Such areas shall be continuously maintained.
2. If required by state statute, a minimum of two hundred (200) square feet of recreation area of each manufactured home space shall be provided in one or more locations within the manufactured home park or subdivision. The minimum size of each required recreation area shall be five thousand (5,000) square feet.

F. Storage Area

1. A centralized storage area for boats, campers, camping trailers, and automobiles shall be provided in each manufactured home park or subdivision. Such storage area shall contain a minimum of one hundred sixty (160) square feet for each manufactured home space and shall be enclosed by a sight-obscuring fence.

2. Storage buildings shall have a maximum floor area of twenty-five (25) square feet. Carports shall not exceed eight hundred (800) square feet in area unless designed to serve two adjacent manufactured home spaces in which case they may be sixteen hundred (1600) square feet in area.
3. Storage structures and carports shall be located not less than six (6) feet from any manufactured home and shall be subject to all of the applicable permits and building codes of the City of North Plains. A storage building and carport shall be provided on each manufactured home space.

G. Utilities

All utilities, i.e., sewer, water, natural gas, electricity, telephone and television cable shall be installed underground in locations approved by the City Engineer.

H. Age of Manufactured Home

Prior to location of a manufactured home in a manufactured home park , the owner or occupant shall establish to the satisfaction of the building inspector that the manufactured home 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.

I. Signs

Signs are limited to one identification sign with a maximum area on one side of twelve (12) square feet. Such sign may be indirectly illuminated, but shall not contain exposed neon or similar tubing and shall not flash, rotate, or move in any way. Design approval of the sign is subject to the review of the Commission to assure that it will be harmonious to the neighborhood.

16.22.030 Review Procedure for Manufactured Home Park

- A. The applicant shall submit 5 copies of a preliminary development plan to the Commission at least 30 days prior to the scheduled public hearing. The preliminary development plan shall contain maps and written documentation as necessary to demonstrate compliance with standards established in **Chapter 16.22.020**.

- B. Public notification of the proposed manufactured home park shall be provided in accordance with the public notice provisions of **Chapter 16.80 Public Notice Requirements**.
- C. If, in the opinion of the Commission, the Development Standards in **Chapter 16.22.020** and the Conditional Use Permit criteria set forth in **Chapter 16.51 Conditional Use Permit** are satisfied, the proposal shall be approved. If the Commission finds the provisions are not satisfied, it may deny the application.
- D. If the Planner finds denial was based on internal (onsite) factors and new plans have been submitted which are sufficiently modified to warrant re-consideration by the Planning Commission, applications may be resubmitted within 120 days of the denial.

Revisions: ORD. 315 - May 3, 2004

Chapter 16.23
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
Supplemental Standards for Special Uses
Home Occupations

Sections:

- 16.23.000** Supplemental Standards for Special Uses
- 16.23.005** Home Occupations
- 16.23.010** Standards

16.23.005 Home Occupations

16.23.010 Standards

Home occupations may be allowed as an accessory use in any residential zone subject to following standards and restrictions.

A. Participation

Without a conditional use permit approved under Chapter 16.51 **Conditional Use Permit**, the home occupation shall not generate any non-residential, home occupation related traffic.

B. Character

The character and primary residential use of the dwelling shall not be changed by the home occupation. The home occupation shall be 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 right of neighboring residents to enjoy the peaceful occupancy of their homes.

C. Scale

Not exceed 25% of the floor area of the dwelling; or occupy no more than 500 square feet of a garage, either attached or detached; or occupy no more than 500 square feet of any other outbuilding. However, the home

occupation shall not eliminate any required off street parking spaces for the dwelling.

D. Equipment and Process Restrictions

All uses conducted on the subject property shall comply with all requirements of the Uniform Building Code, the Environmental Health Division and any other applicable local, state or federal laws. No materials or mechanical equipment shall be used which will be detrimental to the residential use of the property or adjoining residences because of vibration, noise, dust, smoke, glare, fumes, odor, electrical interference with radio or television reception or other factors.

E. Parking

Parking for the business is to be the same as for the normal residential occupancy, with no additional parking for the establishment, either on, or off street. Traffic created by the business or customers of the business shall not be of a volume or frequency that will cause disturbance or inconvenience to nearby land uses.

F. Storage

Storage of tools, equipment and materials, and display of merchandise and all other activities associated with a home occupation shall be contained and conducted wholly within covered and enclosed structures and shall not be visible from the exterior of the structures.

G. Signs

No visual signs specifically indicating the home occupation is anything more than a residential use.

H. Business License Required

All home occupations will be required to obtain a business license as required by Chapter 6.15 of the North Plains Municipal Code.

(ORD. 291 May 20, 2002)

Chapter 16.24
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
Supplemental Standards for Special Uses
Manufactured Homes (MH)

Sections:

- 16.24.000** **Supplemental Standards for Special Uses**
- 16.24.005** **Manufactured Homes (MH)**
- 16.24.010** **Purpose**
- 16.24.020** **Manufactured Home Design Standards**

16.24.005 **Manufactured Homes (MH)**

16.24.010 **Purpose**

The provisions regulating manufactured homes located inside and outside of manufactured home parks and subdivisions are adopted for the following purposes:

1. To accommodate manufactured homes as permitted uses in the Single Family Residential zone and in Manufactured Home Parks and Manufactured Home Subdivisions;
2. To assist in providing opportunities for low and moderately priced single-family housing;
3. To provide standards to ensure a high-quality living environment;
4. To provide standards to protect the character of existing neighborhoods.

16.24.020 **Manufactured Home Design Standards**

A manufactured home may be located inside or outside a manufactured home park or subdivision subject to the following conditions:

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. off-sets on building face or roof (minimum 16")
- 2. The manufactured home shall be multi-sectional (double wide or wider) and enclose a space of not less than 1,000 square feet. A manufactured home shall not be considered multi-sectional by virtue of having a tip-out section.
- 3. The manufactured home shall be placed on an excavated and back-filled foundation which is enclosed at the perimeter so that the manufactured home is not more than 12 inches above grade on the uphill side of the home. The perimeter enclosure shall be a non-structural concrete, concrete block or masonry wall on all manufactured homes placed on individual residential lots outside of a manufactured home park or subdivision. Inside a manufactured home park or subdivision, the perimeter enclosure may be painted, pressure-treated exterior plywood. The perimeter enclosure shall be constructed to Washington County Building Department standards.
- 4. The manufactured home shall have a pitched roof, with a slope of at least three feet in height for each 12 feet in width (i.e. - at least a 3 in 12 pitch).
- 5. The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used in residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the city building official.
- 6. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope which meets performance standards which reduce levels to the performance standards required of single family dwellings constructed under the State Building Code as defined in ORS 455.010.

7. The manufactured home may have a garage or carport. If so, the exterior materials of the garage or carport shall match the residential home.
8. The manufactured home shall not be sited adjacent to any designated historical structure.
9. The manufactured home and the lot on which it is located shall be subject to the same development standards as other single family residence in that zone.

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. Ann 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.

REVISED ORD. 347 - February 6, 2006

Chapter 16.26
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
Supplemental Standards for Special Uses
Automobile Service Stations - Minimum Standards

Sections:

16.26.000	<u>Supplemental Standards for Special Uses</u>
16.26.005	<u>Automobile Service Stations - Minimum Standards</u>
16.26.010	<u>Subject to Site Plan Review, Minimum Lot Size</u>
16.26.020	<u>Setbacks</u>
16.26.030	<u>Landscaping</u>
16.26.040	<u>Screening</u>
16.26.050	<u>Lighting</u>
16.26.060	<u>Other Requirements</u>
16.26.070	<u>Abandonment</u>

16.26.005 Automobile Service Stations - Minimum Standards

16.26.010 Subject to Site Plan Review, Minimum Lot Size

The minimum lot size for a service station site shall be 12,000 square feet. The minimum street frontage on the major traffic carrying street of a corner lot shall be 100 feet. The minimum street frontage for a service station site on an interior lot shall be 100 feet.

16.26.020 Setbacks

Service stations shall be set back from property lines not less than 10 feet. Attached or free-standing canopies may not extend closer than 10 feet to the property line. The minimum 10 foot distance between property line and building shall be landscaped, as a continuum of the service station's required landscaping.

16.26.030 Landscaping

Shall be installed and maintained, according to the requirements of the underlying zone. Plans for landscaping shall be approved during site plan review.

16.26.040 Screening

A sight obscuring fence, or wall, not less than 6 feet high or more than 8 feet high per dumpster, and an evergreen hedge planted, at a minimum of 4 feet high, and capable of obtaining 6 feet high in height shall be provided between the service station and abutting property in a residential zone. Said wall or fence, and hedge shall be reduced to 2 ½ feet height in vision clearance areas. A screened trash enclosure shall be provided for each dumpster/trash receptacle area.

16.26.050 Lighting

Lighting shall be of such illumination, direction, color, and intensity as not to create a nuisance on adjacent property, or to create a traffic hazard. Wiring for the business and its signs and fixtures shall be underground.

16.26.060 Other Requirements

No storage of inoperative automobiles, or parts thereof, shall be permitted except in enclosed structures for any period exceeding 72 hours. Off-street parking spaces shall be provided for each attendant of the largest shift. Sales, storage, and display of merchandise shall be conducted within a building, except for gasoline, oil, windshield wiper blades, and other accessories of like size. Use of property may include minor auto repair, sales and installation of accessories, tune-ups, tire repair, emergency vehicles repair, and any other sale, service or activity customarily incidental to the operation of a service station where such other sale, service, or activity would otherwise be permitted within the zone.

16.26.070 Abandonment

Whenever a service station is not used for a continuous period of nine months, all structures and facilities above and below ground shall be removed by the owner. Operation for at least 90 consecutive days shall be required to interrupt the continuous nine months or be declared to be a nuisance subject to abatement as provided in nuisance procedures.

Chapter 16.27
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
Supplemental Standards for Special Uses
Automobile Wrecking Yard or Junkyard

Sections:

- 16.27.000** **Supplemental Standards for Special Uses**
- 16.27.005** **Automobile Wrecking Yard or Junkyard**
- 16.27.010** **Requirements**

16.27.005 **Automobile Wrecking Yard or Junkyard**

16.27.010 **Requirements**

Before being issued a conditional use permit in the M-2 zoning district, an automobile wrecking yard or junkyard shall meet the following requirements:

- A. The yard shall be enclosed and screened from public view by a sight-obscuring fence not less than six feet in height.
- B. All automobiles, wrecked or otherwise, shall be kept inside the fenced area at all times, except that vehicles belonging to customers may be parked outside of the enclosed area while at the establishment of business, not to be parked overnight.
- C. All sales, display, storage, repair or other handling of products, merchandise, equipment and other articles shall occur from an enclosed building or within the fenced area.
- D. If applicable, the proposal shall conform to state regulations.

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.

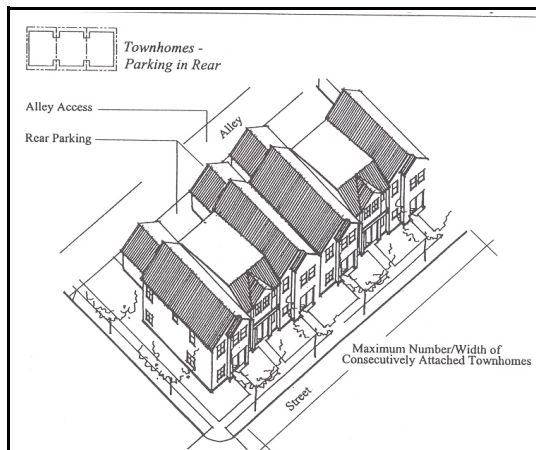
The location of all buildings shall comply with the vision clearance requirements of **Chapter 16.38 Clear Vision Areas** of the ZDO.

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.

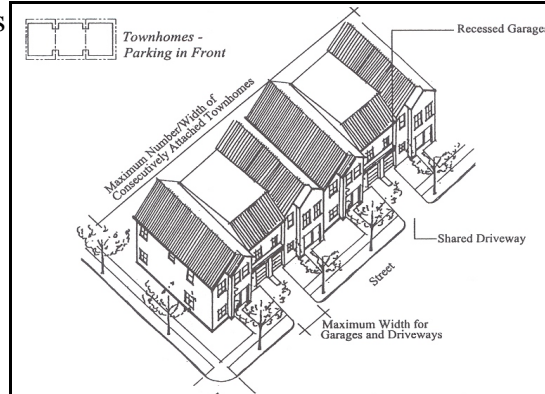
1. Building Mass Supplemental Standard. The maximum number and width of consecutively attached townhouses (i.e., with attached walls at property line) shall not exceed 2 units in the C-1 Zoning District and 4 units in the R-2.5 and R-5 Zoning Districts.
2. Alley Access. Townhouse subdivisions (creation 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 16.30
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
General Development Standards
Public Facility and Service Requirements

Sections:

- 16.30.000** **General Development Standards**
- 16.30.005** **Public Facility and Service Requirements**
- 16.30.010** **Purpose**
- 16.30.020** **Application of Public Facility Standards**
- 16.30.030** **Public Facility Standards**
- 16.30.040** **Exceptions**
- 16.30.050** **Methods to Assure Facilities and Services**
- 16.30.060** **Determination of Impacts from New Use**

16.30.005 **Public Facility and Service Requirements**

16.30.010 **Purpose**

The purpose of this section is to identify those public facilities and services that are necessary at a minimum level to accommodate development.

16.30.020 **Application of Public Facility Standards**

The provisions of **Chapter 16.30 Public Facility and Service Requirements** shall apply to development within the City of North Plains as listed in the following table. No development permit shall be approved unless the following required improvements are provided to City standards prior to occupancy or operation unless an exception is approved by the City Council per **Chapter 16.30.040** or future provision of the improvement is assured per **Chapter 16.30.050**.

Public Facilities Improvement Requirements Table

	Fire Hydrants	Street Improvement	Water Line	Sewer Line	Storm Drainage	Street Lights & Trees
Single Family Homes	N	C-2	Y	C-4	Y	N
Two Family & Multifamily Dwellings	Y	Y	Y	Y	Y	Y
Partitions, Subdivisions and Manufactured Home Parks	Y	Y	Y	Y	Y	Y
New Commercial Buildings	Y	Y	Y	Y	Y	Y
Commercial Expansions	C-1	C-3	Y	Y	Y	Y
New Industrial Buildings	Y	Y	Y	Y	Y	Y
Industrial Expansions	C-1	C-3	Y	Y	Y	Y

N = Not required Y = Yes, required C=Conditional, required in some cases (See Notes)

Notes to Public Facilities Improvement Requirements Table

Note: Street lights shall be installed using PGE Option B.

C-1. Fire Hydrants for Commercial Expansions

A fire hydrant is required when:

- a. The total floor area of the building, including existing area and expanded area, is greater than or equal to 2500 square feet; or
- b. A use is proposed which is classified as a Hazardous (H) use under the Uniform Building Code.

C-2. Street Improvements for Single Family Homes

New single family homes located on existing improved streets must pay the City's Systems Use Fee prior to issuance of a building permit.

New single family homes which require a street extension of a City street must be improved to the City's paved street standard. Extension of County roads must be improved to County road standards.

C-3. Street Improvements for Commercial and Industrial Expansions

Lots fronting on County roads must obtain access permits from the Washington County Department of Land Use and Transportation.

The City will require improvement to full City standards when the use meets any of the following criteria:

- a. The use generates an average of 100+ trips per day per 1000 gross square feet of building as documented in the Trip Generation Manual of the Institute of Transportation Engineers or other qualified source; or
- b. The use includes daily shipping and delivery trips by vehicles over 20,000 pounds gross vehicle weight.

C-4 Sewer Line Extensions for Single Family Homes

The Unified Sewerage Agency has jurisdiction over sewer line extensions. USA generally requires extension of the sewer lines to serve new hook-ups.

16.30.030 Public Facility Standards

The following public facility standards shall be applicable to all development as specified in **Chapter 16.80.020 Public Hearings on Quasi-Judicial Actions**.

A. Streets

Street improvements required by **Chapter 16.30.020 Application of Public Facility Standards** shall be provided in compliance with **Chapter 16.31 Street Standards** of this ordinance.

B. Storm Drainage

No development permit shall be approved for any property until the City Engineer has reviewed and approved provisions for storm water drainage in accordance with the following criteria:

1. For storm drainage across or over the property on which the development is located, there are storm drainage facilities available which are capable of handling a one-hundred year flood without damage to any improvement on the property, or inundation of the lowest habitable floor of any residential structure thereon.
2. For storm drainage along or from streets adjacent to the property on which the development is located, there are storm drainage facilities available in accordance with the City of North Plains adopted street standard.

C. Sewage Disposal

No development permit shall be approved until the City Engineer and the Unified Sewerage Agency have reviewed and approved provisions for connection to the public sewer system.

D. Water Supply

No development permit shall be approved for any property unless all affected water mains are either:

1. Fully improved to a standard providing both adequate potable water and fire flows, as established by the applicable State Plumbing Code and approved by the City Engineer; or
2. Improved to a standard providing adequate potable water flows pursuant to the City Water Master Plan and approved by the City Engineer and the Fire Chief for Washington County Fire District No. 2.

16.30.040 Exceptions

All exceptions to the Public Facility Standards section of **Chapter 16.30.020** shall be reviewed and approved by the City Council at a public hearing conducted pursuant to **Chapter 16.83 Review and Public Hearings by City Council**.

16.30.050 Methods to Assure Facilities and Services

A legal and enforceable document, contract or process which assures the City that a public improvement will be accomplished. Assurances may include but are not limited to the following:

- A. Cash in escrow, assignment of letter of credit, etc.
- B. Establishment of a Local Improvement District (LID) through the post-remonstrance period. Failure of the City to accept the LID shall constitute a waiver of the assurance requirement.
- C. Evidence of formal action by public or private agencies or companies, including the City of North Plains, appropriating monies for the requisite public improvement.
- D. Any other legally binding arrangement that assures the improvements will be made within the required time frame, including:
 - 1. Phasing of the development;
 - 2. Construction of interim improvements;
 - 3. Construction of improvements on a phased basis.

16.30.060 Determination of Impacts from Change of Use, new construction, alterations and/or additions

If the applicant intends to assert that he/she cannot legally be required to comply with the development standards required by this section, the building permit or site review application shall include a “rough proportionality” report, prepared by a qualified civil or traffic engineer, as appropriate showing:

- A. The estimated extent, on a quantitative basis, to which the public improvements will be used by persons served by the building or development, whether the use is for safety or convenience;
- B. The estimated level, on a quantitative basis, of improvements needed to meet the estimated future use by persons served by the building or development;

- C. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the improvements will be a part; and
- D. The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system.

(ORD. 271 March 20, 2000; ORD. 277 Sept. 5, 2000)

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 or private streets in all subdivisions, partitions or other developments in the City of North Plains.
- B. The extension or widening of existing public or private 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 or private street easements.

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.

Street Classification	Minimum Right-of-Way	Minimum Improved Width	<u>Minimum Roadway Width</u>
Arterial	ODOT Standards	ODOT Standards	ODOT Standards
Major Collector Street	60 - 80 feet	40 - 52 feet	34 feet with curbs
Minor Collector Street	60 feet	34 feet	34 feet
Local Street	60 feet	30 feet	24 feet
Radius for turn-around at end of cul-de-sacs	55 feet	45 feet	45 feet
Alleys and private access	20 feet	20 feet	20 feet

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.

Chapter 16.32
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
General Development Standards
Development Standards for Land Divisions

Sections:

16.32.000	<u>General Development Standards</u>
16.32.005	<u>Development Standards for Land Divisions</u>
16.32.010	<u>Purpose</u>
16.32.020	<u>Scope</u>
16.32.030	<u>Standards for Lots</u>
16.32.040	<u>Standards for Blocks</u>
16.32.050	<u>Easements</u>
16.32.060	<u>Improvement Requirements</u>
16.32.070	<u>Improvements Procedures</u>

16.32.005 Development Standards for Land Divisions

16.32.010 Purpose

To provide for the orderly, safe, efficient and livable development of land within the City of North Plains.

16.32.020 Scope

The provisions of this subsection shall apply to all partitions and subdivisions within the City of North Plains.

16.32.030 Standards for Lots

A. **Minimum lot area:** Minimum lot area shall conform to the requirements of the zoning district in which the lot is located.

B. **Access:** All lots created after the effective date of this Ordinance shall provide a minimum of 20 feet of frontage on an existing or proposed public street, with the following exceptions:

1. Flag lots, accessed by a private driveway, may be permitted by the Planning Commission when any of the following conditions are met:
 - a The subject property is surrounded by developed properties and the terrain, shape of the parcel, or the location of existing structures precludes accessing the property with a public street.
 - b The proposed flag lot(s) front on the arc of a cul-de-sac and the use of flag lots would result in a better lotting pattern around the cul-de-sac than that which might otherwise result.
 - c The subject property is located in the Commercial or Industrial Zoning District and the Planning Commission finds that full frontage on a public street is unnecessary to the logical development of the property.
 - d The Planning Commission finds that the use of flag lots is necessary due to conditions of terrain or other physical features of the property.
 - e The Planning Commission finds that the use of flag lots accessing from a collector or local street is preferable to direct access from an arterial street.

C. **Flag Lots:** When authorized by the Planning Commission pursuant to the access requirements of **Subsection Chapter 16.32.030(B)(1)**, flag lots shall be subject to the following development standards:

1. The access strip shall be a minimum of 15 feet in width, except as required by the Uniform Fire Code. The improved surface shall be a minimum of 12 feet in width, except as required by the Uniform Fire Code. A three-foot wide landscaped planter strip shall be provided between the access strip and the side lot line of the neighboring lot.
2. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance.
3. The access strip shall be in fee ownership of the property provided access and shall not be as an easement. In the case of

multiple lots having the same access strip, all lots served shall have ownership of an equal amount of the access strip. There shall be provided an easement over the remainder of the access strip for each property served.

4. The length of the access strip is subject to the requirements of the Uniform Fire Code, but shall not exceed 200 feet.
 5. Where more than one flag lots abut, access shall be via a shared drive wherever possible. The shared drive access strip shall be a minimum of 20 feet in width for two lots, and increased by 5 foot increments for each additional lot, with a maximum of four lots having access off of one access strip, except as required by the Uniform Fire Code. The improved surface shall be a minimum of 16 feet in width for two lots and increased by four feet for each additional lot, except as required by the Uniform Fire Code. A two foot wide vegetated planter strip shall be provided between the access strip and the abutting side lot lines.
 6. Setbacks in Residential Zoning Districts. Subsequent development on flag lots in the R-7.5, R-5 and R-2.5 zoning districts shall provide minimum front, rear and side yard setbacks of 10 feet, except that the yard facing the garage door or carport entrance shall be a minimum of 20 feet.
- D. **Through Lots:** Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. Screening or buffering may be required by the Planning Commission during the review of the land division request.
- E. **Lot Side Lines:** The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.
- F. **Lot Grading:** Lot grading shall conform to the requirements of Chapter 70 of the Uniform Building Code, hereby adopted by reference, and to the following standards unless physical conditions demonstrate the propriety of other standards:
1. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.
 2. Fill slopes shall not exceed two feet horizontally to one foot vertically.

3. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

- G. **Large Lots:** In dividing tracts into large lots which at some future time are likely to be re-divided, the applicant's tentative plan shall also demonstrate that any redevelopment or re-subdivision may readily take place at the planned residential density without violating the requirements of this ordinance.

The Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots of smaller size.

- H. **Land for Public Purposes:** Where a proposed park, school or other public use indicated on the Comprehensive Plan is located in whole or in part within a subdivision, the sub-divider shall dedicate and reserve said area for such purpose. Where the City or other public authority has declared its intention to acquire said area, it shall proceed to perfect the title or a contract right to the same within three (3) years from the date of platting, and failing such, this reservation shall automatically expire. The public body shall expeditiously proceed, within its financial ability, to consummate such acquisitions.

16.32.040 Standards for Blocks

- A. **General:** The length, width, and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.
- B. **Sizes:** No block shall be more than 1000 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. In blocks over 1000 feet in length there shall be a crosswalk not less than 20 feet in width near the middle of the block. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception.

16.32.050 Easements

- A. **Utility Lines:** Minimum 5 foot wide easements for sewers, water mains, electric lines, or other public utilities shall be dedicated along the

front, side, and rear lot or parcel lines of each lot. Easements shall be centered on lot lines.

- B. **Water Courses:** If a tract is traversed by a water course such as a drainage way, channel or stream, a storm water easement or drainage right-of-way shall be provided which substantially parallels the lines of the water course.
- C. **Pedestrian and Bicycle Ways:** When desirable for public convenience and access, a pedestrian or bicycle way easement may be required to connect to a cul-de-sac or to pass through an unusually long or oddly spaced block, or to otherwise provide appropriate circulation.

16.32.060 Improvement Requirements

- A. **Partitions:** During the review of partition proposals, the City shall require as a conditions of approval, the improvement of:
 - 1. Public streets upon which the property fronts to public standards, including: surfacing of street adjacent to property, installation of curbing, storm sewers, sanitary sewers, waterlines and other necessary public utilities.
 - 2. Sidewalks, five feet in width, along public street frontage.
 - 3. Paved private driveways serving flag lots.

All improvements required under this subsection shall be completed or assured through an irrevocable letter of credit, assignment of bank account, performance bond or other instrument acceptable to the City Attorney prior to the issuance of building permits.

- B. **Subdivisions:** The following improvements shall be required for all subdivisions in the City of North Plains.
 - 1. **Frontage improvements:** Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts. Such improvements shall be blended to match with existing improved surfaces across the centerline and for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, waterlines, other public utilities as necessary, and such other improvements as the

City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.

2. **Proposed Streets:** All public streets within the subdivision shall be constructed as required by the provisions of **Subsection Chapter 16.31.040 Street Standards- General Rt-of-Way and Improvement Widths.**
3. **Monuments:** Upon completion of street improvements, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines. Elevation bench marks shall be established at each street intersection monument with elevations to U.S. Geological Survey datum.
4. **Sanitary Sewers:** Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided.

If the required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the Planning Commission may recommend to the City Council construction as an assessment project with such arrangement with the sub-divider as is desirable to assure financing his share of the construction.

The City may require that the sub-divider construct sewage lines of a size in excess of that necessary to adequately serve the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the sub-divider as is desirable to assure his share of the construction.

5. **Water System:** Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to the city mains shall be installed. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed.
6. **Street Lights and Street Trees:** The installation of street lights and street trees is required at locations and of a type established by City standards.

7. **Street Signs:** The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the City and shall be of a type established by City standards.

All improvements required under this subsection shall be completed to City standards, or assured through an irrevocable letter of credit, assignment of bank account, performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision.

16.32.070 Improvements Procedures

Improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Ordinance and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedure:

- A. Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. Plans shall be prepared in accordance with requirements of the City.
- B. Improvement work shall not be commenced until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the city engineer or the superintendent of public works. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.
- D. All underground utilities, sanitary sewers, and storm drains installed in streets by the sub-divider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.
- E. A map showing all public improvements as built shall be filed with the superintendent of public works upon completion of the improvements.

Revisions: ORD. 315 - May 3, 2004

Chapter 16.33
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
General Development Standards
Off Street Parking and Loading

Sections:

16.33.000	<u>General Development Standards</u>
16.33.005	<u>Off Street Parking and Loading</u>
16.33.010	<u>Purpose</u>
16.33.020	<u>General Provisions</u>
16.33.030	<u>Commercial District Modifications</u>
16.33.040	<u>Off-Street Automotive Parking Requirements</u>
16.33.050	<u>Off-Street Loading Requirements</u>
16.33.060	<u>Parking and Loading Area Development Requirements</u>

16.33.005 **Off Street Parking and Loading**

16.33.010 **Purpose**

The purpose of this chapter is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the City of North Plains.

16.33.020 **General Provisions**

- A. The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance.
- B. Parking requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.
- C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

- D. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the building inspector in the form of deed, leases or contracts to establish the joint use.
- E. Off-street parking spaces for dwellings shall be located on the same tax lot with the structure, and within 250 feet of the dwelling unit for which the parking space is required. Garages and/or carports may be used to satisfy the off-street parking requirements for dwellings, however, one required parking space may be uncovered. Parking spaces required for other uses may be located on a separate tax lot and shall be located not farther than 500 feet from the building or use they are to serve.
- F. Parking and loading spaces shall not be located in a required side or rear yard, except that off street parking spaces may be located in a required side or rear yard adjacent to a street on commercial or industrial zoned land provided that the parking spaces are developed consistent with the development standards of this chapter.
- G. Required parking spaces shall be available for parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- H. Required parking spaces shall be improved and available for use before the final inspection is completed by the building inspector. An extension of time may be granted by the building inspector providing an irrevocable letter of credit, assignment of bank account, performance bond, or its equivalent, is posted equaling the cost to complete the improvements.
- I. On-Street Parking Credit. The amount of off-street parking required may be reduced by one-half off-street parking space for every one on-street parking space adjacent to the development (where curbs and sidewalks are present and parking is allowed). On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards. The following constitutes an on-street parking space:
 - a. Parallel parking, each 24 feet of uninterrupted curb;
 - b. 45 degree diagonal, each 14 feet of curb;
 - c. 60 degree diagonal, each 11.5 feet of curb;
 - d. 90 degree (perpendicular) parking, each 10 feet of curb;

- e. Curb space must be connected to the lot which contains the use;
 - f. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
 - g. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street parking spaces is permitted.
- J. When the calculation of the minimum number of parking spaces required results in a fraction of a space, the applicant must round up to the nearest whole space.

16.33.030 Commercial District Modifications

The parking requirements of this section shall not apply to existing commercial buildings within the commercial core of the City as defined on the official zoning map of the City as the C-1 zone.

16.33.040 Automotive Parking Requirements

A. Residential

- | | |
|---|---|
| 1. Detached single family | Two (2) spaces per dwelling unit |
| 2. Duplexes and Triplexes | 1 - ½ spaces per dwelling unit |
| 3. Multi-family dwellings and attached single family dwellings: | |
| a. Studio units or 1-bedroom units less than 500 sq. ft. | 1 space per unit |
| b. 1-bedroom units 500 sq. ft. or larger | 1- ½ spaces per unit |
| c. 2-bedroom units | 1-3/4 spaces per unit |
| d. 3-bedroom units | 2 spaces per unit |
| e. Senior housing | 1-1/4 spaces per unit |
| 4. Residential hotel; rooming/boarding house | Two spaces per three guest rooms plus one additional space per two employees. |
| 5. Mobile home park | One space per mobile home |

site plus one space per two sites for guest parking.

B. Commercial Residential

1. Hotel One space per two guest rooms or suites plus one space per two employees.
2. Motel One space per guest unit plus one additional space per two employees.

C. Institutional

1. Convalescent Hospital One space per two beds for nursing home patients or residents plus one space for every two employees.
2. Hospital Spaces equal to 1.5 times the number of beds.

D. Place of Public Assembly

1. Church One space per three seats or six feet of bench length.
2. Library; reading room One space per 40 gross square feet of floor area plus one space per two employees.
3. Pre-school or nursery Two spaces per teacher.
4. Kindergarten, elementary, junior high school Two spaces per teacher plus two spaces per administrative person.
5. High school Two spaces per classroom plus one space per five students.
6. Other auditorium; meeting room One space per three seats or six feet of bench length.
7. Mortuaries One space per four seats or eight feet of bench length in chapels.

E. Commercial Amusement

- | | |
|-----------------------------|---|
| 1. Stadium; arena; theater | One space per four seats or eight feet of bench length. |
| 2. Bowling alley | Four spaces per alley plus one space per two employees. |
| 3. Dance hall; skating rink | One space per 100 square feet of floor area plus one space per two employees. |

F. Commercial

- | | |
|--|---|
| 1. Retail store | One space per 200 gross square feet of floor area. |
| 2. Service or repair shop | One space per 400 gross square feet of floor area plus one space per two employees. |
| 3. Retail store handling exclusively bulky merchandise such as automobiles and furniture | One space per 500 gross square feet of floor area. |
| 4. Bank; professional office | One space per 800 square feet of floor area. |
| 5. Clinic or office for doctor, dentist, or other practitioner of the healing arts | One space per 300 square feet of floor area plus one space per two employees. |
| 6. Eating or drinking establishment | One space per 100 gross square feet of floor area. |

G. Industrial

- | | |
|--|--|
| 1. Storage warehouse; manufacturing establishment; rail or trucking freight terminal | One space per employee on largest shift. |
|--|--|

- | | | |
|----|--|---|
| 2. | Wholesale establishments | One space per employee plus one space per 800 square feet of patron serving area. |
| 3. | Public utility (gas, water, telephone, etc.) | One space per two employees on largest shift, plus one space per company vehicle. |

16.33.050 Off-Street Loading Requirements

Off-street loading space shall be provided as listed below:

- A. All office buildings shall require a minimum loading space size of 12 feet wide, 20 feet long and 14 feet high in the following amounts:
 - 1. For buildings containing up to 5,000 square feet of gross floor area, one space; for each additional 10,000 square feet of gross floor area, or any portion thereof, one space.
- B. All other commercial or industrial buildings shall require a minimum loading space of 12 feet wide, 20 feet long, and 14 feet high in the following amounts:
 - 1. For buildings containing up to 5,000 square feet of gross floor area, one space; for each additional 10,000 square feet of gross floor area, or any portion thereof, one space.

16.34.060 Parking and Loading Area Development Requirements

All parking and loading areas shall be developed and maintained as follows:

- A. **Surfacing:** Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all weather use and drained to avoid flow of water across public sidewalks.
- B. **Screening:** When any public parking or loading area is within or adjacent to a residential zone, such parking or loading area shall be screened from all residential properties with an ornamental fence, wall or hedge of at least five feet in height but not more than six feet in height, except where vision clearance is required.
- C. **Periphery:** Parking spaces along the outer boundaries of a parking lot shall be contained by a bumper rail or a curb at least four inches high and set back a minimum of four feet from the property line.

D. **Lighting**: Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on an adjacent dwelling.

E. **Design of Parking Spaces and Driveways**

Off-street parking lots shall be designed in accordance with City Standards for stalls and aisles as set forth in the following drawing and table:

SEE DIAGRAM

Notes

1. For one (1) row of stalls use "C" plus "D" as minimum bay width.
2. Public alley width may be included as part of dimension "D," but all parking **stalls** must be on private property, **off** the public right-of-way.
3. For **estimating** available parking area, use 350 square feet per vehicle for stall, aisle and access areas.
4. The stall width for self-parking of long duration is 8.5'; for higher turnover self-parking is 9.0'; and for supermarkets and similar facilities is 9.5; - 10.0'.
5. The minimum aisle width for two-way traffic and for emergency vehicle operations area is **24'**. The minimum aisle width for emergency vehicle access (open way traffic is **20'**.
6. Where appropriate bumper overhang area is provided (extruded curbs), "G" can be subtracted from "C" to determine stall depth.
7. Dimensions of required recreational vehicle spaces are 10' x 25'.

Revisions: ORD. 315 - May 3, 2004

Chapter 16.34
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
General Provisions
State and Federal Regulations

Sections:

- 16.34.000** **General Provisions**
- 16.34.005** **State and Federal Regulations**
- 16.34.010** **Requirements**

16.34.005 **State and Federal Regulations**

16.34.010 **Requirements**

All development within the City shall adhere to:

- A. State and federal air quality standards.
- B. State and federal water quality standards.
- C. State noise standards.

Chapter 16.35
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
General Provisions
Development Limitations

Sections:

- 16.35.000 General Provisions**
- 16.35.005 Development Limitations**
- 16.35.010 Requirements**

16.35.005 Development Limitations

16.35.010 Requirements

Prior to the development of lots containing unstable soils as defined by this ordinance, the City shall require a registered engineer's assessment of the design and structural techniques needed to mitigate potential hazards. In the event there are inadequate mitigation measures, the City shall prohibit development.

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	<u>General Provisions</u>
16.36.005	<u>General Provisions Regarding Accessory Uses and Structures</u>
16.36.010	<u>Requirements for Accessory Uses and Structures</u>
16.36.020	<u>Requirements for Accessory Dwellings</u>

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

ORD. 346 - February 6, 2006

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.

Revisions:

ORD. 346 - February 6, 2006

Chapter 16.38
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
General Provisions
Clear Vision Areas

Sections:

16.38.000	<u>General Provisions</u>
16.38.005	<u>Clear Vision Areas</u>
16.38.010	<u>Requirements</u>

16.38.005 **Clear Vision Areas**

16.38.010 **Requirements**

Except in the C-1 zone, a clear vision area shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, or a driveway providing vehicular access to a public street, excluding alleys.

- A. On all corner lots, no vehicle, fence, wall, hedge, or other planting or structure shall be parked, erected, planted, placed, located or maintained, except for occasional tree trunks or poses, so as to impede visibility between a height of 3 feet and 10 feet within the clear vision area. The clear vision area is a triangle formed by the right-of-way lines at points which are 30 feet distant from the intersection, as illustrated below:

**Clear Vision Area for Corner Lots
and Driveways 24 Feet or More in Width**

- B. A private access 24 feet or more in width shall be treated as a public street for the purpose of this section. The vision clearance area shall be determined in the manner set forth in **Chapter 16.38.010(A)**. The edge of the paved surface area of the private access, be it roadway, curb or sidewalk, shall be treated as the right-of-way line in determining the vision clearance area.

- C. In the case of the intersection of a private access less than 24 feet wide with a public street, the restrictive provisions of **Chapter 16.38.010(A)** shall apply, but the vision clearance area shall be the triangle whose base extends 30 feet along the street right-of-way line in both directions from the center line of the private access with the apex of the triangle located on the center line of said private access 20 feet from the right-of-way, as illustrated below.

**Clear Vision Area for Driveways Less
Than 24 Feet in Width**

Chapter 16.39
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
General Provisions
Public Works Construction Permit and Performance and
Maintenance Security For Public Improvements

Sections:

- 16.39.000** **General Provisions**
- 16.39.005** **Public Works Construction Permit and Performance and**
Maintenance Security For Public Improvements
- 16.39.010** **Requirement for Public Work Permit**
- 16.39.020** **Fees**
- 16.39.030** **Duration of Permit**
- 16.39.040** **Performance and Maintenance Security**
- 16.39.050** **Insurance Required**
- 16.39.060** **Indemnification**
- 16.39.070** **Restoration**
- 16.39.080** **Damage to Substructures**
- 16.39.090** **Protection of Adjoining Property**
- 16.39.100** **Care of Excavated Material**
- 16.39.110** **Construction Standards**
- 16.38.120** **Limitations of Liability**
- 16.39.130** **Penalties**

16.39.005 **Public Works Construction Permit and Performance and**
Maintenance Security For Public Improvements

16.39.010 **Requirement for Public Work Permit**

No person, firm or corporation shall commence construction of improvements within a public right-of-way or upon public property without first obtaining a Public Works Construction Permit on a form or forms provided by the Office of the City Recorder.

16.39.020 **Fees**

The applicant for a Public Works Construction Permit shall pay permit fees for administration and inspection costs to be established by City Council Resolution.

16.39.030 Duration of Permit

The Public Works Construction Permit shall be issued for a period not to exceed 12 months. The City Engineer may extend the permit for an additional 12-month period if a written request is made to do so prior to expiration of the Permit and upon determining that the obligation of the security required in Section 4 below are extended for a like period.

16.39.040 Performance and Maintenance Security

- A. The applicant shall file with the City Recorder prior to the issuance of a Public Works Construction Permit, security in form and amount acceptable to the City. Security can be in the form of a corporate surety bond, letter of credit, or a cash deposit. The corporate surety bond shall be issued by a surety company authorized to transact business in the State of Oregon. Security shall assure the applicant's full and faithful performance of the provisions of said Public Works Construction Permit. Security shall be in an amount established by City Council by resolution.

The applicant shall in addition provide security guaranteeing the improvements against any and all defects in workmanship and materials and the maintenance of excavated and filled trenches for period of one year from and after the date of completion of the improvements.

- B. The provision of this Section shall not apply to any applicant having a franchise to use public rights-of-way or property for installation, maintenance and operation of public or private utilities.

16.39.050 Insurance Required

Prior to issuance of a Public Works Construction Permit, the applicant shall deposit with the City Recorder a certificate of comprehensive public liability insurance covering the work to be done by the applicant under the permit. The policy of insurance shall provide for not less than \$300,000 for any injury sustained in one occurrence, property damage coverage in an amount not less than \$100,000, and \$500,000 for any number of claims arising out of a single accident or occurrence.

16.39.060 Indemnification

As a condition of the issuance of a permit, the applicant shall defend, indemnify and hold the city, its officers, employees, representatives, and agents harmless from and against any and all claims, demands, judgments, expenses, costs, or charges, including appeals, arising out of or related to the work covered by the permit.

16.39.070 Restoration

The permit holder is required to restore the surface of public places to the condition existing prior to the interruption in accordance with City standards. The City is authorized to restore the public place surface to its preexisting condition if the permit holder fails to do so and to assess the costs of the restoration against the permit holder.

16.39.080 Damage to Substructures

In the event any pipe, conduit, manhole, vault, buried cable, wire, or any other structure located below the surface of any public place should be damaged by the permit holder or his agents, representatives or designees, the substructure shall be repaired by the owner thereof and the expense of such repair shall be charged to the permit holder. The permit holder shall be liable for any damage caused to any public property by the work performed in connection with the excavation permit, including but not limited to the damage to water lines, sewer lines, and other city owned or public utilities.

16.39.090 Protection of Adjoining Property

The permit holder shall at all times, at its own expense, preserve and protect from damage any adjoining property by providing proper foundations and taking other measures suitable for that purpose. If it is necessary to enter upon private property for the purpose of taking appropriate protective measures, the permit holder shall obtain a license from the owner of such private property. The permit holder shall, at the holder's own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage resulting from the failure to protect such structures.

16.39.100 Care of Excavated Material

All material excavated from trenches shall be placed by permit holder in a location which shall not constitute a hazard or danger to persons lawfully using the public place or places being excavated, and shall not be placed within a public right-of-way without prior written approval from the City. During the work performed under any permit, the permit holder shall keep all streets and public places thoroughly cleaned of all rubbish, excess earth, rock, or other debris and dust resulting from such work. All cleanup operations at the location of such excavation shall be accomplished at the expense of the permit holder. In the event the permit holder fails or refuses to comply with the provisions of this section, the City Recorder, after notice to the permit holder, may direct the cleanup and removal of all rubbish, excess earth, rock, or other debris and dust and assess the cost thereof against the permit holder.

16.39.110 Construction Standards

All work performed under the permit shall be in accordance with standards established by the city engineer, which standards may include but not be limited to methods of excavation, backfilling, restoration of surface, and restoration standards. Work in streets under Washington County jurisdiction shall also meet applicable County requirements. Work on sanitary or storm sewers under the jurisdiction of the Unified Sewerage Agency shall meet the standards of that agency.

16.39.120 Limitations of Liability

Nothing contained in the above sections, inclusive, shall cause the city or its employees, agents, or representatives to be liable for damages or injury to any person or property which may result from or arise out of the performance of any work under a public works construction permit.

16.39.130 Penalties

Any person violating any provisions of the above sections, inclusive, shall, upon conviction thereof be fined in an amount not to exceed \$500. Each day that any such violation is permitted to continue shall constitute a separate offense and shall be punishable as a separate offense under the provisions of this section.

Revisions: ORD. 315 - May 3, 2004

Chapter 16.40
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
Design Review

Sections:

- 16.40.000** **Zoning and Development Ordinance**
- 16.40.005** **Design Review**
- 16.40.010** **Purpose**
- 16.40.020** **Design Review Approval Requirements**
- 16.40.021** **Filing**
- 16.40.022** **Documentation**
- 16.40.023** **Violation**

16.40.005 **Design Review**

16.40.010 **Purpose**

The purpose of Design Review Approval is to insure compliance with the objectives and provisions of this ordinance and the Comprehensive Plan; to mitigate the impacts where development may cause a conflict between uses in the same or adjoining zones, to reduce and eliminate unsightly, unhealthful, or unsafe conditions, which adversely affects the public health, safety, and general welfare.

The purpose of this section is to influence location and design of the proposed use rather than to deny a use allowed within the zone. In considering a Design Review and Approval Requirements, the Planning Commission shall take into account the impact of the proposed development on nearby properties, on the capacity and circulation of the street system, on the capacity of the utility and service systems, and on the appearance of the street and the community.

16.40.020 **Design Review Approval Requirements**

No building, grading, parking, development, or other required permit shall be issued for a use subject to this section, nor shall such uses be commenced, enlarged, altered, changed or moved until a Design Review Application is approved by the Planning Commission.

16.40.021 **Filing**

A Design Review Application must be filed under the following conditions for any use, except for single family or duplex construction, and accessory structures, if less than 120 square feet.

1. New buildings or structures.
2. Building alterations substantially affecting the exterior design and/or dimensions of an existing structure.
3. Any exterior alteration to an existing nonresidential use, which has not previously been subject to design review, except for painting, the replacement of roofing and siding material.
4. Any exterior alteration to an existing nonresidential use which has been subject to design review.
5. Any alteration of site improvements, such as the landscaping in conjunction with an existing nonresidential use which has been subject to design review.
6. Any new permitted land use on undeveloped property, such as parking lots, concession stands, storage yards, etc.
7. Site grading of property affecting or altering the on-site or off-site drainage.
8. A change of use within a zone unless the site already complies with all of the standards of this ordinance.
9. The removal of a substantial portion of mature trees existing on-site.

16.40.022 **Documentation**

All documentation and completed plans required by the Planning Commission shall be submitted and approved prior to obtaining any required permits or licenses.

16.40.023 **Violation**

Non-compliance with an approved Design Review and Site Plan and any conditions of approval shall be a zoning violation, subject to the requirements of **Chapter 16.01.040 Violations of Conditions**.

Chapter 16.41
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
Design Review Application Contents and Procedure

Sections:

- 16.41.000** **Design Review**
- 16.41.005** **Design Review Approval Contents and Procedure**
- 16.41.010** **Filing Procedure**
- 16.41.020** **Pre-Application Conference**
- 16.41.030** **Application**
- 16.41.040** **Design Review Plan - Submittal Requirements**

16.41.005 **Design Review Approval Contents and Procedure**

16.41.010 **Filing Procedure**

Design Review Applications shall be filed on a Planning Department form as provided by the City Recorder and shall be accompanied by such drawings, sketches, and descriptions as the City deems necessary to describe the proposed development. A plan shall not be deemed complete unless all information requested is provided.

16.41.020 **Pre-Application Conference**

Prior to filing a Design Review Application, the applicant shall confer with the Planning Director concerning the requirements for formal application.

16.41.030 **Application**

Following the pre-application conference, the applicant shall submit the formal application to the City Recorder accompanied by the appropriate fee, along with a site development plan, an inventory of existing plant materials including all trees six inches in diameter and at the height of 4 1/2 feet above ground, or greater, and other significant species, a landscape plan and architectural drawings including floor plans and elevations.

16.41.040 Design Review Plan - Submittal Requirements

- A. Information Requirements.** Information provided on the design review plan shall conform to the following:
1. Drawings depicting the proposal shall be presented on sheets not larger than twenty-four inches by thirty-six inches in the number of copies directed by the city;
 2. Drawings shall be at a scale sufficiently large enough to enable all features of the design to be clearly discerned.
- B. Site Analysis Diagram.** This element of the design review plan, which may be in a freehand form to scale, shall indicate the following site characteristics:
1. Location and species of trees greater than six inches in diameter when measured four and one-half feet above the natural grade, and an indication of which trees are to be removed;
 2. On sites that contain steep slopes, potential geologic hazard or unique natural features that may affect the proposed development, the city may require contours mapped at two-foot intervals;
 3. Natural drainage ways and other significant natural features;
 4. All buildings, roads, retaining walls, curbcuts and other manmade features;
 5. Natural features, including trees and structures on adjoining property having a visual or other significant relationship with the site.
- C. Site Photographs.** Photographs depicting the site and its relationship to adjoining sites may also be provided.

D. Site Development Plan. This element of the design review plan shall indicate the following:

1. Legal description of the lot;
2. Boundary dimensions and area of the site;
3. Location of all new structures and existing structures proposed to be retained, including their distances from the property line;
4. Area of the site covered by the structures described in subdivision 3 of this subsection and their percentage of the site;
5. All external dimensions of proposed buildings and structures;
6. The location of a building's windows, doors, entrances and exits;
7. Parking and circulation areas, including their dimensions;
8. Service areas for such uses as the loading and delivery of goods;
9. Locations, descriptions and dimensions of easements;
10. Grading and drainage plans, including spot elevations and contours at close enough intervals to easily convey their meaning;
11. Location of areas to be landscaped;
12. Private and shared outdoor recreation areas;
13. Pedestrian circulation;
14. The location of mechanical equipment, garbage disposal areas, utility appurtenances and similar structures;
15. Exterior lighting on the proposed building(s), including the type, intensity and area to be illuminated;
16. Location, size and method of illumination of signs;
17. Provisions for handicapped persons;

18. Other site elements which will assist in the evaluation of site development;
19. The location and names of all existing streets within or on the boundary of the proposed development;
20. A written summary showing the following:
 - a. For commercial and nonresidential development:
 - i. The square footage contained in the area proposed to be developed,
 - ii. The percentage of the lot covered by structures,
 - iii. The percentage of the lot covered by parking areas and the total number of parking spaces,
 - iv. The total square footage for all landscaped areas including the percentage consisting of natural materials and the percentage consisting of hard-surfaced areas such as courtyard,
 - b. For residential development:
 - i. The total square footage in the development,
 - ii. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g., ten one-bedroom, twenty-five two-bedroom, etc.),
 - iii. Percentage of the lot covered by:
 - (A) Structures,
 - (B) Parking areas,
 - (C) Recreation areas,
 - (D) Landscaping.

E. Landscape Plan. Development proposals with a total project cost exceeding two hundred fifty thousand dollars shall have the landscape plan prepared by a licensed landscape architect. This element of the design review plan should indicate the following:

1. The size, species and locations of plant materials to be retained or placed on the site;
2. The layout of proposed irrigation facilities;

3. The location and design details of walkways, plaza, courtyards and similar seating areas, including related street furniture and permanent outdoor equipment including sculpture;
4. The location, type and intensity of lighting proposed to illuminate outdoor areas;
5. The location and design details of proposed fencing, retaining walls and trash collection areas; and
6. For commercial projects with a total project cost exceeding two hundred fifty thousand dollars, a rendering showing the proposed landscape plan in perspective. Such renderings shall be prepared for each of the project's main elevations.

F. Architectural Drawings. This element of the design review plan shall indicate the following:

1. A plot plan specifying the building footprint and dimensions, including all points of access. Floor plans of interior spaces to the extent required to clarify access functions. Such floor plans shall be provided for all building floors and shall include appropriate dimensions;
2. Exterior elevations showing finish materials, windows, doors, light fixtures, stairways, balconies, decks and architectural details. These elevations shall be provided for every exterior wall surface, including those which are completely or partially concealed from view by overlapping portions of the structure. Existing and finished grades at the center of all walls shall be shown with elevations of floors indicated and a dimension showing compliance with height limitations;
3. The color and texture of finish materials shall be described on the drawings and samples shall be submitted of the materials and color ranges of siding, roofing and trim;
4. Location and type of exterior light fixtures including the lamp types and levels of illumination that they provide;

5. A comprehensive graphic plan showing the location, size, material and method of illumination of all exterior signs, subject to the other applicable requirements of the Zoning and Development Ordinance. At the applicant's option, this plan may be submitted for approval at any time prior to the issuance of occupancy permits.

G. Architectural Model.

1. Architectural models shall be submitted for:
 - a. All new construction, other than duplexes or triplexes,
 - b. Alterations to existing structures other than duplexes or triplexes where the proposed alteration involves the addition of one thousand square feet of gross floor area or more;
2. The model shall be to scale and represent the proposed development and adjoining buildings within fifty feet of applicant's property lines;
3. The model need only be a massing model sufficient to illustrate the relationship of the proposed structure(s) to the site and surrounding properties.

H. Property Survey.

1. A survey of the property by a licensed land surveyor clearly delineating property boundaries. The city may waive this requirement where there is a recent survey which can be used to establish the applicant's property boundaries;
2. Prior to the design review board meeting, the applicant will have clearly marked the corners of proposed buildings and other significant features proposed for the site.

Chapter 16.42
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
Design Review Criteria
Special Requirements and Landscape Plan

Sections:

16.42.000	<u>Zoning and Development Ordinance</u>
16.42.005	<u>Design Review Criteria</u>
16.42.010	<u>Relation of Site Plan Elements to the Environment</u>
16.42.020	<u>Special Requirements</u>
16.42.030	<u>Landscape Plan</u>
16.42.031	<u>Required Landscaping</u>
16.42.032	<u>Landscaping in Parking and Loading Areas</u>
16.42.033	<u>Irrigation</u>
16.42.034	<u>Maintenance</u>

16.42.005 Design Review Criteria

Approval of a final Design Review shall be based on the following criteria.

16.42.010 Relation of Site Plan Elements to the Environment

- A. The elements of the site plan shall be compatible with the natural environment and existing buildings and structures having a visual relationship with the site.

- B. The elements of the site plan should promote energy conservation, and provide protection from adverse climatic conditions, noise and air pollution.

- C. Each element of the site plan shall effectively, efficiently and attractively serve its function. The elements shall be on a human scale, interrelated, and shall provide spatial variety and order.

- D. In commercial and industrial zones adjacent to State or Federal highways, and/or lying in County jurisdiction within urban growth boundaries, a coordinated circulation and access plan shall be submitted for the site and all properties in the immediate vicinity (no more than 1/4 mile to each site) to assure the public's safety in entering or leaving the site, as well as when traveling through the area. This requirement may be waived by the Planning Staff if

adequate access control and efficient and safe circulation can be obtained without the development and approval of a coordinated circulation and access plan.

- E. Safety and Privacy. The site plan should be designed to provide a safe environment while offering appropriate opportunities for privacy and transitions from public to private spaces.
- F. Preservation of Natural Landscape. The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape of grade to serve the applicant's functions. Preserved trees and shrubs shall be protected during construction.
- G. Pedestrian and Vehicular Circulation and Parking. The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and arrangement of parking areas in relation to building and structures, shall be harmonious with proposed and neighboring buildings and structures.
- H. Drainage. Surface drainage systems shall be designed so as to not adversely affect neighboring properties, streets and/or surface and subsurface water quality. All surface water shall be contained on-site.
- I. Buffering and Screening. Areas, structures, and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered, or screened to minimize adverse impact on the site and neighboring properties.
- J. Utilities. All utility installations above ground, if such are allowed, shall be located so as to minimize adverse impacts on the site and neighboring properties.
- K. For any access within the Light Industrial (M-1) zone, the access shall be spaced a minimum of 200 feet from the nearest access on the same side of the street. To be coordinated between O.D.O.T., Washington County and the City of North Plains.

16.42.020 Special Requirements

The Planning Commission may require the following, in addition to the minimum requirements and standards of this ordinance, as a condition of the Design Review Approval.

- A. An increase in building separation, to afford improvement in light reception or air circulation or to afford greater fire resistance, based on building structural and fire flow requirements.
- B. Additional off-street parking, according to specific requirements for the type of development.
- C. Screening of the proposed use by a fence, or landscaping.
- D. Limitations on the size, location, intensity and number of exterior lights.
- E. Limitations on the number, and location of curb cuts.
- F. Improvement or enlargement of utilities serving the proposed use, where existing facilities will be burdened by the proposed use.
- G. Landscaping, or increases in landscaping requirements for the site.
- H. Limitations on the number and size of signs.
- I. Review of, and adjustments in design for conformance with the historic architectural design theme.
- J. Any other limitations or conditions it considers necessary to achieve the purposes of this ordinance and the Comprehensive Plan.

16.42.030 Landscape Plan

16.42.031 Required Landscaping

- A. Areas Subject to Landscape Requirements. All use types as allowed in the particular zoning district, and subject to Design Review shall meet the provisions of this section.
1. Multi-family Residential. 15% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped.
 2. General Commercial. 5% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped.
 3. Highway Commercial. 5% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped. Screening by tall trees between highway commercial and adjacent residential zones, on side of highway commercial zone from highway to which it relates, such that the trees provide an attractive backdrop to elevated signage and adjacent residential uses.
 4. Light Industrial. 5% landscaping of the gross lot area required. All areas subject to final site plan and not otherwise improved shall be landscaped.
 5. Landscape Management. Natural vegetation is acceptable if maintained in a neat and fire safe manner.
 6. Other Landscape Areas. All areas utilized for subsurface sewage disposal land treatment, except for single-family residences are required to be landscaped and maintained.

16.42.032 Landscaping in Parking and Loading Areas

In addition to the above provisions, the following landscape requirements shall apply to parking and loading areas.

- A. A parking or loading area shall be separated from any lot line adjacent to a roadway by a landscaped strip at least 5 feet in width.
- B. A landscaped strip separating a parking or loading area from a street shall contain:
 - 1. Street trees spaced as appropriate to the species, not to exceed 50 feet apart, on the average; and
 - 2. Low shrubs, not to reach a height greater than 3'0", spaced no more than 8 feet apart, on the average; and
 - 3. Vegetative ground cover if required
- C. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
- D. The landscaping in a parking area shall have a width of not less than three feet.

16.42.033 Irrigation

Provisions shall be made for watering planting areas where such care is required. Underground sprinklers may be required.

16.42.034 Maintenance

Required landscaping shall be continuously maintained

Chapter 16.43
ZONING AND DEVELOPMENT ORDINANCE
HOW LAND MAY BE USED AND DEVELOPED
Design Review
Specific Use Standards

Sections:

- 16.43.000** **Zoning and Development Ordinance**
- 16.43.005** **Design Review - Specific Use Standards**
- 16.43.010** **Churches, or Other Religious Institutions or Hospitals**
- 16.43.020** **Medical Clinics, Clubs, Lodges, Community Centers, Golf Courses, Grounds and Buildings for Games or Sports, Country Clubs, Swimming, Tennis Clubs, Government Structures and Land Uses, Parks, Playgrounds**
- 16.43.030** **Schools**
- 16.43.040** **Multi-Family Dwelling(s)**
- 16.43.050** **Recreational Vehicle Park**
- 16.43.060** **Bed and Breakfast Inn**
- 16.43.070** **Commercial Use or Accessory Use Not Wholly Enclosed Within a Building, on a Lot Adjoining or Across a Street From a Lot in a Residential Zone**
- 16.43.080** **Commercial Amusement Establishment**
- 16.43.090** **Radio, Television Tower, Utility Station or Substation**

16.43.005 **Design Review - Specific Use Standards**

The following specific uses shall comply with the standards of the zone in which they are located and with the additional standards and conditions set forth in this section.

16.43.010 **Churches, or Other Religious Institutions or Hospitals**

In residential districts, all buildings shall be setback a minimum of 30 feet from a side or rear lot line, no sign exceeding 10 square feet in area, nor internally illuminated, off-street parking screened from abutting residential property.

6.43.020 Medical Clinics, Clubs, Lodges, Community Centers, Golf Courses, Grounds and Buildings for Games or Sports, Country Clubs, Swimming Clubs, Tennis Clubs, Government Structures and Land Uses, Parks, Playgrounds

In considering the above, the Planning Commission may authorize the special use after it has been determined that the following will be provided:

- A. Access from principal streets subject to City Public Works Standards.
- B. Building and site design provisions, including landscaping, that will effectively screen neighboring uses from noise and glare.
- C. Subject to site plan review if the use is located in a residential district, all such uses shall be located with off-street parking screened from abutting residential property. No sign exceeding 10 square feet in area, nor internally illuminated, shall be permitted. All buildings shall be set back a minimum of 30 feet from side or rear lot lines. There shall be no external evidence of any incidental commercial activities taking place within the building. If located in a residential district design of a type that conforms with the type of allowed residential use adjacent to it is required.

16.43.030 Schools

- A. Nursery schools shall have a minimum site size of 10,000 square feet, and provide and maintain at least 100 square feet of outdoor play area per child. a sight-obscuring fence at least four feet but not more than six feet high shall separate the play area from adjoining lots.

16.43.040 Multi-Family Dwelling(s)

A multi-family dwelling and a multi-family dwelling complex shall comply with the following provisions:

- A. The maximum number of dwelling units permitted by the applicable zone per gross acreage of a site (e.g., 24 dwelling units per acre in R-2.5) shall be based on the total surface area measured horizontally within the lot lines of the lot. The actual achievable density on the site may be less than the maximum allowable density due to site constraints such as easements, rights-of-way and environmental constraints. The maximum density may be increased as follows:

1. If dedicated open space which is developed and landscaped equals 50% or more of the total area of the site, a maximum of 10% increase in the number of units may be granted.
 2. If in addition to open space as provided in (a) above, a maintained playground area with approved equipment such as goal posts, swings, slides, etc., is provided, the number of units permitted may be increased an additional 5%.
 3. If in addition to open space and playgrounds as provided in (a) and (b) above, an approved recreational community building is provided, an additional 10% increase of units may be granted.
 4. The maximum total increase in dwelling units made possible by development of open space, playgrounds and recreational facilities shall be 25% of the number of units otherwise allowed.
- B. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the complex.
- C. For a multi-family dwelling complex with five or more dwelling units, a minimum of at least 2,500 square feet plus 150 square feet per dwelling unit shall be provided for a recreational play area, group or community activities or common open space. Such area shall be improved with grass, plantings, surfacings, equipment or buildings suitable for recreational use. The Planning Commission may require recreational areas to be screened from streets, parking areas or other uses by a sight-obscuring fence. No play area is required if more than 70% of the area is preserved as open space and is improved and landscaped for recreational enjoyment.
- D. All roadways and parking areas shall be paved and roadways shall conform to City Public Works Standards.
- E. A sight obscuring fence or hedge may be required by the Planning Commission when, in its judgment, such screening is necessary to preserve the values of nearby properties, protect the aesthetic character of the neighborhood or vicinity, and to provide security for occupants of the subject complex.
- F. All structures associated with such a complex shall be set back 30 feet from the property line of an abutting single family residential lot or use unless approved otherwise by the Planning Commission.

- G. Sidewalks or other approved surfaced pedestrian walkways within the complex shall be provided.
- H. Bicycle parking facilities shall be provided.
- I. Public Park. The developer shall set aside and dedicate to the public for park and recreational purposes not less than 8% of the gross area of said development, if the land to be dedicated is suitable and adaptable for such purposes and is generally located in an area planned for parks.

The Planning Director shall determine whether or not said land is, in fact, suitable for park purposes. Provided, further, that any such approval shall be subject to the condition that the City Council accept the deed dedicating such land.

In the event there is no suitable park or recreation area or site in the proposed area to be developed or adjacent thereto, then the developer shall, in lieu of setting aside land, pay into a park acquisition and development fund a sum of money equal to the fair market value of the land that would have been donated under the above conditions. For the purpose of determining the fair market value, an appraisal performed by a state certified appraiser, or the latest value of the land as un-platted and without improvements as shown on the County Assessor's tax roll shall be used. The sum so contributed shall be used for acquisition of suitable area of park and recreation purposes or for the development of recreational facilities. Such expenditures shall be made for neighborhood or community facilities within the area of the community that will reasonably benefit the contributing development.

Funds contributed in lieu of park land shall be credited to a park acquisition and development fund and shall be deposited with the City. Such funds may be expended only on order of the City Council for the purpose of acquiring or developing land for park or recreation purposes.

- J. All such complexes shall provide adequate access.
- K. If the complex or any unit thereof is more than 500 feet from a public fire hydrant, such shall be provided at appropriate locations on a vehicular way and shall conform in design and capacity to the public hydrants in the City.

16.43.050 Recreational Vehicle Park

A recreational vehicle park shall conform to state standards in effect at the time of construction and the following provisions:

Use Standards.

- A. Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park and campground are permitted as accessory uses to the park.

Design Standards.

- A. The maximum density of an RV park shall be 15 units per acre.
- B. The pad provided for each recreational vehicle shall be not less than 700 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles and landscaped areas.
- C. Roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or not less than 20 feet in width if parking is not permitted on the edge of the roadway and shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each recreational vehicle space.
- D. A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide for the control of runoff or surface water. The part of the space which is not occupied by the recreational vehicle and not intended as an access way to the recreational vehicle or part of an outdoor patio need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
- E. A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service, and proper back-flow prevention devices are installed per City Public Works Standards.
- F. A recreational vehicle space shall be provided with electrical service.

- G. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.
- H. No recreational vehicle shall remain in the park for more than 3 months in any 6 month period:

No recreational vehicle or any other camping unit shall be used as a permanent place of abode, dwelling, or business or for indefinite periods of time. Occupancy and/or placement extending beyond three months in any six months shall be presumed to be permanent occupancy. Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair is hereby prohibited. Camping units other than recreational vehicles shall be limited to 30 days in any 60 day.
- I. The total number of parking spaces in the park, except for the parking provided for the exclusive use of the manager or employees of the park, shall be equal to one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
- J. Entrance driveways shall be located not closer than 150 feet from the intersection of public streets.
- K. The park shall provide toilets, lavatories and showers for each sex as required by the State Building Agency Administrative Rules, Chapter 918. Such facilities shall be lighted at all times of night and day, shall be ventilated, and shall be provided with adequate floor drains to permit easy cleaning.
- L. Recreational vehicles or other camping units shall be separated from each other and from other structures by at least 10 feet. Any accessory structure such as attached awnings, carports, or individual storage facilities shall, for purposes of this separation requirement, be considered to be part of the recreational vehicle.
- M. The recreational vehicle park shall be enclosed by a fence, wall, landscape screening, earth mounds, or by other designs approved by the Planning Commission which will complement the landscape and assure compatibility with the adjacent environment.
- N. Each recreational vehicle park shall set aside along the perimeter of the recreational vehicle park a minimum 10' strip which shall be site

obscuring landscaping and used for no other purpose. Additional area for landscaping may be required through the design review process.

16.43.060 Bed and Breakfast Inn

A Bed and Breakfast Inn shall comply with all applicable state laws and the following conditions:

- A. No more than three (3) sleeping rooms shall be available for the accommodation of inn visitors.
- B. No more than six (6) guests shall be accommodated at any one time.
- C. One daily meal shall be provided to inn guests.
- D. The exterior of the building shall maintain a residential appearance.
- E. No materials or commodities shall be delivered to or from the residence in a bulk or quantity that will create congestion.
- F. The bed and breakfast inn shall be operated in a way that will prevent unreasonable disturbance to area residents.
- G. One off-street parking space shall be provided for each guest room in addition to parking required for the residence.

16.43.070 Commercial Use or Accessory Use Not Wholly Enclosed Within a Building, on a Lot Adjoining or Across a Street From a Lot in a Residential Zone

These uses may be permitted conditionally subject to the following standards:

- A. A sight-obscuring fence or evergreen hedge may be required by the Planning Commission when they find such a fence or hedge or combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.
- B. In addition to the requirements of the applicable zone, the Planning Commission may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties, to protect them from glare, noise, or other distractions or to protect the aesthetic character of the neighborhood or vicinity.

- C. In order to avoid unnecessary traffic congestion and hazards, the Planning Commission may limit access to the property.

16.43.080 Commercial Amusement Establishment

A commercial amusement establishment may be authorized after consideration of the following factors:

- A. Adequacy of access from principal streets together with the probable effect of traffic volumes on adjoining and nearby streets.
- B. Adequacy of building and site design provisions to maintain a reasonable minimum of noise and glare from the building and site.

16.43.090 Radio, Television Tower, Utility Station or Substation

- A. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.
- B. The use may be required to be fenced and landscaped.
- C. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent property.
- D. Transmission towers, posts, overhead wires, pumping stations, and similar installations shall be located, designed and installed to minimize conflicts with scenic values.

Revisions: ORD. 315 - May 3, 2004

Chapter 16.50
ZONING AND DEVELOPMENT ORDINANCE
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
Application Requirements and Review Criteria

Sections:

16.50.000	<u>Application Requirements and Review Procedures</u>
16.50.005	<u>Application Requirements and Review Criteria</u>
16.50.010	<u>General Provisions</u>
16.50.011	<u>Findings</u>
16.50.012	<u>Conditions</u>
16.50.020	<u>Amendments</u>
16.50.021	<u>Purpose and Scope</u>
16.50.022	<u>Application and Fee</u>
16.50.023	<u>Review Criteria</u>

16.50.005 Application Requirements and Review Criteria

16.50.010 General Provisions

16.50.011 Findings

Findings justifying a decision on an application shall be made in writing, and shall be provided to the applicant.

16.50.012 Conditions

The granting of an approval of any land use action under **Chapter 16.50** may be subject to such conditions as are reasonably necessary to protect the public health, safety or general welfare from potentially damaging effects resulting from approval of the permit, or to fulfill the public need for service demands created by approval of the request.

16.50.020 Amendments

16.50.021 Purpose and Scope

The purpose of this chapter is to describe the general requirements and criteria to be considered in reviewing an application for an amendment to the Comprehensive Plan or this Ordinance. An amendment may be made to the text of the Comprehensive Plan or this Ordinance or to the Comprehensive Plan Map or Official Zoning Map. An amendment may be processed in either a legislative or quasi-judicial manner, as follows:

A. Legislative Amendments

Legislative amendments may only be made for the establishment of policy. Such an amendment may be initiated only by the City Council or the Planning Commission. An owner of land may petition the City Council or Planning Commission to initiate the amendment by making such an application.

Such amendments shall be made only by the Council after review and recommendation by the Commission and after public hearings have been held pursuant to **Chapter 16.82 Public Hearing Before Planning Commission** and **Chapter 16.83 Review and Public Hearings by City Council** of this Ordinance.

B. Quasi-Judicial Amendments

Quasi-judicial amendments may only be made for the application of established policy to specific properties in the City. Quasi-judicial amendments may be initiated by the property owner or owners, a contract purchaser or an agent authorized by the property owner or owners; by the Planning Commission; or, by the City Council. All quasi-judicial amendments shall be subject to the public notice requirements of **Chapter 16.80 Public Notice Requirements** and the public hearing requirements of **Chapter 18.82 and Chapter 16.83**.

16.50.022 Application and Fee

An application for an amendment shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this section.

16.50.023 Review Criteria

A. Text Amendment

An amendment to the text of the Comprehensive Plan or this Ordinance shall be based upon a need for such an amendment identified by the City Council or the Planning Commission. Such an amendment shall be consistent with the Comprehensive Plan, and with all other provisions of this Ordinance, and with any applicable state statutes and regulations.

B. Map Amendment

An amendment to the Comprehensive Plan Map or Official Zoning Map may be authorized, provided that the proposal satisfies all applicable requirements of this Ordinance, and provided that the applicant demonstrates the following:

1. That the proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
2. That there is an existing, demonstrable need for the particular uses proposed for the property once the zone is changed, considering the importance of such uses to the citizenry or the economy of the area, the existing market demand for any goods or services which such uses will provide and the presence or absence and location of other such uses or similar uses in the area;
3. That the proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve the proposed uses or other potential uses in the proposed zoning district; and
4. That there are no other lands in the City already zoned for the proposed uses, or, if there are such lands, that they are either unavailable or unsuitable due to location, size or other factors.

Chapter 16.51
ZONING AND DEVELOPMENT ORDINANCE
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
Conditional Use Permit

Sections:

16.51.000	<u>Application Requirements and Review Procedures</u>
16.51.005	<u>Conditional Use Permit</u>
16.51.010	<u>Purpose and Scope</u>
16.51.020	<u>Application and Fee</u>
16.51.030	<u>Review Criteria</u>
16.51.040	<u>Conditions of Approval</u>
16.51.050	<u>General Requirements</u>
16.51.060	<u>Compliance with Conditions</u>
16.51.070	<u>Revocation of a Conditional Use Permit</u>

16.51.005 Conditional Use Permit

16.51.010 Purpose and Scope

The purpose of a conditional use is to provide for those uses which possess unique and special characteristics making impractical their inclusion as outright permitted uses in the underlying zoning district. Such uses shall not be incompatible with the type of uses permitted in surrounding areas. Location and operation of designated conditional uses shall be subject to review and authorized only by issuance of a conditional use permit.

16.51.020 Application and Fee

An application for a Conditional Use Permit shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this section. Conditional Use Permit requests shall be subject to the public notice requirements of **Chapter 16.80 Public Notice Requirements** and the public hearing requirements of **Chapter 16.82 Public Hearings Before the Planning Commission** with the exception that home occupations shall be administratively approved by Planning Staff without public hearing, unless Planning Staff determines that the impacts on adjacent properties require referral to the Planning Commission for final decision.

16.51.030 Review Criteria

A conditional use may be authorized upon adequate demonstration by the applicant that the proposed use satisfies all relevant requirements of this Ordinance and the following general criteria:

- A. The use is listed as a conditional use in the underlying zoning district;
- B. The use is consistent with those goals and policies of the Comprehensive Plan which apply to the proposed use;
- C. The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features;
- D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district; and
- E. The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

16.51.040 Conditions of Approval

In approving an application for a conditional use, the Planning Commission may impose conditions to protect the area surrounding the proposed use and to preserve the basic purpose and intent of the underlying zoning district. These conditions may include, but are not limited to, the following:

- A. Increasing the required parcel area or yard dimensions;
- B. Limiting the height, size, or location of the buildings and structures;
- C. Controlling the location and number of vehicle access points;
- D. Increasing the road width;
- E. Increasing the number of required off-street parking or loading spaces;
- F. Limiting the number, size, location or lighting of signs;
- G. Requiring fencing, screening, or landscaping to protect adjacent or

nearby property;

- H. Prescribing exterior finish for buildings or additions thereto;
- I. Designating areas and prescribing improvements for open space; and
- J. Prescribing a time limit within which to fulfill any established conditions.

16.51.050 General Requirements

Any conditional use authorized pursuant to this Ordinance shall be subject to the following additional requirements:

- A. A conditional use shall be subject to the standards of the zoning district in which it is located except as these standards have been modified in authorizing the conditional use. No modification of a zoning district standard shall have the effect of rezoning the property.
- B. A conditional use may be enlarged or altered pursuant to the following:
 - 1. Major alterations of a conditional use including changes, alterations or deletion of any conditions imposed shall be processed as a new conditional use permit application; and
 - 2. Minor alterations of a conditional use may be approved by the City Planner if requested prior to issuance of building permits for the conditional use. Minor alterations are those changes which may affect the siting and dimensions of structural and other improvements relating to the conditional use, and may include small changes in the use itself. Any change which would affect the basic type, character, arrangement or intent of the conditional use originally approved shall be considered a major alteration.

16.51.060 Compliance with Conditions

Compliance with conditions imposed in granting a conditional use permit and adherence to the approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance. The Planning Commission may revoke any conditional use permit for failure to comply with any prescribed condition of the conditional use permit approval or for any other violation of this ordinance.

16.51.070 Revocation of a Conditional Use Permit

A violation of any section of this ordinance or of any condition attached to the approval of a conditional use shall be punishable by revocation of the conditional use permit, or a fine not to exceed \$100, or by both such revocation and fine. Each day the violation is allowed to continue shall constitute a separate violation.

Chapter 16.52
ZONING AND DEVELOPMENT ORDINANCE
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
Variance

Sections:

16.52.000	<u>Application Requirements and Review Procedures</u>
16.52.005	<u>Variance</u>
16.52.010	<u>Purpose and Scope</u>
16.52.020	<u>Application and Fee</u>
16.52.030	<u>Review Criteria</u>
16.52.040	<u>Conditions of Approval</u>
16.52.050	<u>Compliance with Conditions</u>

16.52.005 **Variance**

16.52.010 **Purpose and Scope**

The purpose of a variance is to provide administrative relief when a strict application of the zoning requirements of lot width, lot depth, building height, setback, access, or other dimensional requirements, excluding lot area, would impose practical difficulties. These difficulties may result from geographic, topographic or other physical conditions on the site or in the immediate vicinity. No variance shall be granted which allows the establishment or expansion of use otherwise prohibited or subject to conditional use procedures.

16.52.020 **Application and Fee**

An application for a variance shall be filed with the City Recorder and accompanied by the appropriate fee. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangements of the proposed development. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this section. Variance requests shall be subject to the public notice requirements of **Chapter 16.80 Public Notice Requirements** and the public hearing requirements of **Chapter 16.82 Public Hearings Before the Planning Commission**.

16.52.030 Review Criteria

A variance may be authorized upon adequate demonstration by the applicant that the proposed variance satisfies the following criteria:

- A. That special conditions and circumstances exist which are peculiar to the land, building or structure involved;
- B. That granting the proposed variance would be in the public interest and would be in harmony with the purpose of the underlying zoning district and the intent and purpose of this Ordinance;
- C. That the variance would result in minimal detriment to the immediate vicinity;
- D. That the variance requested is the minimum variance which would make possible the reasonable use of the applicant's land, building or structure; and
- E. That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this Ordinance by the applicant.

16.52.040 Conditions of Approval

In approving an application for a variance, the Planning Commission may impose such conditions as it deems appropriate to ensure that the intent of this Section is carried out. Such conditions shall be reasonably related to the variance criteria set forth in **Chapter 16.52.030 Review Criteria**.

16.52.050 Compliance with Conditions

Compliance with conditions imposed in approval of a variance and adherence to an approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this Ordinance. The Planning Commission may revoke approval of any variance for failure to comply with any condition imposed in approval of the variance or for any other violation of this Ordinance.

Revisions: ORD. 315 - May 3, 2004

Chapter 16.53
ZONING AND DEVELOPMENT ORDINANCE
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
Similar Uses

Sections:

16.53.000	<u>Application Requirements and Review Procedures</u>
16.53.005	<u>Similar Uses</u>
16.53.010	<u>Purpose and Scope</u>
12.53.020	<u>Application and Fee</u>
12.53.030	<u>Review Criteria</u>
12.53.040	<u>Conditions of Approval</u>
12.53.050	<u>Compliance with Conditions</u>

16.53.005 **Similar Uses**

16.53.010 **Purpose and Scope**

The purpose of this chapter is to provide for those uses not specifically listed in a particular zoning district but which are similar in character, scale and performance to the permitted uses specified therein. Zoning districts in which a similar use may be authorized are:

A.	General Commercial	C1
B.	Highway Commercial	C2
C.	Light Industrial	M1
D.	Heavy Industrial	M2

16.53.020 **Application and Fee**

An application for a similar use shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this section. Similar use requests shall be subject to the public notice requirements of Chapter 16.80 **Public Notice Requirements** and the public hearing requirements of **Chapter 16.82 Public Hearings Before Planning Commission**

16.53.030 **Review Criteria**

A similar use may be authorized by the Planning Commission provided that the applicant demonstrates that the proposed use satisfies the following criteria:

- A. The use is consistent with the purpose of the underlying zoning district and is similar in character, scale and performance to permitted uses specified in the underlying district.
- B. The use conforms with the applicable standards and limitations of the underlying zoning district.

16.53.040 Conditions of Approval

In approving an application for a similar use, the Planning Commission may impose such conditions as it deems appropriate to ensure that the intent of this section is carried out.

16.53.050 Compliance with Conditions

Compliance with conditions imposed in approval of a similar use and adherence to an approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this Ordinance. The Planning Commission may revoke approval of any similar use for failure to comply with any condition imposed in approval of the similar use or for any other violation of this Ordinance.

Chapter 16.54
ZONING AND DEVELOPMENT ORDINANCE
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
Nonconforming Uses

Sections:

16.54.000	<u>Application Requirements and Review Procedures</u>
16.54.005	<u>Nonconforming Uses</u>
16.54.010	<u>Purpose and Scope</u>
16.54.020	<u>Application and Fee</u>
16.54.030	<u>Review Criteria</u>
16.54.040	<u>Conditions of Approval</u>
16.54.050	<u>Compliance with Conditions</u>

16.54.005 Nonconforming Uses

16.54.010 Purpose and Scope

Within the zoning districts established by this Ordinance and amendments thereto, uses and structures exist which were lawful before the date of adoption or amendment of this Ordinance but which would be prohibited or restricted under the terms of this Ordinance. The general purpose of this Section is to encourage the conversion of such nonconforming uses to conforming uses. However, this chapter allows nonconforming uses and structures to be continued, altered, restored or replaced subject to satisfaction of the review criteria specified in Chapter 16.54.030 . Nothing contained in this Ordinance shall require any change in the plans, construction, or designated use of any structure for which a building permit was issued and actual construction commenced prior to the date of adoption of this Ordinance or any amendment thereto. No alteration of a nonconforming use shall be permitted except in compliance with the provisions of this chapter. For the purposes of this chapter, alteration does not include normal repairs or replacement of non-bearing walls, fixtures, wiring, plumbing or roofing or siding materials.

16.54.020 Application and Fee

An application for an alternation or expansion of a nonconforming use shall be filed with the City recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this chapter. Nonconforming use requests shall be subject to the public notice requirements of Chapter 16.80 **Public Notice Requirements** and the public hearing requirements of **Chapter 16.82 Public Hearings Before Planning Commission**.

16.54.030 Review Criteria

- A. The Planning Commission shall authorize alteration, restoration or replacement of a nonconforming use or structure when any of the following circumstances apply:
 - 1. The alteration is necessary to comply with any lawful requirements for alteration of said use or structure.
 - 2. Restoration or replacement is made necessary by fire, casualty, or natural disaster. Any restoration or replacement approved pursuant to this subsection shall be commenced within one (1) year from the occurrence of the fire, casualty or natural disaster.
- B. In any other circumstance, the alteration, restoration or replacement of a nonconforming use or structure may be authorized by the Planning Commission, provided that the applicant demonstrates that the proposal satisfies the following criteria:
 - 1. That the alteration of use would result in a reduction in nonconformity of the use, or would have no greater adverse impact on the neighborhood; and
 - 2. That the alteration of structures or physical improvements would result in a reduction in nonconformity of the structures or improvements or would have no greater adverse impact on the neighborhood.
- C. If any nonconforming use is discontinued for a period of one (1) year, the nonconforming use shall not be resumed and any subsequent use of the property and structure involved shall conform to the requirements of this ordinance.

16.54.040 Conditions of Approval

In approving the alteration, restoration or replacement of a nonconforming use, the Planning Commission may impose such conditions as it deems appropriate to ensure that the intent of this chapter is carried out. Such conditions shall be reasonably related to the criteria set forth in **Chapter 16.54.030 Review Criteria**.

16.54.050 Compliance with Conditions

Compliance with conditions imposed in granting a permit for alteration, restoration or replacement of a nonconforming use and adherence to the approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this Ordinance. The Commission may revoke any permit issued hereunder for failure to comply with any prescribed condition of approval, or for any other violation of this Ordinance.

Chapter 16.55
ZONING AND DEVELOPMENT ORDINANCE
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
Temporary Permits

Sections:

16.55.000	<u>Application Requirements and Review Procedures</u>
16.55.005	<u>Temporary Permits</u>
16.55.010	<u>Purpose</u>
16.55.020	<u>Application and Fee</u>
16.55.030	<u>Review Criteria</u>
16.55.040	<u>Conditions of Approval</u>
16.55.050	<u>Compliance with Conditions</u>

16.55.005 **Temporary Permits**

16.55.010 **Purpose**

The purpose of a temporary permit is to allow the location of structures for a use which is temporary or seasonal in nature, provided such use is consistent with the intent of the zoning district in which it is located and is in compliance with the provisions of this ordinance.

16.55.020 **Application and Fee**

An application for a temporary permit shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this chapter. Temporary permits for dwellings or any structure to be connected to City water or sewer lines shall be subject to the public notice requirements of **Chapter 16.80 Public Notice Requirements** and the public hearing requirements of **Chapter 16.82 Public Hearings Before the Planning Commission**. All other temporary permit applications shall be reviewed administratively by the City Planner according to **Chapter 16.86 Administrative Review by City Planner**.

16.55.030 **Review Criteria**

A temporary permit may be authorized by the Planning Commission or City Planner provided that the applicant demonstrates that the proposed use satisfies the following criteria:

- A. A structure for which a temporary permit is issued shall be subject to the standards and limitations of the zoning district in which it is located.
- B. The structure shall meet all applicable City and County health and Sanitation requirements.
- C. The structure shall meet all applicable Building Code requirements.
- D. The structure shall be removed upon expiration of the temporary permit unless renewed by the Planning Commission. In no case shall a temporary permit be issued for a period exceeding one (1) year, unless the permit is renewed pursuant to this ordinance.

16.55.040 Conditions of Approval

In issuing a temporary permit, the Planning Commission or City Planner may impose reasonable conditions as necessary to preserve the basic purpose and intent of the underlying zoning district. The public need for the conditions shall be supported by findings. These conditions may include, but are not limited to the following.

- A. Increasing the required yard dimensions;
- B. Requiring fencing, screening or landscaping to protect adjacent or nearby property;
- C. Limiting the number, size, location or lighting of signs;
- D. Limiting the time for certain activities; and
- E. Limiting the total duration of the uses.

16.55.050 Compliance with Conditions

Compliance with conditions imposed in approval of a temporary permit and adherence to an approved plot plan shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance. The Planning Commission may revoke approval of any temporary permit for failure to comply with any conditions imposed in approval of the temporary permit or for any other violation of this ordinance.

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.

Revisions:
ORD. 347 - February 6, 2006

Chapter 16.58
ZONING AND DEVELOPMENT ORDINANCE
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
Lot Line Adjustments

Sections:

16.58.000	<u>Application Requirements and Review Procedures</u>
16.58.005	<u>Lot Line Adjustments</u>
16.58.010	<u>Definition</u>
16.58.020	<u>Application and Fee</u>
16.58.030	<u>Review Criteria</u>
16.58.040	<u>Circumstances Requiring a Survey</u>
16.58.050	<u>Recording</u>

16.58.005 Lot Line Adjustments

16.58.010 Definition

A lot line adjustment is a legal relocation of a common boundary between two lots, provided no new lots are created as a result of the relocation of the common boundary.

16.58.020 Application and Fee

An application for a lot line adjustment shall be filed with the City Recorder and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this section. Applications for lot line adjustments shall be reviewed administratively by the City Planner per **Chapter 16.86**. The City Planner may specify conditions or modifications in the application as necessary to assure compliance with the review criteria of this section.

16.58.030 Review Criteria

A lot line adjustment may be authorized by the City Planner provided that the applicant demonstrates that the adjustment satisfies the following criteria:

- A. No new lots or parcels are created as a result of the lot line adjustment.
- B. The adjusted lot lines result in lots which comply with all standards of the underlying zone and provisions of this ordinance.

16.58.040 **Circumstances Requiring a Survey**

A survey may be required to verify compliance with the standards of the underlying zone and provisions of this Ordinance if the City Planner finds that such compliance cannot be verified through the application materials and field inspection of the subject property. A survey may be required if the lot line being adjusted follows a natural feature, runs at an angle other than 90 degrees to existing lot lines, or other circumstance whereby the adjustment cannot be readily described in a deed or located on the ground. The City Planner shall state in writing the reasons for requiring a survey.

16.58.050 **Recording**

The applicant shall be responsible for recording the approved lot line adjustment with the Washington County records office.

Revisions: ORD. 315 - May 3, 2004

Chapter 16.59
ZONING AND DEVELOPMENT ORDINANCE
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
ANNEXATIONS

Sections:

- 16.59.010** **Statement of Purpose.**
- 16.59.020** **Conditions for Annexation.**
- 16.59.030** **Criteria.**
- 16.59.040** **Application Filing, Publication and Posting Deadlines.**
- 16.59.050** **Application Requirements.**
- 16.59.060** **Acceptance of Application; Staff Evaluation.**
- 16.59.070** **Review Criteria.**
- 16.59.080** **Action By The Planning Commission.**
- 16.59.090** **Annexation Declaration.**
- 16.59.100** **Health Hazard Annexation.**
- 16.59.110** **Island Annexation.**
- 16.59.120** **Coordination.**
- 16.59.130** **Effective Date of District Designation.**
- 16.59.140** **Action by City Council.**

16.59.010 **Statement of Purpose.**

The City of North Plains finds annexation is the first step to converting future urbanizable lands to urban land within the North Plains Urban Growth Boundary and as such, it is an important part of the process of providing timely and orderly urban development. The City also recognizes that development of lands at urban densities must include the consideration of the provision of adequate levels of required urban services and infrastructure such as police, fire, sanitary sewer, water, roads, storm water disposal. Policies and procedures adopted in this Chapter are intended to carry out the purposes of the North Plains Comprehensive Plan and ensure that annexation of lands to the City is done timely and orderly and consistent with the Charter which requires that, unless otherwise mandated by State law, all annexation proposals must be approved by a majority vote of the City's citizens before the annexation becomes effective.

16.59.020 **Conditions for Annexation.**

The following conditions must be met prior to or concurrent with City processing of any annexation request:

- A. The subject site must be located within the North Plains Urban Growth Boundary.

- B. The subject site must be contiguous to the existing City limits.

16.59.030 Criteria.

The following criteria shall apply to all annexation requests:

- A. The proposed use for the site complies with the North Plains Comprehensive Plan and with the designation(s) thereon. If a re-designation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Comprehensive Plan.
- B. An adequate level of urban services and infrastructure must be available or made available in a specified time period determined by Council. An adequate level of urban services is defined as:
 - 1. Municipal sanitary sewer, storm drainage and water service meeting the requirements enumerated in the Comprehensive Plan for provision of those services.
 - 2. Rights of way with adequate design capacity for the proposed use and projected future uses.
 - 3. Where construction of improvements necessary for delivery of the urban services identified in subsection (1) above or the rights-of-way identified in subsection (2) above are not thought to be immediately necessary, the applicant shall note the methods that are proposed to be used for providing and/or financing those services/improvements including (but not limited to)dedication of right-of-way, granting waiver(s) of remonstrance against possible future local improvement districts created or other approaches/devices to pay for improvement costs.
- C. Findings documenting the availability of police, fire, parks, school facilities and all related services shall be made allowing for conclusory findings either for or against the proposed annexation. The adequacy of each of these services shall be considered in relation to each annexation proposal.
- D. The burden of providing evidence supporting the findings for Section 16.59.030 A-C is upon the applicant.

Improvements for needed infrastructure may be secured by a funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of North Plains generally.

16.59.040 Application Filing, Publication and Posting Deadlines.

Annexation elections can be scheduled on any election date set by law. An application deadline is established to permit public hearings by both the Planning Commission and City Council so as to allow for meeting the election date. Application, publication, and posting deadlines for annexations are as follows:

- A. Applications for annexation shall be filed with the City Recorder before the close of business on the 145th day prior to the date on which the election is scheduled.
- B. Notice of public hearing shall be published once each week for two successive weeks prior to the day of hearing before the legislative body, in a newspaper of general circulation in the city, and shall be posted in three public places in the city for a like period.
- C. Notice of the election shall be published in a newspaper of general circulation in the City not more than 30 days nor less than 20 days prior to the date of the election. Such notice shall take the form of an approximate one-quarter page layout, which includes a map of the property to be annexed and unbiased information regarding the annexation.
- D. The City shall cause the property proposed to be annexed to be posted with a minimum of one sign not greater than six square feet in size. The sign shall provide notice of the annexation election, a map of the subject property and other relevant information regarding the proposed annexation.
- E. The decision to set the annexation for an election shall be at the discretion of the City Council and shall be approved by resolution. All costs associated with placing the matter on the ballot shall be paid by the applicant or owner of the property proposed to be annexed.

16.59.050 Application Requirements.

- A. Applications for annexation shall be made on forms provided by the City Recorder and include, at a minimum, the following material:
 - 1. Written consent to the annexation signed by the affected property owners.
 - 2. Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor licensed in the State of Oregon.

3. Vicinity map and map of the area to be annexed including adjacent City territory.
4. General land use plan indicating types and intensities of proposed development, transportation corridors, watercourses, significant natural features, and adjoining development.
5. Payment of annexation fees, as the same are set by Council resolution.

B. In addition to the information and fees required under subsection (A) above, an applicant shall also be required to provide the following information:

1. a statement of the overall development concept and methods by which the physical site, surrounding area and community will be affected as well as proposed actions designed to mitigate negative effects from the development, if any.
2. a statement addressing the availability, capacity and status of existing water, sanitary sewer, drainage, transportation, park and school facilities as determined and an analysis as to the anticipated increased demand for said facilities generated by the proposed development.
3. a statement analyzing anticipated additional facilities required to meet the increased demand and proposed phasing of such facilities in accordance with projected demand.
4. a statement setting out proposed method(s) and source(s) of financing required to provide the additional facilities identified in the analysis described in subsection (3) above.
5. A narrative demonstrating the need for the urban development proposed for the annexation area analyzing the following:
 - a. Availability within the City of undeveloped land designated for proposed urban development.
 - b. Analysis of immediate, short-term (1 to 5 years) demand for proposed urban development.
 - c. Probable phasing of proposed urban development consistent with projected demand for period in which the annexation area is expected to develop.

16.59.060 Acceptance of Application; Staff Evaluation.

- A. The City Planner shall review the application in accordance with Sections 16.59.020 to 16.59.050 to ensure that the application complies with the conditions and criteria set out therein, is complete and that all appropriate fees have been paid.
- B. After accepting a complete application, the City Planner shall prepare a report evaluating the proposal's compliance with the Review Criteria set out in Section 16.59.070 and provide his/her recommendation thereon to the Planning Commission and schedule a hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 16.80.

16.59.070 Review Criteria.

Annexation shall be reviewed to assure consistency with the purposes of this Chapter, the Comprehensive Plan and other applicable policies and standards adopted by either the City and the State. In addition, a finding shall be made that the City is capable of providing services to the subject property(ies) commensurate with the needs of existing property(ies) and any proposed increases.

16.59.080 Action By The Planning Commission.

The Planning Commission shall conduct a public hearing consistent with Chapter 16.82 to evaluate the proposed annexation and determine the appropriate zoning classification that should apply upon annexation of the territory. The Planning Commission shall conduct its hearing at the next available meeting that complies with the notice requirements of Section 16.59.040.

Following the close of the public hearing, the Planning Commission shall designate the development district(s) that will apply to the area proposed to be annexed and forward that recommendation to the City Council. The Commission's recommendation shall include Findings of Fact and Conclusions of Law specifying how the proposal has or has not complied with the Application Requirements and Review Criteria. The Planning Commission shall specify such consideration as in its findings and conclusions of law.

16.59.090 Annexation Declaration.

The City Council shall by ordinance declare annexation only after determining that all requirements of the Oregon Revised Statutes have been met, all requirements of this ordinance have been met, all applicable fees have been paid, and the annexation request has been approved by a majority of those voting.

16.59.100 Health Hazard Annexation.

The City Council shall annex those areas constituting a health hazard in accordance with Oregon Revised Statutes, taking into consideration the ability of the City to provide necessary services. Annexation of areas constituting a health hazard is not subject to voter approval.

16.59.110 Island Annexation.

The City shall not allow islands or enclaves of unincorporated territory surrounded by or within the city limits.

16.59.120 Coordination.

All annexation requests shall be coordinated with affected public and private agencies, including, but not limited to Washington County, Portland General Electric, Northwest Natural Gas, Hillsboro School District, Washington County Fire District No. 2 and, where appropriate, state agencies. Coordination shall be made by referral of annexation request to all appropriate entities sufficiently in advance of proposed final City action to allow for review by those entities and incorporation of their recommendation(s) into the City's records.

16.59.130 Effective Date of District Designation.

The decision of the City regarding establishment of the district designation shall become effective upon expiration of the appeal period unless an appeal has been filed in accordance with Chapter 16.84.

16.59.140 Action by City Council.

- A. The recommendations of the Planning Commission on an annexation proposal will be set for a public hearing before the City Council pursuant to Chapter 16.83. The Council shall review the Planning Commission's recommendation(s) on all annexation proposals prior to said proposal(s) being referred for a vote of the electors. The Council shall only refer those annexation proposals where the proposal complies with the criteria established Section 16.59.030.
- B. The decision of the City Council regarding referral of the proposed annexation measure for election shall be supported by ~~and~~ written Findings of Fact and Conclusions of Law including a Finding that the proposed annexation is in the best interests of the City and its residents considering the timing of and extent to which municipal services and infrastructure can be provided. .

Chapter 16.60
ZONING AND DEVELOPMENT ORDINANCE
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
Street Vacations and Dedications

Sections:

- 16.60.000** **Application Requirements and Review Procedures**
- 16.60.005** **Street Vacations and Dedications**
- 16.60.010** **Description**
- 16.60.020** **Filing**
- 16.60.030** **Community Safety**

16.60.005 **Street Vacations and Dedications**

16.60.010 **Description**

That the public right-of-way described in the Deed of Dedication and shown on the accompanying map attached hereto as Exhibit A, is a public street in the City of North Plains, Washington County, Oregon, and that the same be and hereby is vacated under the terms and provision of ORS Chapter 271.

16.60.020 **Filing**

That the City Recorder be and hereby is instructed to file a certified copy of this Ordinance with the County Clerk of Washington County, and the County Surveyor or Washington County under the terms and provisions of ORS Chapter 271, in order to facilitate the correction of the County Tax Maps.

16.60.030 **Community Safety**

It is necessary and desirable for the peace, health and safety of the citizens of North Plains for the purpose of providing suitable and appropriate protection of property owners, that this ordinance shall be effective immediately upon passage by the Council and approved by the Mayor, and an emergency is declared to exist.

Chapter 16.80
ZONING AND DEVELOPMENT ORDINANCE
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
ADMINISTRATIVE PROCESS
Public Notice Requirements

Sections:

- 16.80.000** **Administrative Process**
- 16.80.005** **Public Notice Requirements**
- 16.80.010** **Administrative Review**
- 16.80.020** **Public Hearings on Quasi-judicial Actions**
- 16.80.030** **Public Hearings on Legislative Actions**

16.80.005 **Public Notice Requirements**

16.80.010 **Administrative Review**

Land use actions which are established under the provisions of this Ordinance to be reviewed administratively by the City Planner or Planning Commission shall require at a minimum public notice to adjacent property owners and applicable agency referrals.

16.80.020 **Public Hearings on Quasi-judicial Actions**

- A. Notice of any public hearings for a quasi-judicial land use action required by this Ordinance shall be published in a newspaper of general circulation in the City at least ten (10) days prior to the scheduled hearing date.
- B. Written notice of the initial public hearing shall also be mailed at least twenty (20) days prior to the public hearing to owners of property within 250 feet of the exterior boundaries of the subject property.
- C. A public hearing may be continued as is necessary to gather additional information on the application and no additional notice need be given if the hearing is adjourned to a time and date certain, unless otherwise ordered by the hearings body.

- D. Within seven (7) days of any decision on a quasi-judicial application, the applicant and all individuals who have, in writing, requested notice of the decision shall be mailed written notice of the action. The notice shall specify findings justifying the approval or denial of the request, any conditions of approval, and appeal deadlines.
- E. Notice of hearings on appeal requests shall comply with A and B above, and shall include written notice at least ten (10) days prior to the hearing to the appellant and any other persons who have, in writing, requested such notice.

16.80.030 Public Hearings on Legislative Actions

- A. Legislative amendments may be initiated by majority vote of the Planning Commission or majority vote of the City Council.
- B. Public hearings shall be held before the Planning Commission and City Council to review the proposed legislative amendment.
- C. Notice of the time, place and purpose of the legislative amendment shall be given by publication in a newspaper of general circulation in the City not less than ten (10) days prior to the scheduled date of hearing.

Chapter 16.81
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
ADMINISTRATIVE PROCESS
Administrative Review by Planning Commission

Sections:

- 16.81.000** **Administrative Process**
- 16.81.005** **Administrative Review by Planning Commission**
- 16.81.010** **General Provisions**

16.81.005 **Administrative Review by Planning Commission**

16.81.010 **General Provisions**

Planning Commission review of all applications which are established under the provision of this Ordinance to be reviewed administratively shall be accomplished in accordance with the following procedures:

- A. Within sixty (60) days of receipt of a complete application, unless extended with the consent of the applicant, the Planning Commission shall consider an application for an administrative land use action.
- B. The Planning Commission need not hold a public hearing on the administrative land use action. If the review occurs at a regular meeting, the Commission may, at its own discretion, receive information relevant to the proposal from the applicant, the applicant's representative, or individuals affected by the proposal.
- C. The Planning Commission decision shall be based on all applicable provisions of this Ordinance.
- D. Within seven (7) days of the Planning Commission decision, written notice of the decision shall be provided to the applicant and all individuals who have, in writing, requested notice of the action.
- E. The decision of the Planning Commission shall be final unless appealed to the City Council pursuant to **Chapter 16.84 Appeal Provisions**.

Chapter 16.82
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
ADMINISTRATIVE PROCESS
Public Hearing Before Planning Commission

Sections:

16.82.000	<u>Administrative Process</u>
16.82.005	<u>Public Hearing Before Planning Commission</u>
16.82.010	<u>General Provisions</u>
16.82.020	<u>Evidence</u>
16.82.030	<u>Record of Hearing</u>
16.82.040	<u>Limits on Oral Testimony</u>
16.82.050	<u>Exhibits</u>
16.82.060	<u>Limitations on Planning Commission Members</u>

16.82.005 Public Hearing Before Planning Commission

16.82.010 General Provisions

- A. Land use actions which require a public hearing by the Planning Commission under the provisions of this ordinance shall be initially heard by the Planning Commission within forty-five (45) days of the receipt of a complete application.
- B. The Planning Commission may continue a public hearing for additional testimony, or for decision only, to its next regular meeting or to a special meeting. In no instance, however, shall the decision be continued more than thirty-five (35) days beyond the initial hearing date.
- C. The Planning Commission shall forward a recommendation to the City Council for final decision on the following types of requests:
 - 1. Quasi-judicial Comprehensive Plan Map amendment;
 - 2. Quasi-judicial Zone Change;
 - 3. Legislative amendment to the text or map of the Comprehensive Plan or Zoning Ordinance.
- D. With the exception of (C) above, the decision of the Planning Commission shall be final unless an appeal to the City Council is filed pursuant to **Chapter 16.84 Appeal Provisions**.

- E. Written notice of the decision of the Planning Commission shall be mailed within seven (7) days to affected individuals as specified in **Chapter 16.80.020(D) Administrative Process.**

16.82.020 Evidence

- A. All evidence offered and not objected to may be received unless excluded by the Planning Commission on its own motion.
- B. When a hearing will be expedited, any part of the evidence may be received in written form.
- C. All evidence shall be made a part of the record in the case. Documentary evidence may be received in the form of copies of excerpts or by incorporation by reference.
- D. Every party is entitled to an opportunity to be heard and present and rebut evidence.
- E. All interested persons shall be allowed to testify.

16.82.030 Record of Hearing

A record of the proceeding shall be made by written, mechanical or electronic means.

16.82.040 Limits on Oral Testimony

The Planning Commission Chairman may set consistent, reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing.

16.82.050 Exhibits

All exhibits received shall be marked so as to provide identification upon review.

16.82.060 Limitations on Planning Commission Members

Planning Commission members shall not:

- A. Communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate;

- B. Take notice of any communications, reports, staff memoranda, or other materials prepared in connection with the particular case unless all parties are afforded an opportunity to contest the material so noted; nor
- C. Inspect the site with any party or his representatives unless all parties are given an opportunity to be present.

Chapter 16.83
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
ADMINISTRATIVE PROCESS
Review and Public Hearings by City Council

Sections:

- 16.83.000** **Administrative Process**
- 16.83.005** **Review and Public Hearings by City Council**
- 16.83.010** **General Provisions**
- 16.83.020** **Hearings by City Council**

16.83.005 **Review and Public Hearings by City Council**

16.83.010 **General Provisions**

- A. The City Council shall hear all quasi-judicial Comprehensive Plan Amendments, zone changes and legislative amendments following the initial Planning Commission hearing and recommendation.
- B. Notice of the City Council hearing shall be provided in accordance with the public notice provisions of **Chapter 16.80 Public Notice Requirements**.
- C. The City Council shall hear appeals on all Planning Commission actions filed pursuant to **Chapter 16.84 Appeal Provisions**. The action of the Planning Commission shall be final and the appeal shall not be heard by the Council if the appeal period has lapsed.
- D. All hearings or reviews required of the City Council shall be heard within thirty (30) days of the appeal request.
- E. Written notice of the decision of the City Council shall be mailed within seven (7) days to all affected individuals as specified in **Chapter 16.80.202(D) Administrative Process**.

16.83.020 **Hearings by City Council**

- A. Actions on quasi-judicial requests and legislative amendments shall be conducted at a public hearing pursuant to the City Council's adopted rules of procedure. The City Council shall allow opportunity for all parties to be heard and may accept new evidence.

- B. The City Council may hear appeals on the record or may allow the submittal of new testimony and De Novo hearings.
- C. The City Council may affirm, rescind or amend the action of the Planning Commission and may grant approval subject to conditions. The City Council may also remand the matter back to the Planning Commission for additional information.

Chapter 16.84
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
ADMINISTRATIVE PROCESS
Appeal Provisions

Sections:

- 16.84.000** **Administrative Process**
- 16.84.005** **Appeal Provisions**
- 16.84.010** **Appeal Period**
- 16.84.020** **Form of Appeal**
- 16.84.030** **Notice Requirements**
- 16.84.040** **Transcript Fees**

16.84.005 **Appeal Provisions**

16.84.010 **Appeal Period**

The decision of the Planning Commission shall be final unless an appeal form is received by the City Recorder within fifteen (15) days of the date of the written notice, or unless the City Council, on its own motion, orders review within fifteen (15) days of the date of written notice.

16.84.020 **Form of Appeal**

Appeal requests shall be submitted on forms provided by the City and accompanied by the appropriate filing fee.

16.84.030 **Notice Requirements**

Notice of hearings by the City Council on appeal requests shall be provided as specified in **Chapter 16.80.020(E) Public Hearings on Quasi-judicial Actions**.

16.84.040 **Transcript Fees**

If a transcript of the initial hearing is required, the appellant shall pay a transcript fee equal to the actual costs of the preparation of the transcript up to \$500, plus one-half the actual costs over \$500. The cost of the transcript fee shall be determined by the average cost per page for the preparation of such transcripts. The City Recorder shall estimate the cost of the transcript at the time of the filing of the appeal request and shall receive a deposit in that amount. The appellant shall be billed for actual costs in excess of the deposit or receive a refund for surplus deposit funds in excess of transcript costs.

Chapter 16.85
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
ADMINISTRATIVE PROCESS
Fees

Sections:

16.85.000	<u>Administrative Process</u>
16.85.005	<u>Fees</u>
16.85.010	<u>Purpose</u>
16.85.020	<u>General Provisions</u>

16.85.005 **Fees**

16.85.010 **Purpose**

For the purpose of defraying expenses involved in processing applications, fees shall be paid to the City of North Plains upon the filing of an application.

16.85.020 **General Provisions**

- A. Fees shall be payable at the time of application and shall be as set forth by resolution of the City Council. There shall be no fee required for an application initiated by the Planning Commission or the City Council.
- B. Fees are not refundable unless the application is withdrawn prior to the notification of the hearing.
- C. The City Council may reduce or waive the fees upon showing of just cause to do so.

Chapter 16.86
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
ADMINISTRATIVE PROCESS
Administrative Review by City Planner

Sections:

- 16.86.000** **Administrative Process**
- 16.86.005** **Administrative Review by City Planner**
- 16.86.010** **General Provisions**

16.86.005 **Administrative Review by City Planner**

16.86.010 **General Provisions**

Administrative review of all applications which are established under the provision of this ordinance to be reviewed by the City Planner shall be accomplished in accordance with the following procedures.

- A. Within fifteen (15) days of the receipt of a complete application, unless extended with the consent of the applicant, the City Planner shall issue a written decision on an administrative land use action.
- B. The City Planner's decision shall be based on all applicable provisions of this ordinance and accompanied by written findings of fact which support the decision.
- C. Written notice of the decision shall be provided to the applicant, the Planning Commission, and all individuals who have, in writing, requested notice of the action.
- D. The decision of the City Planner shall be final unless appealed pursuant to **Chapter 16.84 Appeal Provisions**. Appeals shall be heard by the Planning Commission and subject to the public notice requirements of **Chapter 16.80.020 Public Hearings on Quasi-judicial Actions**.

Chapter 16.87
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES
ADMINISTRATIVE PROCESS
Final Action on Permit Application Within 120 Days

Sections:

- 16.87.000 Administrative Process**
- 16.87.005 Final Action on Permit Application Within 120 Days**
- 16.87.010 General Provisions**

16.87.005 Final Action on Permit Application Within 120 Days

16.87.010 General Provisions

Pursuant to ORS 227.178, the City shall complete final action on permit applications within 120 days of receipt of a complete application. This time requirement shall not apply to applications for amendment of the Comprehensive Plan or adoption of a new land use regulation. The determination of completeness shall be made by the City Planner and reported in writing to the Planning Commission. The 120 day time limit may be waived by the applicant; such waivers shall be in writing.