

Title 10

ZONING REGULATIONS

Chapter 1

GENERAL PROVISIONS

10-1-1: TITLE:

This title shall be known as the *ZONING CODE OF THE CITY OF MILTON-FREEWATER*. In this text, the terms "zoning ordinance" and "ordinance" shall refer to this title.

This title shall consist of this text and the map entitled zoning map of Milton-Freewater, Oregon, attached as appendix 1 to the ordinance codified herein. For convenience of use and accuracy of representation, this map shall be divided into sections. Each section shall constitute the official map for the area covered by the map, and may be separately employed for zone identification or amendment. If conflicts arise between these specific boundary maps and any general maps constructed for display or general distribution, the zoning map of Milton-Freewater, Oregon shall prevail.

Both the text and the map of this title, may be amended from time to time. Persons contemplating a decision involving this title should consult with the planning department to verify the provisions which relate to their situation. (Ord. 667, 9-24-1984)

10-1-2: PURPOSE AND INTENT:

The purpose of this title is to enhance the quality of life and protect the health, safety, and enhance the general welfare of the citizens of the city of Milton-Freewater. This title intends to accomplish this purpose by defining and quantifying the uses of land designated by the comprehensive plan. This title is the principal means of implementing the plan. To this end, this title is intended to:

A. Designate Land Use Zones: Designate land use zones which contribute to organized development of the community by restricting the location and relationships of uses, and providing for location and relationships of uses, and providing for location of compatible uses in ways which encourage efficiency and mutual benefit.

B. Organize Development Process: Quantify the responsibilities of the private and public sectors involved in land development so that uncertainty and delay are kept to a minimum.

C. Provide For Utility Development: Provide a reliable basis for the provision of public service, utilities and facilities.

D. Citizen Involvement: Establish procedure by which citizens of the community may participate in the land use process, and effect the changes necessitated by new circumstances and needs. (Ord. 667, 9-24-1984)

10-1-3: ESTABLISHMENT OF DISTRICTS:

To implement the comprehensive plan land use designations, and the purpose and intent statements of this title, the following land use districts are established:

<u>Abbreviation</u>	<u>Zone District Name</u>
R-1	Residential (low density)
R-2	Residential (medium density)
R-3	Residential (high density)
MSR	Main Street residential
DB	Downtown business
C-1	Retail and service commercial
C-2	General commercial
I-M	Industrial-manufacturing
PL	Public lands
CO	Civic overlay
BP	Business park

R-M

Residential mixed use

(Ord. 667, 9-24-1984; amd. Ord. 847, 12-1997; Ord. 925, 6-13-2005; Ord. 928, 6-27-2005)

10-1-4: DETERMINATION OF DISTRICT BOUNDARIES:

A. Right Of Way Lines: Where a zone district boundary is shown as following a street, alley, canal, or railroad right of way, it shall be construed as following the centerline of such right of way.

B. Map Measurement: Where a zone boundary divides a parcel into two (2) zones, the location of the boundary shall be determined by scale measurements of the zone map. (Ord. 667, 9-24-1984)

10-1-5: LOT DIVISION ALONG ZONE DISTRICT BOUNDARIES:

Where a zone boundary divides a parcel into two (2) zones no partition or subdivision which creates a substandard lot in either zone shall be permitted. (Ord. 667, 9-24-1984)

10-1-6: ZONING OF ANNEXED AREAS:

Upon annexation of an area inside the urban growth boundary, the area shall simultaneously be zoned in conformance with the land use designation prescribed for that property by the comprehensive plan. (Ord. 667, 9-24-1984)

10-1-7: INTERPRETATION:

The planning director shall have the responsibility of interpreting all terms and provisions of this title. Formal interpretation shall be requested in writing on forms provided by the director. Issuance of a formal interpretation shall be considered a level I procedure, with appeal as provided in section [10-3-12](#) of this title. (Ord. 667, 9-24-1984)

10-1-8: INSPECTION AND RIGHT OF ENTRY:

Whenever the planning director has reasonable cause to suspect a violation of this title, or when necessary to investigate matters pertinent to an application made pursuant to this title, the director or his designee may enter any property in a reasonable manner to exercise his responsibilities. (Ord. 667, 9-24-1984)

10-1-9: NUISANCE:

Any structure or use of land which is established, operated, erected, moved, altered, or maintained contrary to the provisions of this title is hereby declared to be unlawful and a public nuisance. (Ord. 667, 9-24-1984)

10-1-10: NOTICE OF VIOLATION:

Notice of a violation of a provision of this title shall be in the form of a certified return receipt letter, or a letter delivered in person to the property owner.

The letter shall identify the property on which the violation is located, a description of the violation, and a brief statement on the action necessary to gain compliance with this title.

Notice shall be complete and deemed received upon any of the following:

A. Actual receipt.

B. Refusal of the certified letter.

C. Passage of two (2) weeks from the date of mailing of the certified letter.

The owner shall be given ten (10) days from the date of receipt of the letter to remedy the violation. If not remedied, enforcement will commence on the eleventh day after receipt of notice.

By mutual agreement of the property owner and the city, a reasonable period in excess of ten (10) days may be granted for remedy of the violation. If not remedied by the established date, enforcement will commence on the following day. (Ord. 667, 9-24-1984)

10-1-11: ENFORCEMENT:

A. Primary Enforcement: The planning director is authorized to, and charged with primary enforcement of the provisions of this title. The director shall issue the notice of violation prescribed above.

B. Judicial Enforcement: Upon request from the city manager, the city attorney shall institute any legal proceedings necessary to enforce the provisions of this title. (Ord. 667, 9-24-1984)

10-1-12: PENALTIES:

Any person violating any provision(s) of this title shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not to exceed ten (10) days, or both a fine and imprisonment, as well as abatement of the public nuisance by the owner, or by the city at the owner's expense.

Each day of a continuing violation constitutes a separate violation.

In addition to enforcement of the above penalties, the city may seek civil remedies including, but not limited to, claims for injunctive relief, damages, or any other remedies provided by law. (Ord. 667, 9-24-1984)

10-1-13: PERMIT REVOCATION:

A. The planning director may revoke any zoning permit upon violation of the terms under which said permit was issued.

B. The planning director shall issue a notice of intent to revoke the permit via certified return receipt letter, or a letter delivered in person to the property owner. The letter shall itemize the terms of the permit of which the applicant is in violation. The letter shall specify a two (2) week time period commencing on the date of the letter for applicant to rectify the violation(s).

C. Should the applicant still be found in violation of the terms of the permit at the end of two (2) weeks, notice of revocation of the permit shall be issued in the form of a certified return receipt letter, or a letter delivered in person to the property owner.

D. Applicant has the right to appeal the planning director's decision per section [10-3-12](#) of this title. (Ord. 764, 5-26-1992)

Chapter 2

CONSTRUCTION AND DEFINITIONS

10-2-1: CONSTRUCTION:

The following rules of construction shall apply unless inconsistent with the obvious meaning in the context of the provision.

- A. Tense: Words used in the present tense shall include the future tense.
- B. Number: Words used in the singular shall include the plural and words used in the plural shall include the singular.
- C. Shall, May, Should: The word "shall" is mandatory. The words "may" and "should" are permissive.
- D. Gender: The masculine shall include the feminine and neuter.
- E. Headings: In the event that there is any conflict or inconsistency between the heading of a chapter, section, or paragraph of this title, and the content thereof, the said heading shall not affect the scope, meaning, or intent of the content. (Ord. 667, 9-24-1984)

10-2-2: DEFINITIONS:

As used in this title, the following words and phrases shall mean:

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

ACCESS CONNECTION: Any driveway, street, turnout or other means of providing for

the movement of vehicles to or from the public roadway system.

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

ACCESSORY STRUCTURE: A structure which augments the main use of the property and is appropriate to the zone in which the property is located, but which is incidental and subordinate to the main use.

ACCESSWAY: A walkway that provides pedestrian and bicycle passage, either between streets or from a street to a building or other destination such as school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right of way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and including landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved or marked in a manner that provides convenient access for pedestrians.

ADJACENT: Shall be that having a common boundary and not to be construed as that which is across a street or alley.

ALLEY: A servicerway providing a secondary means of public access to abutting property, and not intended for general traffic circulation.

APARTMENT: See definition of Dwelling, Multi-Family.

APPROVING AUTHORITY: The planning director, planning commission, or city council of the city of Milton-Freewater.

AUTOMOBILE AND TRAILER SALES AREA: An open area other than a street, used for the display, sale or rental of new or used automobiles or trailers and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

AUTOMOBILE WRECKING YARD: A premises used for the storage or sale of used automobile or truck parts, or for dismantling, or abandonment of junk, obsolete automobiles, trailers, trucks, machinery, or parts thereof.

BICYCLE: A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride and with two (2) tandem

wheels at least fourteen inches (14") in diameter. An adult tricycle is considered a bicycle.

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

BIKEWAY: Any road, path or way that is in some manner specifically open to bicycles regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five (5) types of bikeways are:

Bike Lane: A four (4) to six foot (6') wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.

Multi-Use Path: A paved ten (10) to twelve foot (12') wide way that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other nonmotorized users.

Multi-Use Trail: An unpaved path that accommodates all terrain bicycles; typically shared with pedestrians.

Shared Roadway: A travel lane that is shared by bicyclists and motor vehicles.

Shoulder Bikeway: The paved shoulder of a roadway that is four feet (4') or wider; typically shared with pedestrians in rural areas.

BILLBOARDS: Signs advertising merchandise or services other than those available for sale on the premises.

BOARDING, BED AND BREAKFAST, LODGING OR ROOMING HOUSE: A building furnishing no more than five (5) guestrooms; where lodging with or without meals is provided for compensation for guests.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual animal, process, equipment, goods, or materials of any kind or nature. Building does not include deck roof, patio roof, or cabana.

BUILDING HEIGHT: The vertical distance of a building measured from the finished grade of the front yard to the highest point of the roof.

BUILDING SITE: A parcel of land which meets area requirements, setbacks and access

standards, is serviceable by utilities, and meets the provisions of the zone in which the parcel is located.

CABANA: A freestanding roof supported only by columns or pillars with no enclosing walls between them, and having no enclosures under the roof itself.

CAMP, TOURIST, OR TRAILER PARK: Any area or tract of land used or defined to accommodate two (2) or more recreational vehicles, tents or outfits.

CARPOR: A roofed structure providing space for the parking or storage of motor vehicles and enclosed only by the exterior walls of the associated structure, if it is to be attached, and supported on all sides by columns or pillars with no enclosing walls between them.

CHANGE OF USE: Alteration of the purpose for which land or a structure is designated, arranged, or intended from an existing use, or an actual use in the last six (6) months, to a different use which is allowable by the zoning ordinance for the location in question.

CITY: The city of Milton-Freewater, Oregon.

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

DAYCARE FACILITY: A facility operated by a school district, political subdivision of this state or a governmental agency; or a residential facility licensed under Oregon Revised Statutes 443.400 to 443.445.

DECK, LOW LEVEL: An unroofed exterior wood frame floor like platform, either attached to a dwelling or freestanding, which provides a surface for outdoor activities. A low level deck, and any railings, benches or attachments must be no higher than the fence height allowed in the yard in which the deck is located.

DECK ROOF: A roof enclosed only by exterior walls of the associated dwelling, and supported on all other sides by columns or pillars with no enclosing walls between them.

DEVELOPMENT: Construction, reconstruction, relocation, enlargement of any structure; initiation of use or conversion of use of any structure; or the initiation of use, extension of use, or conversion of the use of land.

DUPLEX: See definition of Dwelling, Two-Family.

DWELLING, MAIN ENTRANCE: Entrance which is designed to be the primary entrance

to a dwelling.

DWELLING, MULTI-FAMILY: A residential building containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A residential building containing one dwelling unit.

DWELLING, TWO-FAMILY: A residential building containing two (2) dwelling units.

DWELLING UNIT: One self-contained housekeeping unit with minimum standards of floor area and facilities.

DWELLING UNIT, EFFICIENCY UNIT: A housekeeping unit contained in a residential care facility or studio apartment development which is designed for minimum maintenance and expense which can function as a self-contained dwelling unit or as part of a communal food service and recreation program.

DWELLING UNIT, HABITABLE AREA: Habitable area is the total floor area, which by virtue of meeting specified minimum ceiling heights, is considered as usable for human occupation.

DWELLING UNIT, MAXIMUM DENSITY OF OCCUPATION: The maximum number of inhabitants allowed in a residential structure, expressed in square feet per person.

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

FENCE, SIGHT OBSCURING: A fence or planting arranged in such a way as to effectively prevent vision of objects which are screened by it.

FLOOD HAZARD AREA: The area which has been or may be covered by a 100-year flood as defined by the emergency management agency flood hazard boundary map.

FLOOD HAZARD BOUNDARY MAP: An official map of the community furnished by the federal insurance administration, labeled as flood hazard boundary map and delineating the boundaries of the special hazard areas.

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

FUNCTIONAL CLASSIFICATION: A system used to group public roadways into classes

according to their purpose in moving vehicles and providing access.

GARAGE, PRIVATE: An enclosed accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building, and accessible only from a street unless the planning commission permits access via an alley due to unique circumstances involving the property. No residential use is permitted in garages.

GRADE (GROUND LEVEL): The average of the finished ground level at the center of each exterior wall of the building.

HABITABLE AREA: The space inside a structure used for living purposes including working, sleeping, eating, cooking or recreation, which has a ceiling height of not less than seven feet six inches (7'6").

HOME OCCUPATION: A lawful business activity commonly carried on within a dwelling by members of the family occupying the dwelling with no servant, employee, or other person being employed, and may be allowed in any zone, subject to the provisions of section [10-5-11](#) of this title, and to precedents of neighborhood impact of similar businesses operated in the city.

ISOLATED LOT: An undeveloped substandard lot in separate ownership from surrounding property.

JOINT ACCESS: A driveway connecting two (2) or more contiguous sites to the public street system.

LOT: A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

LOT AREA: The total area within the lot lines of a lot, excluding any street rights of way.

LOT, CORNER: A lot or parcel of land abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty five degrees (135°).

LOT DEPTH: The distance measured from the front lot line to the rear lot line. For lots where the front and rear lot lines are not parallel, the lot depth shall be measured by drawing lines from the front to rear lot line at right angles to the front lot line, every ten feet (10') and averaging the length of these lines.

LOT, DOUBLE FRONTAGE: See definition of Lot, Through.

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

LOT FRONTAGE: The length of the front lot line measured at the street right of way line.

LOT, INTERIOR: A lot other than a corner lot.

LOT, LANDLOCKED: A lot which has no deeded access to a public street.

LOT LINE: A line of record bounding a lot which divides one lot from another lot or from a public or private street of any other public space.

LOT LINE, FRONT: The lot line separating a lot from a street right of way, or in the case of a flag lot, the line closest to a street right of way excluding the flagpole portion of the property.

LOT LINE, REAR: The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten feet (10') in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE: Any lot line other than a front or rear lot line.

LOT, THROUGH: A lot which fronts upon two (2) parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

LOT WIDTH: The horizontal distance between the side lines of a lot measured at right angles to its depth along with a straight line parallel to the front lot line at the minimum required building setback line.

MANUFACTURED HOME: A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being or will be used for residential purposes and that was constructed in accordance with federal manufacturing housing construction and safety standards regulations in effect at the time of construction (HUD, public law 93-383).

MANUFACTURED HOME PARK: Any place where four (4) or more manufactured homes are parked on a lot, tract, or parcel of land, within five hundred feet (500') of one another; the purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of the facilities or to offer space free in connection with securing the trade or patronage of such person.

MOBILE HOME: A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

MODULAR HOME: A building or structural unit which has been in whole or substantial part manufactured at an off site location, to be wholly or partially assembled on site, but does not classify as a mobile home or manufactured home.

NONCONFORMING USE: A use or activity which was lawful prior to the adoption, revision or amendment of this title, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zone in which it is located.

OFFICES: A facility where the primary activity is of a business meeting or professional service nature (doctor, lawyer, realtor, etc.). The primary activity cannot be retail in nature, where the item is stocked and sold on the premises. The following institutions are not covered by this definition: banks, savings and loans, credit unions.

OPEN AREA: Land exclusive of any buildings, driveways and parking lots. Intended to be retained in a natural or a landscaped state.

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

PARKING SPACE: A clear, off street area for the temporary parking or storage of one automobile. A parking space shall be directly accessible from public streets, and separate from required loading areas or other required uses.

PATIO ROOF: See definition of Deck Roof.

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

PERSON: Every natural person, firm, partnership, association or corporation.

PLANNED UNIT DEVELOPMENT: An area designed as a unified combination of land uses; generally with a mixture of residential, single- and multi-family types, open space or recreation areas for the direct use and benefit of all the lot owners within the development and sometimes shopping or community facilities. A planned development includes a "planned unit", a "homes association", and "common property".

PLANNING COMMISSION: The planning commission of the city of Milton-Freewater.

PLANNING DIRECTOR: The person designated by the city manager as head of the planning department.

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

REASONABLY DIRECT: A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out of direction travel for likely users.

RECREATIONAL VEHICLE: A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel trailers, truck campers, camping trailers and self-propelled motor homes. Any such vehicle with less than seven hundred twenty (720) square feet is a recreational vehicle.

RECREATIONAL VEHICLE PARK: Any place where two (2) or more recreational vehicles are parked on a parcel of land; the purpose of which is to rent space or keep space for rent to any person for use of facilities, or to offer space free in connection with securing the trade or patronage of such person.

RESIDENTIAL CARE FACILITY: A facility licensed by or under the authority of the department of human resources under Oregon Revised Statutes 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) or more individuals who need not be related.

RESIDENTIAL HOME: A home licensed by or under the authority of the department of human resources under Oregon Revised Statutes 443.400 to 443.825 which provides residential care alone or in conjunction thereof for five (5) or fewer individuals who need not be related.

RETAIL BUSINESS: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Retail businesses may process some of their products, but processing is secondary to selling of the product. Retail businesses include retail lumber and building supply outlets, office supply sales, eating and drinking places, and produce sales outlets which bring in goods from more than one farm.

RIGHT OF WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

SAFE AND CONVENIENT: Bicycle and pedestrian routes that are reasonably free from hazards, and provide a reasonably direct route of travel between destinations, considering that the optimum travel distance is one-half ($1/2$) mile for pedestrians and three (3) miles for bicyclists.

SIGN: A presentation or representation which by words, letters, figures, designs, pictures, or color publicly displayed gives notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation or a request for aid or other type of advertising. This includes the surface upon which the presentation or representation is displayed. Each display surface of a sign shall be considered to be a sign.

SITE PLAN: The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

STALL: The parking space into which vehicles park.

STORY: That portion of a building included between the upper 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 ceiling above. In any case, a story shall be a maximum of ten feet (10'). If the finished floor level directly above a basement or cellar is more than six feet (6') above grade, such basement or cellar shall be considered a story.

STREET: The entire width between the boundary lines of every way which provides for public use for the purposes of vehicular and pedestrian traffic and including the terms "road", "highway", "lane", "place", "avenue", or other similar designations. Nothing may be placed or located in this area except public utilities.

STRUCTURAL ALTERATION: Any change to the supporting members of a structure including foundations, bearing walls, or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.

STRUCTURE: That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts jointed together in some definite manner and which requires a location on the ground or which is attached to something having a location on the ground, whether assembled on site, or assembled elsewhere, and placed on the site.

STRUCTURE, PRINCIPAL: The main building to which the property has been allocated.

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

SUBDIVIDE LAND: To divide an area or tract of land into four (4) or more lots when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the time of adoption of this title.

TEMPORARY STRUCTURE: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

TEMPORARY USE: A use established for a period of time fixed in the permit which authorizes the use.

USE: The purpose for which land or a structure is designated, arranged, or intended, or for which it is occupied or maintained.

VISION CLEARANCE AREA: A triangular area on a lot at the intersection of two (2) streets, a street and an alley, or a street and a railroad, two (2) sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two (2) sides. (See section [10-5-3](#) of this title.)

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

WALL, RETAINING: A structure necessary for support of a cut-fill grade. Retaining wall shall be a maximum of nine inches (9") above finished grade or the fill side of the wall.

YARD: An open space on a lot which is unobstructed from the ground upward by a principal structure.

YARD, FRONT: The front yard of any given property is defined as that side of the

property which faces a street. With regard to corner lots, the front yard is that side of the property that faces a street and contains the main entrance to the structure. (The planning director may modify strict application of this definition based on facts existing at the time.)

YARD, REAR: A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

YARD, SIDE: A space extending from the front yard to the rear yard between the principal building and the side lot line measured perpendicular from the side lot line to the closest point of the principal building. (Ord. 667, 9-24-1984; amd. Ord. 745, 1-22-1990; Ord. 752, 2-11-1991; Ord. 764, 5-26-1992; Ord. 873, 9-13-1999)

Chapter 3

ADMINISTRATIVE PROVISIONS

10-3-1: DEVELOPMENT PERMIT REQUIRED:

Prior to development of a structure or land, a person shall obtain a development permit from the city. (Ord. 667, 9-24-1984)

10-3-2: PREAPPLICATION CONFERENCE:

Prior to submittal of a development permit application, the applicant and the director (or a designee) shall discuss the proposal for the purpose of determining the appropriate processing procedure level. The determination of the director shall be appealable to the planning commission as provided in section [10-3-12](#) of this chapter. (Ord. 667, 9-24-1984)

10-3-3: DEVELOPMENT PERMIT APPLICATION:

An application for a development permit shall consist of the materials specified in this section.

A. A completed development permit application form, which includes the applicant's current address which shall serve as the address for all correspondence and notices regarding the application. It shall be the applicant's responsibility to notify the city in writing of any change in address.

B. An explanation of intent, stating the nature of the proposed development, reasons for the permit request, pertinent background information, information required by the pertinent sections of this title, and other information that may have a bearing on the processing of an application of that level.

C. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all partners in ownership of the affected property.

D. Legal description of the property affected by the application.

E. Additional information required by other sections of this title because of the level of development proposal or the area involved. (Ord. 667, 9-24-1984)

10-3-4: SUBMISSION OF DEVELOPMENT PERMIT APPLICATION:

Application materials shall be submitted to the director who shall have the date of submission indicated on each copy of the materials submitted. Within five (5) days from the date of submission, the director shall determine whether an application is complete. If the application is incomplete or otherwise does not conform to the provisions of this chapter, the director shall notify the applicant as soon as possible by mail, and by other means if necessary. Such notification shall contain a clear statement of the chapter provisions which have not been met.

An incomplete application may be resubmitted as soon as it is revised to overcome the deficiencies listed in the notification.

Upon receipt of a complete application, the director shall accept it and note the date of acceptance and the procedure necessary to process the application. (Ord. 667, 9-24-1984)

10-3-5: AGENCY REVIEW:

For level III procedures, or level II procedures, when necessary the director may transmit one copy of the application, or appropriate parts of the application to any public agency

or governmental unit which may have a special concern related to the application, so that they can review and comment. If the referral agency does not comment within ten (10) days, unless an extension of up to ten (10) days is requested by the agency and granted by the director, the referral agency is presumed to have no comment. The director shall grant an extension only if the application involves unusual circumstances or if due to circumstances related to level III procedure. (Ord. 667, 9-24-1984)

10-3-6: PROCEDURE FOR PROCESSING APPLICATIONS:

An application for a development permit shall be processed under a level I, II, III or IV procedure. The director shall determine which procedure is specified by this chapter for a particular application. An application shall be processed under the highest number procedure required for any part of the proposal. (Ord.667, 9-24-1984)

10-3-7: LEVEL I PROCEDURE:

A. Under the level I procedure, an application shall be processed, without public hearing or notification of other property owners.

The director shall issue a decision on a level I proposal within five (5) days of acceptance of the application.

B. Appeal of level I decisions is provided in section [10-3-12](#) of this chapter.

C. The director shall submit a list of the past month's level I actions to the planning commission at their regular business meetings.

D. In zones where level I uses are subject to site plan review, the procedures specified in [chapter 8](#) of this title shall be used in addition to the level I procedures. When site plan review is required, the decision on a level I proposal shall be issued within fifteen (15) days of acceptance of the application. (Ord. 667, 9-24-1984)

10-3-8: LEVEL II PROCEDURE:

- A. Under level II procedures, an application shall be processed without a public hearing.

- B. The director shall mail notice of the proposal to persons designated by section [10-3-15](#) of this chapter to receive such notice. Form and content of the notice shall be as prescribed by section [10-3-15](#) of this chapter. Comments must be received within seven (7) days of the mailing date to be considered in the decision.

- C. The director shall issue a decision on a level II proposal within ten (10) days of acceptance of the application.

- D. Appeal of level II decisions is provided in section [10-3-12](#) of this chapter.

- E. The director shall submit a list of the past month's level II actions to the planning commission at their regular business meetings.

- F. In zones where level II uses are subject to site plan review, the procedures specified in [chapter 8](#) of this title shall be used in addition to the level II procedure. When site plan review is required, the decision on a level II proposal shall be issued within thirty (30) days of acceptance of the application. (Ord. 667, 9-24-1984)

10-3-9: LEVEL III PROCEDURE:

- A. Under the level III procedure, an application is scheduled for public hearing

before the planning commission pursuant to section [10-3-14](#) of this chapter. The form of notice and persons to receive notice are as required by section [10-3-15](#) of this chapter.

The purpose of the public hearing is to gather information on the proposal and its relationship to the relevant criteria and standards of this title.

B. The commission may approve, deny, or approve with such conditions as are necessary to bring the proposal into conformance with the standards of this title. Conditions of approval may include actions necessary to avoid imposition of undue public service obligations on the city, or mitigation of detrimental effects on other property owners. Conditions of approval shall state the standard or policy which permits or requires such condition. (Ord. 667, 9-24-1984)

C. Action on level III procedure application shall be completed by the planning commission within fifty five (55) days of acceptance of the application unless circumstances such as the need for additional information warrant continuation of the public hearing or deferral of decision to a later meeting. In cases of delay, a specific statement of the grounds for the delay, and a date for final action shall be announced as part of the decision to delay. In any case, the commission shall complete a level III action within sixty five (65) days of acceptance of the application. (Ord. 764, 5-26-1992)

D. The decision of the commission may be appealed by a party to the hearing in accordance with section [10-3-12](#) of this chapter. (Ord. 667, 9-24-1984)

10-3-10: LEVEL IV PROCEDURE:

A. Under the level IV procedure, applications are first scheduled for a public hearing before the planning commission pursuant to section [10-3-14](#) of this chapter, the planning commission then makes a recommendation to the city council who also holds a public hearing. The purpose of the hearings is to gather information on the proposal, and its relationship to any relevant zoning criteria and to any relevant

comprehensive plan policies. (Ord. 667, 9-24-1984)

B. The planning commission shall complete action on the proposal within fifty five (55) days of acceptance of the application unless a delay is approved as permitted in subsection [10-3-14B](#) of this chapter. (Ord. 764, 5-26-1992)

C. If the planning commission has recommended denial of a proposal, the city council may review the record of the planning commission's action, and terminate action on the proposal without further review.

For actions which are not terminated or for actions which receive a recommendation of approval from the planning commission, the city council shall conduct a public hearing. Form of notice and persons to receive notice are as required by section [10-3-15](#) of this chapter.

At the public hearing, the council shall review the report of the planning commission and other pertinent information, and interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the planning commission and make final arguments why the matter should or should not be approved, and if approved, the nature of the provisions to be contained in approving action.

D. The city council shall make a finding of fact for each applicable criteria and comprehensive plan policy, and may uphold or reverse a finding or recommendation of the planning commission.

The council may approve, deny, or modify a proposal. Changes in the zone map or zoning ordinance test approved under the level IV procedure shall be made by ordinance.

E. The council shall complete action on a level IV procedure within one hundred twenty (120) days of acceptance of the application. (Ord. 667, 9-24-1984)

10-3-11: WRITTEN NOTICE OF DECISION:

Approval or denial of an application made pursuant to this chapter shall be accompanied by a brief statement which explains the criteria and standards applicable to the application, and the findings which support the decision shall be entered in the minutes of the meeting during which the findings are adopted. (Ord. 667, 9-24-1984)

10-3-12: APPEAL, NOTICE:

A. Authorization To Appeal: A person may appeal a decision of the planning director or of the site plan review committee to the planning commission. A person may appeal a decision of the planning commission to the city council.

B. Standing To Appeal: A person shall have standing to appeal if the person:

1. Is the applicant.
2. Is on the affected party notification list.
3. Was not on the affected party notification list, but participated in the original decision process.

C. Review Of Lower Decision: The city council may review a decision of the planning commission on its own initiative.

The planning commission may review a decision of the planning director on its own initiative.

Notice for review by initiative shall be the same as required for the original application.

D. Notice And Form Of Appeal: Written notice of the intent to appeal must be filed with the planning director within fifteen (15) days of the date of the decision which is being appealed. If notice is not filed within this period, the decision shall be final.

Appeals shall be filed on forms provided by the planning department. Appeals shall state the decision or portion thereof which is being appealed, the provision(s) of this title which was the basis of the decision, and grounds of appeal which is alleged to invalidate the decision. (Ord. 667, 9-24-1984)

10-3-13: PROCEDURE FOR ACTING ON AN APPEAL:

The planning commission or city council shall hold a hearing on the appeal within forty five (45) days from the date the appeal is filed.

An appeal shall be based on, but not limited to, the record of the decision being appealed.

Upon adoption of findings, the appellate body may affirm, modify, or reverse the lower decision.

Hearing procedure for appeals shall be as prescribed in section [10-3-14](#) of this chapter. (Ord. 667, 9-24-1984)

10-3-14: PUBLIC HEARING PROCEDURE:

A. The city council shall adopt by resolution and publish procedures for public hearings for quasi-judicial, legislative, and appeal hearings. These procedures shall give opportunity to interested parties to present, oppose, and rebut testimony and evidence which relates to the published standards and criteria of this title or other portions of this code. Testimony which is not related to these standards and criteria cannot be considered by the commission in its decision. Public hearings shall be conducted in a businesslike fashion. Disruptive or abusive conduct may be grounds for immediate suspension of the proceedings.

B. The city council or the planning commission may continue a hearing to a date and time specified if the council or commission feels that additional factual information is necessary to make a decision. Hearings may also be continued to serve notice to

persons in addition to those originally notified when the council or commission feels that additional citizen involvement is warranted. (Ord. 667, 9-24-1984)

10-3-15: NOTIFICATION OF SURROUNDING PROPERTY OWNERS OR AFFECTED PARTIES:

A. Form Of Notice: All individual public notice provided to surrounding property owners or affected parties required by this chapter to receive such notice shall at a minimum contain the following:

1. Explain the nature of the application and the proposed use or uses which could be authorized;
2. List the applicable criteria from the ordinance and the plan that apply to the application at issue;
3. Set forth the street address or other easily understood geographical reference to the subject property;
4. State the date, time and location of the hearing;
5. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the board based on that issue;
6. Include the name of a local government representative to contact and the telephone number where additional information may be obtained;
7. State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
8. State that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost; and

9. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings. (Ord. 764, 5-26-1992)

Required notice shall be mailed to owners of record, as indicated by the county assessor records, by first class mail. Failure of a person to receive notice prescribed by this chapter shall not impair the validity of the hearing or the decision.

B. Persons To Receive Notice Of Level II Applications:

1. Notice of level II applications shall be given to all persons owning property which has a common boundary with the subject parcel, or which would have a common boundary but for the presence of a public right of way.

2. Comments on a level II application must be received in the planning department within seven (7) days of the mailing date of the notice to be considered in the decision.

3. The director shall issue a decision on a level II proposal within ten (10) days of acceptance of the application. (Ord. 667, 9-24-1984)

C. Persons To Receive Notice Of Level III Applications:

1. Notice of level III applications shall be given to all persons owning property within two hundred feet (200') of the exterior boundary of the subject parcel. Level III notice shall be mailed at least twenty (20) days prior to the hearing date.

2. Notice of level III applications shall also include one notice in a newspaper of general circulation in the area (newspaper must be published in Oregon) at least ten (10) days prior to the public hearing. (Ord. 764, 5-26-1992)

D. Persons To Receive Notice Of Level IV Applications:

1. Notice of level IV applications shall be given to all persons owning property within two hundred feet (200') of the exterior boundary of the subject parcel. Notice shall be mailed at least ten (10) days prior to the hearing date.

2. Notice of level IV applications shall also include two (2) notices in a newspaper of general circulation in the area (newspaper must be published in Oregon) for two (2) consecutive weeks prior to the hearing date, with the first date of publication to be at least twenty (20) days prior to the hearing date. (Ord. 764, 5-26-1992)

3. Notice of level IV application shall be sent to the department of land conservation and development as required by Oregon Revised Statutes 197.610.

4. When a level IV application is a text amendment, and not specific to any property, notice as provided in subsection D1 of this section is not required.

E. Additional Notice: Nothing in this section shall be construed as limiting the provisions of notice to additional persons by whatever means, consistent with the principle of gathering productive citizen input. (Ord. 667, 9-24-1984)

10-3-16: FEES:

The city council shall adopt by resolution and publish a schedule of fees for the various permits and administrative procedures prescribed by this title. (Ord. 667, 9-24-1984)

Chapter 4 LAND USE ZONES

10-4-1: GENERAL DESCRIPTION AND INTENT OF USE ZONES:

- A. R-1 Low Density Residential: The low density residential zone is intended to provide for larger more secluded homesites. Minimum dwelling dimensions apply. A maximum of four (4) units per acre is permitted.
- B. R-2 Medium Density Residential: The medium density residential zone is intended to provide a greater range of housing types and densities than the R-1 zone, while maintaining the general character of a single-family residential neighborhood. Densities up to sixteen (16) units per acre are permitted.
- C. R-3 High Density Residential: The high density residential zone is intended to provide the widest range of housing alternatives including manufactured home parks and multi-family housing. The development options of this zone provide the most affordable housing to the widest range of residents. A maximum density of twenty six (26) units per acre is permitted.
- D. R-M Residential Mixed Use: The residential mixed use zone is intended to provide a wide range of housing options including townhouse and condominium developments. The zone allows a limited amount of office and business uses along arterial and collector streets to transition between residential and business uses. A maximum density of twenty six (26) units per acre is permitted. (Ord. 947, 5-12-2008)
- E. MSR Main Street Residential: The Main Street residential district is intended to preserve the residential feel of the district while allowing small scale businesses that are compatible with the existing residential uses.
- F. DB Downtown Business: The downtown business district is the place for people to gather and promote commercial activity. Improved pedestrian access and streetscape through the downtown will improve the district's image. Elements of design and appropriate mixed use development will enhance this goal. (Ord. 925, 6-13-2005; amd. Ord. 947, 5-12-2008)
- G. C-1 Retail And Service Commercial: The retail and service commercial zone provides for general retail and light service commercial uses such as hair care salons, restaurants, and supermarkets.
- H. C-2 General Commercial: The general commercial zone provides for commercial service such as auto repair and building supply outlets which involve more outside storage and heavier traffic than C-1 uses.
- I. I-M Industrial-Manufacturing: The industrial-manufacturing zone provides for the full range of production, fabrication and processing uses which form the industrial base of the economy. (Ord. 947, 5-12-2008)
- J. BP Business Park: The business park zone is established to provide for economic development opportunities in an orderly and aesthetically pleasing manner. Development within

the business park zone will meet the following objectives:

1. Create an attractive business environment;
2. Enhance the appearance at the gateway to the city;
3. Provide a mix of land uses that offer a variety of services; corporate and business offices, light industrial facilities, and supportive commercial services;
4. Promote sound economic development. (Ord. 928, 6-27-2005; amd. Ord. 947, 5-12-2008)

K. PL Public Lands: The public lands zone provides for the full range of structures, services, and land uses provided by public agencies on publicly owned land. Due to the diversity of land types and uses included in this designation, the site plan review process is used to determine yard and lot standards. Public uses are required to meet all parking, vehicle maneuvering, landscaping, and other development standards of this title. (Ord. 947, 5-12-2008)

L. CO Civic Overlay: The civic overlay district contains special uses to emphasize the city's desire to concentrate civic facilities in the heart of the downtown. This chapter lists those uses allowable in the civic overlay district. The development standards in section [10-4-6](#), "DB Downtown Business", of this chapter shall apply to all development in the civic overlay district. (Ord. 925, 6-13-2005; amd. Ord. 947, 5-12-2008)

10-4-2: R-1 RESIDENTIAL:

A. Permitted Uses: The following outright uses are permitted in accordance with level I application procedures:

City governmental structure or land use including, but not limited to, a public park, playground, recreation building, fire station, library, or museum.

Home occupation.

Manufactured housing on individual lots in compliance with the following placement standards:

1. The manufactured home shall be multisectional and enclose a space of not less than one thousand four hundred (1,400) square feet.
2. Installation of all manufactured homes shall be in accordance with the most recent Oregon manufactured dwelling standard.
3. The manufactured home shall be attached and anchored to a foundation approved by the Oregon state building codes agency and/or any other state or federal regulations.
4. The manufactured home shall have an approved support system with skirting enclosing the entire perimeter of the home.
5. Skirting and backup framing shall be of weather resistant, noncombustible or self-extinguishing materials which blend with the exterior siding of the home, and which are aesthetically compatible with homes in the surrounding area.

6. The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet (3') in height for each twelve feet (12') in width.

7. 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 on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the planning department.

8. The manufactured home shall be certified by the manufacturer to meet HUD manufactured housing standards.

9. An attached or detached garage constructed of like materials shall be required pursuant to subsection G of this section.

Public utility facilities.

Single-family dwelling.

Structures and uses accessory to residential uses as specified in section [10-5-6](#) of this title.

All single-family dwellings shall be required to have the main entrance situated on that side of the structure which is closest to the front yard.

B. Conditional Uses: The following conditional uses are permitted in accordance with level III application procedures:

Church.

Golf course, private park, community center.

Planned unit development.

Public or private school.

C. Minimum Lot Dimensions:

1. Single-family dwelling: Ten thousand (10,000) square feet.

2. Minimum street frontage: Fifty feet (50').

3. Minimum lot depth: Eighty feet (80').

4. Dimensions for uses other than those listed in subsection C1 of this section are as follows:

a. Church: Ten thousand (10,000) square feet.

b. Community center: Ten thousand (10,000) square feet.

D. Minimum Yard Requirements: For residential uses:

1. Interior lots:

a. Front yard: Twenty two feet (22').

b. Side yard: Twelve feet (12') each side.

c. Rear yard: Twenty two feet (22').

2. Corner lots:

a. Front yard: Twenty two feet (22'). "Front yard" is defined as that side of the property which faces a street and contains the main entrance to the structure.

b. Side yards: Twelve feet (12'). If garage, carport, or driveway is located on the property's street facing side yard, the minimum setback is twenty two feet (22'). If the garage, carport, or driveway is not located on the property's street facing side yard, the minimum setback is twelve feet (12'). (City planner may modify strict application of this standard based on actual proposed location of garage or carport in relation to streets.)

c. Rear yard: Twenty two feet (22').

3. Yards for uses other than those listed above are as follows:

Use	YARD (FEET)		
	Front	Side	Rear
Church	22	22	22
Community center	22	22	22

E. Lot Coverage: Buildings shall occupy a maximum of fifty percent (50%) of the lot.

F. Building Height: No buildings shall exceed twenty eight feet (28').

G. Additional Standards: All dwellings constructed or located in the R-1 zone shall be required to meet the following standards:

1. Have a living area of not less than one thousand four hundred (1,400) square feet for single-story residences, and one thousand eight hundred (1,800) square feet for multi-story residences.

2. Construct an enclosed garage of not less than four hundred (400) square feet.

3. All building elevations visible from the front street facing side of the home shall provide a combination of doors, porches, balconies and/or windows. A minimum of thirty percent (30%) of the total front wall area facing the street shall meet this standard. For corner lots, a minimum of fifteen percent (15%) of the total wall area of the secondary wall shall meet this standard. The dwelling shall also utilize at least six (6) of the following design features to provide visual relief along the front, street facing side 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 of 6 inch projection).
- i. A roof pitch of six feet (6') or higher in height for each twelve feet (12') in width.
- j. Offsets on building face (minimum 16 inches).
- k. Decks and railings.
- l. Decorative bricks, stones, rock, or other distinct pattern in surface.
- m. Window shutters or trim (4 inch minimum trim) (must be on all windows on the street facing side).
- n. An alternative feature providing visual relief, similar to subsections G3a through G3m of this section.

Adjustments to these standards may be applied for. Requests for adjustments must show that the intent of the above standards can be satisfied by alternative design features. Adjustments shall be processed in accordance with level III application procedures as described in section [10-3-9](#) of this title. (Ord. 947, 5-12-2008)

10-4-3: R-2 RESIDENTIAL:

A. Permitted Uses: The following outright uses are permitted in accordance with level I application procedures:

City governmental structure or land use including, but not limited to, a public park, playground, recreation building, fire station, library, or museum.

Duplex.

Home occupation.

Manufactured housing on individual lots in compliance with the following placement standards:

1. The manufactured home shall be multisectional and enclose a space of not less than one thousand (1,000) square feet.
2. Installation of all manufactured homes shall be in accordance with the most recent Oregon manufactured dwelling standard.
3. The manufactured home shall be attached and anchored to a foundation approved by the Oregon state building codes agency and/or any other state or federal regulations.

4. The manufactured home shall have an approved support system with skirting enclosing the entire perimeter of the home.
5. Skirting and backup framing shall be of weather resistant, noncombustible or self-extinguishing materials which blend with the exterior siding of the home and which are aesthetically compatible with homes in the surrounding area.
6. The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet (3') in height for each twelve feet (12') in width.
7. 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 on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the planning department.
8. The manufactured home shall be certified by the manufacturer to meet HUD manufactured housing standards.
9. An attached or detached garage or carport constructed of like materials will be required if such a structure is consistent with the predominant construction of immediately surrounding dwellings.

Modular home single-family dwelling.

Public utility facilities.

Single-family dwelling.

Structures and uses accessory to residential uses as specified in section [10-5-6](#) of this title.

B. Conditional Uses:

1. The following conditional uses are permitted in accordance with level III application procedures:
 - Boarding/rooming house.
 - Church.
 - Golf course, private park, or community center.
 - Planned unit development.
 - Public or private school, childcare facility.
2. Density bonus allowing up to eight (8) additional units per acre (attached or detached) in exchange for providing a minimum of four (4) of the following nine (9) standards:
 - a. Additional landscaping of one hundred (100) square feet per unit.
 - b. Covered parking.
 - c. Transit facilities provided, such as a bus shelter.
 - d. Plaza.
 - e. Parks/recreational areas.

- f. Diversity of design of units.
- g. Limit number of total units allowed to be attached to twelve (12).
- h. Connectivity (sidewalks, paths, etc.) which connect with the existing sidewalk or street system, and which will result in reduced vehicle use.
- i. How well natural resources (streams, riparian areas, wetlands) are protected, integrated into the design of the development, defined as common area and made accessible.

C. Minimum Lot Dimensions:

- 1. Single-family dwelling: Seven thousand five hundred (7,500) square feet.
- 2. Duplex: Ten thousand (10,000) square feet.
- 3. Minimum frontage for subsections C1 and C2 of this section: Fifty feet (50').
- 4. Minimum lot depth: Seventy feet (70').
- 5. Dimensions for uses other than subsections C1 and C2 of this section are as follows:
 - a. Boarding/rooming house: Nine thousand (9,000) square feet.
 - b. Childcare facility: Nine thousand (9,000) square feet.
 - c. Church: Ten thousand (10,000) square feet.
 - d. Community center: Ten thousand (10,000) square feet.
 - e. Multi-family dwelling: Two thousand seven hundred (2,700) square feet per unit.

D. Minimum Yard Requirements: For single-family dwelling or duplex:

- 1. Interior lots:
 - a. Front yard: Twenty two feet (22').
 - b. Side yard: Minimum of six feet (6') on any side, with both sides combining for a minimum of sixteen feet (16').
 - c. Rear yard: Eighteen feet (18').
- 2. Corner lots:
 - a. Front yard: Twenty two feet (22'). "Front yard" is defined as that side of the property which faces a street and contains the main entrance to the structure.
 - b. Side yards: Minimum of six feet (6') on interior side, with both sides combining for a minimum of sixteen feet (16'). If garage, carport or driveway is located on the property's street facing side yard, the minimum setback is twenty two feet (22'). If the garage, carport or driveway is not located on the property's street facing side yard, the minimum setback is ten feet (10'). (City planner may modify

strict application of this standard based on actual proposed location of garage or carport in relation to streets.)

c. Rear yard: Eighteen feet (18').

3. Yards for uses other than those listed above are as follows:

Use	YARD (FEET)		
	Front	Side	Rear
Boarding/rooming house	22	12	22
Childcare facility	22	12	22
Church	22	22	22
Community center	22	22	22
Multi-family dwelling	22	12	22

E. Lot Coverage: Buildings shall occupy a maximum of fifty percent (50%) of the lot.

F. Building Height: No building shall exceed thirty five feet (35').

G. Additional Standards:

1. Single-family dwellings (site built, modular, and manufactured homes) to be constructed or located in an R-2 zoned lot created after September 13, 1999, shall be required to also construct a carport or garage. Single-family dwellings constructed on R-2 zoned lots existing as of September 13, 1999, shall only be required to provide two (2) off street parking spaces. All single-family dwellings shall be required to have the main entrance situated on that side of the structure which is closest to the front yard. All building elevations visible from the front street facing side of the home shall provide a combination of doors, porches, balconies and/or windows. A minimum of thirty percent (30%) of the total wall area facing the street shall meet this standard. For corner lots, a minimum of fifteen percent (15%) of the total wall area of the secondary wall shall meet this standard. The dwelling shall also utilize at least six (6) of the following design features to provide visual relief along the front, street facing side 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 of 6 inch projection).
- i. A roof pitch of six feet (6') or higher in height for each twelve feet (12') in width.
- j. Offsets on building face (minimum 16 inches).
- k. Decks and railings.
- l. Decorative bricks, stones, rock, or other distinct pattern in surface.
- m. Window shutters or trim (4 inch minimum trim) (must be on all windows on the street facing side).
- n. An alternative feature providing visual relief, similar to subsections G1a through G1m of this section.

Adjustments to these standards may be applied for. Requests for adjustments must show that the intent of the above standards can be satisfied by alternative design features. Adjustments shall be processed in accordance with level III application procedures as described in section [10-3-9](#) of this title. (Ord. 947, 5-12-2008)

2. Subdivisions, planned unit developments and multi-family developments must be served by continuously improved streets which are built to city standards. (Ord. 873, 9-13-1999)

10-4-4: R-3 RESIDENTIAL:

A. Permitted Uses: The following outright uses are permitted in accordance with level I application procedures:

City governmental structure or land use including, but not limited to, a public park, playground, recreation building, fire station, library, or museum.

Duplex.

Home occupation.

Manufactured housing on individual lots in compliance with the following placement standards:

1. The manufactured home shall be multisectional and enclose a space of not less than one thousand (1,000) square feet.
2. Installation of all manufactured homes shall be in accordance with the most recent Oregon manufactured dwelling standard.
3. The manufactured home shall be attached and anchored to a foundation approved by the Oregon state building codes agency and/or any other state or federal regulations.
4. The manufactured home shall have an approved support system with skirting enclosing the entire perimeter of the home.
5. Skirting and backup framing shall be of weather resistant, noncombustible or self-extinguishing materials which blend with the exterior siding of the home and which are aesthetically compatible with homes in the surrounding area.

6. The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet (3') in height for each twelve feet (12') in width.

7. 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 on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the planning department.

8. The manufactured home shall be certified by the manufacturer to meet HUD manufactured housing standards.

Modular home single-family dwelling.

Public utility facilities.

Single-family dwelling.

Structures and uses accessory to residential uses as specified in section [10-5-6](#) of this title.

B. Permitted Uses With Site Plan Review: The following outright uses are permitted in accordance with level I application procedures and site plan review specified in [chapter 8](#) of this title:

Church.

Golf course, private park, or community center.

Manufactured home subdivision.

Multi-family dwelling.

C. Conditional Uses: The following conditional uses are permitted in accordance with level III application procedures:

Boarding/rooming house.

Manufactured home park.

Nursing home, residential care facility.

Planned unit development.

Public or private school, childcare facility.

Storage units.

D. Minimum Lot Dimensions:

1. Single-family dwelling: Five thousand (5,000) square feet.

2. Duplex: Seven thousand five hundred (7,500) square feet.

3. Minimum frontage for subsections D1 and D2 of this section: Fifty feet (50').

4. Minimum lot depth: Seventy feet (70').

5. Dimensions for uses other than those listed in subsections D1 and D2 of this section are as follows:

- a. Boarding/rooming house: Seven thousand (7,000) square feet.
- b. Childcare facility: Nine thousand (9,000) square feet.
- c. Church: Ten thousand (10,000) square feet.
- d. Community center: Ten thousand (10,000) square feet.
- e. Manufactured home park: Three thousand five hundred (3,500) square feet per manufactured home site.
- f. Multi-family dwelling: Six thousand (6,000) square feet for the first unit plus one thousand five hundred (1,500) square feet for each additional dwelling unit.
- g. Nursing home, residential care facility: Two thousand five hundred (2,500) square feet per bed or living unit.

E. Minimum Yard Requirements: For single-family dwelling or duplex:

1. Interior lots:

- a. Front yard: Twenty two feet (22').
- b. Side yard: Minimum of six feet (6') on any side with both side yards combining for a minimum of fourteen feet (14').
- c. Rear yard: Sixteen feet (16').

2. Corner lots:

- a. Front yard: Twenty two feet (22'). "Front yard" is defined as that side of the property which faces a street and contains the main entrance to the structure.
- b. Side yards: Minimum of six feet (6') on interior side, with both sides combining for a minimum of sixteen feet (16'). If garage, carport or driveway is located on the property's street facing side yard, the minimum setback is twenty two feet (22'). If the garage, carport or driveway is not located on the property's street facing side yard, the minimum setback is ten feet (10'). (City planner may modify strict application of this standard based on actual proposed location of garage or carport in relation to streets.)
- c. Rear yard: Sixteen feet (16').

3. Yards for uses other than those listed above are as follows:

Use	YARD (FEET)		
	Front	Side	Rear
Boarding/rooming house	22	12	22

Childcare facility	22	12	22
Church	22	22	22
Community center	22	22	22
Multi-family dwelling	22	12	22
Nursing home, residential care facility	22	12	22

F. Lot Coverage: Buildings shall occupy a maximum of forty five percent (45%) of the lot. Total coverage including driveways and parking lots shall not exceed eighty percent (80%).

G. Building Height: No building shall exceed thirty five feet (35').

H. Additional Standards:

1. Single-family dwellings (site built, modular, manufactured homes) shall be required to provide two (2) off street parking spaces. All single-family dwellings shall be required to have the main entrance situated on that side of the structure which is closest to the front yard. All building elevations visible from the front street facing side of the home shall provide a combination of doors, porches, balconies and/or windows. A minimum of thirty percent (30%) of the total wall area facing the street shall meet this standard. For corner lots, a minimum of fifteen percent (15%) of the total wall area of the secondary wall shall meet this standard. The dwelling shall also utilize at least six (6) of the following design features to provide visual relief along the front, street facing side 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 of 6 inch projection).
- i. A roof pitch of six feet (6') or higher in height for each twelve feet (12') in width.
- j. Offsets on building face (minimum 16 inches).
- k. Decks and railings.
- l. Decorative bricks, stones, rock, or other distinct pattern in the surface.
- m. Window shutters or trim (4 inch minimum trim) (must be on all windows on the street facing side).
- n. An alternative feature providing visual relief, similar to subsections H1a through H1m of this section.

Adjustments to these standards may be applied for. Requests for adjustments must show that the intent of the above standards can be satisfied by alternative design features. Adjustments shall be processed in accordance with level III application procedures as described in section [10-3-9](#) of this title. (Ord. 947, 5-12-2008)

10-4-5: MSR MAIN STREET RESIDENTIAL:

A. Permitted Uses: The following outright uses are permitted in accordance with level I application procedures:

Duplex.

Home occupations.

Single-family residential.

Structures and uses accessory to residential uses specified in section [10-5-6](#) of this title.

Upper floor residential.

B. Permitted Uses With Site Plan Review: The following outright uses are permitted in accordance with a level I application and site plan review specified in [chapter 8](#) of this title.

Bed and breakfast.

Mixed use.

Offices (business, professional, public, nonprofit) with the business owner residing on site.

Private park.

C. Conditional Uses: The following conditional uses are permitted in accordance with level III application procedures:

Any use allowed by subsections [10-4-6A](#) and B of this chapter unless otherwise prohibited by this chapter, where the proposed use would be carried out in a structure not originally constructed for residential use.

Boarding/rooming house.

Church.

Offices (business, professional, medical, dental, public, nonprofit) without the business owner residing on site.

D. Prohibited Auto Oriented And Auto Dependent Uses: Auto oriented uses including drive-through facilities are not permitted in the MSR district (e.g., gas stations, vehicle repair/sales/services, drive-through uses). Auto dependent uses such as gas stations, car washes, and similar uses are also prohibited.

E. Minimum Lot Area Dimensions:

1. Single-family residential and duplex: Minimum six thousand (6,000) square feet for single-family residential and seven thousand five hundred (7,500) square feet for a duplex.
2. Offices, churches, bed and breakfast: No minimum or maximum.
3. Boarding/rooming house: Minimum seven thousand (7,000) square feet.
4. Mixed use development: Minimum seven thousand (7,000) square feet.

F. Minimum Lot Width/Length Dimensions:

1. Single-family residential:
 - a. Minimum width: Thirty foot (30') width at front property line.
 - b. Maximum length: Three (3) times the lot width.
2. Duplex:
 - a. Minimum width: Sixty foot (60') width at front property line.
 - b. Maximum length: Three (3) times the lot width.
3. All other uses:
 - a. Minimum width: Sixty foot (60') width at front property line.
 - b. Maximum length: No maximum length.

G. Yard Requirements:

1. Front Setbacks For All Uses: A minimum setback of fifteen feet (15') is required, except that an unenclosed porch may be within eight feet (8'), as long as it does not encroach into a public utility easement. Garages shall be recessed behind the front building elevation by a minimum of four feet (4').
2. Front Setback; Lot Located Between Existing Single-Family Residences: If the site is located between two (2) existing single-family residences, a front yard setback similar to that of the nearest single-family residence shall be used. "Similar" means the setback is within five feet (5') of the setback provided by the nearest single-family residence. For example, if the nearest existing single-family residence has a front yard setback of twenty feet (20'), then the new building shall have a front yard setback between fifteen feet (15') and twenty five feet (25'). In no case shall the setback be less than fifteen feet (15').
3. Rear Setbacks For All Uses: A minimum rear yard setback shall be fifteen feet (15') for street access lots and six feet (6') for alley access lots (all structures).
4. Side Yard Setbacks For All Uses: The minimum side yard setback shall be five feet (5') on interior side yards and ten feet (10') on corner side yards.

5. Setback Exceptions: The following architectural features are allowed to encroach into the setback yards: eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into the setbacks by no more than three feet (3'). Porches, decks, and similar structures not exceeding thirty six inches (36") in height may encroach into setbacks by no more than six feet (6'). Walls and fences may be placed on property lines and shall comply with vision clearance standards.

6. Garages And Carports: Garages and carports should be accessed from alleys if practicable. If accessed from the front, garages and carports should be recessed behind the front building elevation by four feet (4').

H. Lot Coverage: Buildings shall occupy a maximum of fifty percent (50%) of the lot.

I. Building Height Requirements:

1. Maximum Height: Building heights shall be a maximum thirty five feet (35').

2. Building Height Transition: To provide compatible building scale and privacy between developments, taller buildings shall "step down" to create a building height transition to adjacent single-story building(s).

a. This applies to new and vertically expanded buildings within twenty feet (20') (as measured horizontally) of an existing single-story building with a height of twenty feet (20') or less.

b. The building height transition standards are met when the height of the taller building does not exceed one foot (1') of height for every one foot (1') separating the two (2) buildings.

J. Building Orientation Standards: The following standards are intended to orient buildings close to streets, to promote human scale development, slow traffic down, and encourage walking in the MSR district. Placing residences and other buildings close to the street also encourages security and safety by having more "eyes on the street".

1. All buildings shall be oriented to the street. The building orientation standard is met when all of the following criteria are met:

a. Compliance with the setback standards in subsection G of this section.

b. All buildings shall have their primary entrance(s) oriented to the street.

c. A direct walkway shall be provided between the building entrance and street right of way.

K. Architectural Standards: These standards are intended to provide detailed, human scale design, while affording flexibility to a variety of building styles. Note: For consistency, the standards should apply to all buildings.

1. Building Form: All buildings shall incorporate design features to preclude expanses of uninterrupted building surfaces. Buildings are required to have offsets or recess features at least every thirty feet (30') to prohibit expanses of blank building surfaces.

2. Eyes On The Street: All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows. A minimum of twenty five percent (25%) of front elevations and a minimum of twenty five percent (25%) of side and rear building elevations, that are visible from the street, shall meet this standard. As part of the compliance with this standard, a minimum of fifteen

percent (15%) of the wall area of each elevation visible from the street shall contain windows or glass doors.

3. Detailed Design: All buildings shall provide detailed design along all elevations visible from the street. Detailed designs shall be provided by using at least six (6) of the following architectural features on all elevations visible from the street, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

- a. Dormers.
- b. Gables.
- c. Recessed entries.
- d. Covered porch entries.
- e. Cupolas or towers.
- f. Pillars or posts.
- g. Eaves (minimum 6 inch projection).
- h. Offsets on building face or roof (minimum 16 inches).
- i. Window trim (minimum 4 inches wide).
- j. Bay windows.
- k. Balconies.
- l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, or similar features).
- m. Decorative cornices and rooflines (e.g., for flat roofs).
- n. An alternative feature providing visual relief, similar to subsections K3a through K3m of this section.

L. Access And Circulation: The intent of this section is to manage vehicle access to the development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. This section shall apply to all properties that abut a public street.

1. Access Options: When vehicle access is required for the development, access shall be provided by one of the following methods (a minimum 10 feet per lane is required). These methods are "options" to the developer, unless one method is specifically required under special standards for certain uses.

- a. Option 1: Access from an existing or proposed alley or midblock lane.
- b. Option 2: Access from a private street or driveway connecting to an adjoining property that has direct access to a public street ("shared driveway"). A shared public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the street/driveway.
- c. Option 3: Access from South Main if an access permit is approved by Oregon department of transportation.

d. Option 4: Access from a public right of way other than South or North Main Street.

2. Special Provisions: Direct street access may be restricted for some land uses. For example, access consolidation, shared access, and/or access separation greater than is required in the transportation system plan may be required by the city or Oregon department of transportation for the purpose of protecting the function, safety, and operation of the street for all users.

3. Number Of Access Points: One street access per lot is allowed, except that two (2) access points may be allowed for corner lots.

4. Driveway Openings: Driveway openings, or curb cuts, shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

a. Single-family and duplex uses shall have a minimum driveway width of ten feet (10') and a maximum width of twenty four feet (24').

b. Access widths of all other uses shall be based on ten feet (10') of width for every travel lane.

c. Driveway aprons (when required) shall be constructed of concrete and installed between the right of way and the private drive. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous travel lane that is a minimum of three feet (3') in width, with a cross slope not exceeding two percent (2%).

5. Construction: Driveways, parking areas, and turnarounds may be paved with asphalt, concrete, or comparable surface, or a durable nonpaving material may be used to reduce surface water runoff and protect water quality. When paved surfaces are used, all driveways, parking areas, and turnarounds shall have on site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights of way and abutting property.

M. Site Planning And General Building Design Guidelines: Original exterior materials and details (including doors and windows) are encouraged to be preserved.

N. Landscaping And Screening: This section applies to all development. All developments containing significant vegetation as defined below shall comply with the standards of this section. The use of mature, native vegetation within the developments is a preferred alternative to removal of vegetation and replanting.

1. Significant Vegetation: Individual trees with a trunk diameter ten inches (10") or greater, as measured four feet (4') above the ground (dbh), and all plants within the drip line of such trees and shrubs shall be protected.

a. Protection Standards: Significant trees, as identified in subsection N1 of this section, shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land use permitted by the applicable land use district.

b. Construction: All areas of significant vegetation shall be protected prior to, during, and after construction.

c. Exemptions: Vegetation that is dead or diseased or poses a hazard to personal safety, property, or health may be removed. The applicant shall provide a report from a certified arborist or other qualified professional.

2. Landscape Area Standards: Twenty percent (20%) of the site area shall be landscaped.

3. Landscape Materials:

a. A combination of trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. Nonnative invasive plants are prohibited.

b. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to ten percent (10%) of the required landscape area.

c. Trees shall be a minimum one and one-half inch (1¹/₂") caliper at the time of planting.

d. Landscaping shall define pedestrian pathways and open space.

e. A combination of plants shall be used for year long color and interest.

f. Landscaping shall be used to screen outdoor storage and mechanical equipment areas.

4. Buffering And Screening:

a. Where a parking or maneuvering area is adjacent and parallel to a street, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall be established parallel to the street. The required wall shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. Evergreen hedges used to comply with this standard shall be a minimum of twenty four (24) and a maximum of thirty six inches (36") in height at maturity, and shall be of such species, number, and spacing to provide the required screening one year after planting.

5. Street Trees: Street trees shall be planted for all development.

a. Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance.

b. All trees shall be a minimum one and one-half inch (1¹/₂") caliper at the time of planting based on the American Association of Nurserymen Standards.

c. Street trees shall be placed in planting strips and in sidewalk tree wells on streets without planting strips.

d. Street tree spacing shall be based on the type of tree(s) selected. In general, trees shall be spaced approximately thirty feet (30') on center and no more than thirty feet (30') apart, except where planting a tree would conflict with existing trees, retaining walls, utilities, and similar physical barriers.

O. Vehicle And Bicycle Parking: The purpose of this section is to provide basic and flexible standards for development of vehicle and bicycle parking. This section applies to all development. Parking shall be provided in accordance with the standards in [chapter 6](#) of this title, and the following additional standards:

1. Location Of Parking: Parking shall be located as follows:

a. No parking shall be located between the building and public streets, not including alleys.

b. No parking shall be located closer to a public street than a primary building on the property.

c. These standards may be modified through a conditional use review. In such cases, the

planning commission shall consider the buffering and screening provisions of this chapter, and may require buffering, screening, low walls, landscaping, or other measures to reduce the visual impact of parking areas.

2. Maximum Parking Standard: The maximum parking standard shall be one hundred twenty percent (120%) of the minimum. This standard is intended to ensure that parking areas that are out of scale with the zone district are not permitted outright.

3. Shared Parking: Required parking facilities for two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime vs. nighttime nature), and provided that the right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing the joint use.

4. Mixed Use: If more than one type of land use occupies a single structure or parcel of land, the total requirements for off street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of day). In that case, the total requirements shall be reduced accordingly.

P. Special Standards For Certain Uses: Standards are provided for the following land uses to control the scale and compatibility of those uses in the MSR district. These are in addition to those listed in [chapter 8](#) of this title. If any conflicts arise between this section and [chapter 8](#) of this title, the more restrictive standard shall apply unless adjusted by the planning commission or city council.

1. Accessory Dwellings (Attached, Separate Cottage, Or Above Detached Garage): The accessory dwelling shall comply with the following:

- a. Code Compliance: Oregon structural specialty code.
- b. Owner Occupied: The primary residence or accessory dwelling shall be owner occupied. Alternatively, the owner may appoint a family member as a resident caretaker of the principal house and manager of the accessory dwelling.
- c. One Unit: The maximum of one accessory dwelling unit is allowed per lot.
- d. Floor Area: The maximum floor area of the accessory dwelling shall not exceed six hundred (600) square feet.
- e. Building Height: The building height of detached accessory dwellings that are not above a garage or primary structure shall not exceed twenty five feet (25').
- f. Buffering: A minimum six foot (6') hedge or fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents.
- g. Parking: A minimum of one parking space shall be provided for each accessory dwelling.
- h. Additional Standards: The above standards are in addition to the minimum lot size required for accessory dwellings.

2. Accessory Uses And Structures: Accessory uses and structures shall comply with the following:

- a. Primary Use Required: An accessory structure shall not be allowed without another permitted use.

- b. Restrictions: A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach onto a public right of way.
- c. Floor Area: The maximum floor area of the accessory structure shall not exceed six hundred feet (600').
- d. Building Height: The building height of detached accessory dwellings shall not exceed twenty five feet (25').
- e. Buffering: A minimum six foot (6') hedge or fence shall be required to buffer an accessory structure from dwellings on adjacent lots, unless a similar screen is provided or the distance to adjacent dwellings is greater than one hundred feet (100'). (Ord. 925, 6-13-2005)

10-4-6: DB DOWNTOWN BUSINESS:

A. Permitted Uses: The following outright uses are permitted in accordance with level I application procedures:

Bed and breakfast inns.

Upkeep, repair, replacement of existing residential structures and/or uses accessory to residential uses provided that such activity does not increase the density of dwelling units on the property.

B. Site Plan Review: The following outright uses are permitted in accordance with a level I application and site plan review specified in [chapter 8](#) of this title.

Accessory dwellings.

Churches and places of worship.

Clubs, lodges, and similar uses.

Entertainment (e.g., theaters, clubs, amusement uses).

Home occupations.

Hotels/motels.

Light manufacture (e.g., small scale crafts, electronic equipment, bakery, furniture, similar goods when in conjunction with retail).

Medical and dental offices, clinics and laboratories.

Mixed use development (any combination of permitted and/or conditional uses).

Personal and professional services (e.g., childcare center, catering/food services, restaurants, laundromats and dry cleaners, barbershops and salons, banks and financial institutions, and similar uses).

Private utilities.

Public parking lots and garages.

Repair services (must be enclosed within building).

Residential on upper floors.

Retail trade and services (except auto oriented uses).

School (public and private).

Single-family attached townhomes, duplexes, and triplexes, and multi-family in conjunction with mixed use development on the same parcel.

C. Conditional Uses: The following conditional uses are permitted in accordance with level III application procedures:

Government offices and facilities (administration, utilities, and similar uses). These uses are allowed conditionally if a finding can be made that it is not feasible to locate in the civic overlay district.

Libraries, museums, community centers, and similar uses. These uses are allowed conditionally if a finding can be made that it is not feasible to locate in the civic overlay district.

Telecommunication equipment, including wireless.

D. Prohibited Auto Oriented And Auto Dependent Uses: Auto oriented uses including drive-through facilities are not permitted in the DB district (e.g., gas stations, vehicle repair/sales/service, drive-through uses). Auto dependent uses such as gas stations, car washes, and similar uses are also prohibited. Drive-through facilities for banks are not subject to this prohibition; they are permitted. Drive-through facilities for banks shall be located to the side or rear of the building and accessed from side streets.

E. Minimum Lot Dimensions: No minimum lot dimensions are required. Lot dimensions may be established during site plan review.

F. Minimum Yard Requirements: The following yard requirements are the base standards and may be modified during site plan review.

1. Front Yard Setback: There is no minimum front yard setback requirement.

2. Rear Yard Setback: The minimum rear yard setback for all structures shall be zero feet (0') for street access lots and six feet (6') for alley access lots.

3. Side Yard Setbacks: There is no minimum side yard setback required.

4. Setback Exceptions: Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features may encroach into setbacks by no more than six feet (6'), subject to compliance with applicable standards of the uniform building code and uniform fire code.

G. Lot Coverage: No lot coverage dimensions are required except compliance with other sections of this title, including site plan review, may preclude one hundred percent (100%) coverage.

H. Height Requirements: Building shall be no more than forty five feet (45') in height.

I. Building Orientation Standards: The following standards are intended to orient buildings close to streets to promote human scale development, slow traffic down, and encourage walking in the DB district. Placing buildings close to the street also encourages security and safety by having more "eyes on the street".

All buildings in the DB district shall be oriented to the street. The building orientation standard is met when all of the following criteria are met:

1. Compliance with the setback standards in subsection F of this section.
2. All buildings shall have their primary entrance(s) oriented to the street.
3. A direct walkway not exceeding fifteen feet (15') shall be provided between the building entrance and street right of way.
4. Off street parking, drives, and other vehicle areas shall not be placed between buildings and streets.

J. Architectural Guidelines And Standards: These standards apply to townhomes, duplex and triplex developments, multi-family housing, public and institutional buildings, commercial, and mixed use buildings. They are intended to provide detailed, human scale design.

1. Detailed Storefront Design: All buildings shall contribute to the storefront character and visual relatedness of Main Street buildings.

- a. Corner building entrances on corner lots are encouraged.
- b. Regularly spaced and similar shaped windows are encouraged, consistent with the historic character.
- c. Large display windows on ground floors shall be provided (nonresidential uses only).
- d. Decorative cornices at the top of buildings (flat roof), or eaves with a pitched roof, are required.

2. Design Of Large Scale Buildings And Developments: The standards below shall apply to "large scale buildings and development" as defined in subsections J2a and J2b of this section:

- a. Buildings with greater than twenty thousand (20,000) square feet of enclosed ground floor space. Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell; and
- b. Multiple-building developments with a combined ground floor space (enclosed) greater than forty thousand (40,000) square feet.
- c. All large scale buildings and development, as defined in subsections J2a and J2b of this section, shall provide human scale design by conforming to all of the following criteria:

(1) Incorporate changes in building direction (articulation), and divide large masses into varying heights and sizes. Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees; and small scale lighting.

(2) Every building elevation adjacent to a street with a horizontal dimension of fifty feet (50'), as measured from end wall to end wall, shall have a building entrance, except that building elevations that are unable to provide an entrance due to the internal function of the building space (i.e., mechanical equipment, area where the public or employees are not received, etc.) may not be required to meet this standard. Pathways shall connect all entrances to the street right of way.

K. Pedestrian And Transit Amenities: This section is intended to complement the building orientation standards and street standards by providing comfortable and inviting pedestrian spaces within the downtown. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the downtown, and contribute to a walkable district. This section applies to three (3) or more attached townhomes on their own lots, duplexes and triplexes, multi-family housing, public and institutional buildings, commercial, and mixed use buildings.

1. Guidelines: Each development shall provide one or more of the following:
 - a. A plaza, courtyard, street furniture, square or extra wide sidewalk next to the building entrance.
 - b. Sitting space (i.e., dining area, benches or ledges between the building entrance, and sidewalk [a minimum of 16 inches in height and 30 inches in width]).
 - c. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space).
 - d. Public art which incorporates seating (e.g., fountain, sculpture, etc.).

L. Special Standards For Certain Uses: This section contains standards to control the scale and compatibility of those uses within the DB district. These are in addition to those listed in [chapter 8](#) of this title. If any conflicts arise between this section and [chapter 8](#) of this title, the more restrictive standard shall apply unless adjusted by the planning commission or city council.

1. Residential Uses:
 - a. Permitted When: Residential uses shall be permitted only when part of a mixed use development.
 - b. Limitation On Street Level Housing: No more than fifty percent (50%) of a single street frontage may be occupied by residential uses. This standard is intended to reserve storefront space for commercial uses and public uses; it does not limit residential uses above the street level on upper stories.
 - c. Density: There is no minimum or maximum density standard.
 - d. Parking, Garages, And Driveways: Parking shall be oriented to alleys, placed in aboveground floors, or located to the side or behind buildings.
 - e. Creation Of Alleys: When a subdivision is proposed, a public or private alley shall be created for the purpose of vehicle access. Alleys are not required when existing development patterns or topography make construction of an alley impracticable.
 - f. Common Areas: All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners' association or other legal entity. Copies of any applicable covenants, restrictions, and conditions shall be recorded and provided to the city prior to building permit approval.

M. Accessory Uses And Structures: Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory uses in a downtown include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory structures shall comply with the following:

1. Primary Use Required: An accessory structure shall not be allowed before or without a primary use.
2. Setback Standards: Accessory structures shall comply with required setback standards.
3. Design Guidelines: Accessory structures shall comply with the design guidelines as provided in this chapter.
4. Restrictions: A structure shall not be placed over an easement that prohibits such placement and shall not encroach into the public right of way.

N. Access And Circulation: The intent of this section is to manage vehicle access to the development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. This section shall apply to all properties that abut a public street.

1. Access Options: When vehicle access is required for development, access shall be provided by one of the following methods (a minimum 10 feet per lane is required). These methods are "options" to the developer, unless one method is specifically required under special standards for certain uses.
 - a. Option 1: Access from an existing or proposed alley or midblock lane.
 - b. Option 2: Access from a private street or driveway connecting to an adjoining property that has direct access to a public street ("shared driveway"). A shared public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the street/driveway.
 - c. Option 3: Access from South Main if an access permit is approved by Oregon department of transportation.
 - d. Option 4: Access from a public right of way other than South or North Main Street.
2. Special Provisions: Direct street access may be restricted for some land uses. For example, access consolidation, shared access, and/or access separation greater than is required in the transportation system plan may be required by the city or Oregon department of transportation for the purpose of protecting the function, safety and operation of the street for all users.
3. Number Of Access Points: One street access per lot is allowed, except that two (2) access points may be allowed for corner lots.
4. Access Spacing: Access spacing requirements shall follow the recommendations outlined in the most current transportation system plan.
5. Driveway Openings: Driveway openings, or curb cuts, shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:
 - a. Single-family and duplex uses shall have a minimum driveway width of ten feet (10') and a maximum width of twenty four feet (24').
 - b. Multiple-family uses with between four (4) and seven (7) dwelling uses shall have a minimum driveway width of twenty feet (20') and a maximum width of twenty four feet (24').
 - c. Multiple-family uses with eight (8) or more dwelling units and off street parking areas with sixteen (16) or more spaces shall have a minimum driveway width of twenty four feet (24') and a maximum width of

thirty feet (30').

d. Access widths of all other uses shall be based on ten feet (10') of width for every travel lane.

e. Driveway aprons (when required) shall be constructed of concrete and installed between the right of way and the private drive. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous travel lane that is a minimum of three feet (3') in width, with a cross slope not exceeding two percent (2%).

6. Construction Driveways, Parking Areas, And Turnarounds: Construction driveways, parking areas, and turnarounds may be paved with asphalt, concrete, or comparable surface, or a durable nonpaving material may be used to reduce surface water runoff and protect water quality. When paved surfaces are used, all driveways, parking areas, and turnarounds shall have on site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights of way and abutting property.

O. Site Planning And General Building Design Standards: So far as practicable, all original exterior materials and details (including doors and windows) should be preserved.

P. Landscaping And Screening: This section applies to all development. All developments containing significant vegetation as defined below shall comply with the standards of this section. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and replanting.

1. Significant Vegetation: Individual trees with a trunk diameter ten inches (10") or greater, as measured four feet (4') above the ground (dbh), and all plants within the drip line of such trees and shrubs shall be protected.

a. Protection Standards: Significant trees, as identified in subsection P1 of this section, shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land use permitted by the applicable land use district.

b. Construction: All areas of significant vegetation shall be protected prior to, during, and after construction.

c. Exemptions: Vegetation that is dead or diseased or poses a hazard to personal safety, property, or health may be removed. The applicant shall provide a report from a certified arborist or other qualified professional.

2. Landscape Area Standards: There is no minimum landscaping requirement. Landscaping shall be addressed in the site plan review process.

3. Landscape Materials:

a. A combination of trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. Nonnative invasive plants are prohibited.

b. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to ten percent (10%) of the required landscape area.

c. Trees shall be a minimum one and one-half inch (1¹/₂") caliper at the time of planting.

d. Landscaping shall define pedestrian pathways and open space.

- e. A combination of plants shall be used for year long color and interest.
- f. Landscaping shall be used to screen outdoor storage and mechanical equipment areas.

4. Buffering And Screening:

- a. Where a parking or maneuvering area is adjacent and parallel to a street, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall be established parallel to the street. The required wall shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. Evergreen hedges used to comply with this standard shall be a minimum of twenty four inches (24") and a maximum of thirty six inches (36") in height at maturity, and shall be of such species, number, and spacing to provide the required screening one year after planting.

5. Street Trees: Street trees shall be planted for all development.

- a. Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance.
- b. All trees shall be a minimum one and one-half inch (1¹/₂") caliper at the time of planting based on the American Association of Nurserymen Standards.
- c. Street trees shall be placed in planting strips and in sidewalk tree wells on streets without planting strips.
- d. Street tree spacing shall be based on the type of tree(s) selected. In general, trees shall be spaced no more than thirty feet (30') apart, except where planting a tree would conflict with existing trees, retaining walls, utilities, and similar physical barriers.

Q. Vehicle And Bicycle Parking: The purpose of this section is to provide basic and flexible standards for development of vehicle and bicycle parking. This section applies to all development. Parking shall be provided in accordance with the standards in [chapter 6](#) of this title and the following additional standards:

1. Location Of Parking: Parking shall be located as follows:

- a. No parking shall be located between the building and public streets, not including alleys.
- b. No parking shall be located closer to a public street than the primary building on the property.
- c. These standards may be modified through a conditional use review. In such cases, the planning commission shall consider the buffering and screening provisions of this chapter, and may require buffering, screening, low walls, landscaping, or other measures to reduce the visual impact of parking areas.

2. Maximum Parking: The maximum parking standard shall be one hundred twenty percent (120%) of the minimum. This standard is intended to ensure that parking areas that are out of scale with the zone district are not permitted outright.

3. Shared Parking: Required parking facilities for two (2) or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime vs. nighttime nature), and provided that the right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing the joint use.

4. Mixed Use: If more than one type of land use occupies a single structure or parcel of land, the total requirements for off street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of day). In that case, the total requirements shall be reduced accordingly. (Ord. 925, 6-13-2005)

10-4-7: C-1 RETAIL AND SERVICE COMMERCIAL:

A. Permitted Uses: The following outright uses are permitted in accordance with level I application procedures:

Public utility facilities.

Structures and uses accessory to residential uses as specified in section [10-5-6](#) of this title on lots with existing residential structures.

Upkeep, repair, replacement of existing commercial uses which are C-2 general commercial type uses, provided that such activity does not increase the area or intensity of use. Expansion of C-2 type uses in the C-1 zone is provided for in section [10-11-5](#) of this title.

Upkeep, repair, replacement of existing residential structures provided that such activity does not increase the density of dwelling units on the property.

B. Permitted Uses With Site Plan Approval: The following outright uses are permitted in accordance with level I application procedures and site plan review specified in [chapter 8](#) of this title:

Business, government or professional office, public or private school.

Church.

Commercial amusement establishment such as a bowling alley or lounge, when wholly enclosed within a structure.

Dwelling units, subject to conditions that:

1. The dwelling is located in commercial districts of Milton-Freewater and occupies space in a structure housing a permitted business;
2. The units are located either in the upper story or rear of the structure that is designed and used for a permitted commercial business;
3. No more than one apartment unit shall be constructed within buildings one story in height. First story apartment units existing as of the date of March 9, 1998, shall be limited to owner/operator occupancy only;
4. The primary access shall be via a collector or arterial street that is improved to city standards prior to occupancy of any unit, unless approved by the planning department;
5. Public facilities and services are available to the site and are deemed adequate by the city to meet the requirements of this use. Any extension or over sizing of sewer/water and/or stormwater to serve the development shall be totally at the expense of the developer and consistent with applicable city

policies and ordinances;

6. Off street parking shall be reviewed by the planning department on a case by case basis.

Financial institution.

Personal and business service such as barbershop, tailoring shop, printing shop, funeral home, laundry or dry cleaning establishment.

Retail trade establishment such as food store, drugstore, hardware store, furniture sales, or repair.

Service commercial establishment such as motel or restaurant with inside seating only. (Ord. 667, 9-24-1984; amd. Ord. 764, 5-26-1992; Ord. 788, 2-14-1994; Ord. 850, 3-9-1998; Ord. 925, 6-13-2005)

C. Conditional Uses: The following conditional uses are permitted in accordance with level III application procedures:

Automobile fuel service station.

Enclosed storage.

General automobile repair and maintenance, but not to include bodywork, painting, machining, or storage of vehicles for parts.

Restaurant with service to persons other than those seated inside the structure.

A commercial use not listed above may be reviewed via the conditional use process for appropriateness in the zone; in all instances, review will include consideration of subsections C1 and C2 of this section.

In permitting a new conditional use or the alteration or extension of an existing conditional use, the planning commission shall use the following considerations in review of applications:

1. Conformance with the goals and policies of the comprehensive plan and the standards and policies of the zone.
2. Compatibility of the conditional use with the surrounding area or neighborhood in terms of lot size, building height, or bulk, traffic circulation, parking, provision of signs, buffering, screening, landscaping, open space, control of smoke glare, noise or hours of operation. (Ord. 667, 9-24-1984; amd. Ord. 764, 5-26-1992; Ord. 788, 2-14-1994; Ord. 925, 6-13-2005)

D. Minimum Lot Dimensions:

1. When dividing land to be allocated to existing residential structures, the minimum lot shall be:

- a. Single-family dwelling: Six thousand (6,000) square feet.
- b. Duplex: Seven thousand five hundred (7,500) square feet.
- c. Boarding/rooming house: Nine thousand (9,000) square feet.

2. When dividing land to be allocated to existing commercial structures, or for development of a new commercial use, the minimum lot shall be determined by:

- a. Submittal of a site plan as specified in [chapter 8](#) of this title, which proposes use for the property.

b. Parking requirements, access standards and other applicable provisions of this title shall be utilized to determine the size of parcel necessary to accommodate the proposed use.

c. Land in the C-1 zone shall not be available for the land partition or subdivision process without an approved site plan as specified in subsections D2a and D2b of this section. (Ord. 667, 9-24-1984; amd. Ord. 925, 6-13-2005)

E. Minimum Yard Requirements: For existing single-family, duplex, or boarding/rooming house which is being divided from a larger parcel.

1. Interior lots:

a. Front yard: Twenty two feet (22'). (Ord. 745, 1-22-1990; amd. Ord. 925, 6-13-2005)

b. Side yard: Minimum of six feet (6') on any side, with both side yards combining for a minimum of fourteen feet (14').

c. Rear yard: Sixteen feet (16'). (Ord. 873, 9-13-1999; amd. Ord. 925, 6-13-2005)

2. Corner lots:

a. Front yard: Twenty two feet (22'). "Front yard" is defined as that side of the property which faces a street and contains the main entrance to the structure. (Ord. 764, 5-26-1992; amd. Ord. 925, 6-13-2005)

b. Side yards: Minimum of six feet (6') on interior side, with both sides combining for a minimum of fourteen feet (14'). If garage, carport, or driveway is located on the property's street facing side yard, the minimum setback is twenty two feet (22'). If the garage, carport, or driveway is not located on the property's street facing side yard, the minimum setback is ten feet (10'). (Planning director may modify strict application of this standard based on actual proposed location of garage or carport in relation to streets.)

c. Rear yard: Sixteen feet (16'). (Ord. 873, 9-13-1999; amd. Ord. 925, 6-13-2005)

3. Setbacks for commercial uses shall be determined by the site plan review process specified in subsection D2 of this section. (Ord. 745, 1-22-1990; amd. Ord. 925, 6-13-2005)

F. Lot Coverage: Residential structures shall occupy a maximum of fifty percent (50%) of their lots, with total coverage including driveways not to exceed seventy five percent (75%). Coverage for commercial structures shall be determined by the site plan review process specified in subsection D2 of this section.

G. Building Height: Buildings in a C-1 zone within one hundred fifty feet (150') of a residential zone shall not exceed thirty five feet (35'). Commercial buildings in a C-1 zone in excess of one hundred fifty feet (150') of a residential zone shall not exceed forty five feet (45'). (Ord. 667, 9-24-1984; amd. Ord. 925, 6-13-2005)

H. Additional Standards: All single-family dwellings shall be required to have the main entrance situated on that side of the structure which is closest to the front yard. (Ord. 873, 9-13-1999; amd. Ord. 925, 6-13-2005)

10-4-8: C-2 GENERAL COMMERCIAL:

A. Permitted Uses: The following outright uses are permitted in accordance with level I application procedures:

Public utility facilities.

Structures and uses accessory to residential uses as specified in section [10-5-6](#) of this title on lots with existing residential structures.

Upkeep, repair, replacement of existing C-1 retail and service commercial type uses provided that such activity does not increase the area or intensity of the use.

Upkeep, repair, replacement of existing residential structures provided that such activity does not increase the density of dwelling units on the property. (Ord. 667, 9-24-1984; amd. Ord. 925, 6-13-2005)

B. Permitted Uses With Site Plan Review: The following outright uses are permitted in accordance with level I application procedures and site plan review specified in [chapter 8](#) of this title:

Automobile and truck repair, but not including bodywork, painting, and machining.

Automotive, truck, recreational vehicle, or farm implement sales lot.

Business, governmental or professional office, public or private school.

Church.

Commercial amusement establishment such as bowling alley or lounge, when wholly enclosed within a structure.

Dwelling, subject to the conditions that:

1. The dwelling is located in the commercial districts of Milton-Freewater and occupies space in a structure housing a permitted business.
2. The units are located either in the upper story or rear of the structure that is designed and used for a permitted commercial business.
3. No more than one apartment unit shall be constructed within buildings one story in height. First story apartment units existing as of March 9, 1998, shall be limited to owner/operator occupancy only.
4. The primary access shall be via a collector or arterial street that is improved or will be improved to city standards prior to occupancy of any unit, unless approved by the planning department.
5. Public facilities and services are available to the site and are deemed adequate by the city to meet the requirements of this use. Any extension or oversizing of sewer/water and/or stormwater to serve the development shall be totally at the expense of the developer and consistent with applicable city policies and ordinances.
6. Off street parking shall be reviewed by the planning department on a case by case basis.

Enclosed storage.

Financial institution.

Lumberyard or building supply dealership with outside storage.

Personal and business service such as barbershop, tailoring shop, printing shop, funeral home, laundry or dry cleaning establishment.

Retail trade establishment such as food store, drugstore, hardware store, furniture sales or repair.

Service commercial establishment such as motel, or restaurant with inside seating only. (Ord. 667, 9-24-1984; amd. Ord. 764, 5-26-1992; Ord. 788, 2-14-1994; Ord. 925, 6-13-2005)

C. Conditional Uses: The following conditional uses are permitted in accordance with level III application procedures:

Automotive fuel service station.

Automotive or truck repair including bodywork, painting, and machining.

Restaurant with service to persons other than those seated inside the structure.

A commercial use not listed above may be reviewed via the conditional use process for appropriateness in the zone; in all instances, review will include consideration of subsections C1 and C2 of this section.

In permitting a new conditional use or the alteration or extension of an existing conditional use, the planning commission shall use the following considerations in review of applications:

1. Conformance with the goals and policies of the comprehensive plan and the standards and policies of the zone.
2. Compatibility of the conditional use with the surrounding area or neighborhood in terms of lot size, building height, or bulk, traffic circulation, parking, provision of signs, buffering, screening, landscaping, open space, control of smoke, glare, noise or hours of operation. (Ord. 667, 9-24-1984; amd. Ord. 764, 5-26-1992; Ord. 925, 6-13-2005)

D. Minimum Lot Dimensions:

1. When dividing land to be allocated to existing residential structures, the minimum lot shall be:

- a. Single-family dwelling: Six thousand (6,000) square feet.
- b. Duplex: Seven thousand five hundred (7,500) square feet.
- c. Boarding/rooming house: Nine thousand (9,000) square feet.

2. When dividing land to be allocated to existing commercial structures, or for development of a new commercial use, the minimum lot shall be determined by:

- a. Submittal of a site plan as specified in [chapter 8](#) of this title, which proposes a use for the property.
- b. Parking requirements, access standards, and other applicable provisions of this title shall be utilized to determine the size of parcel necessary to accommodate the proposed use.
- c. Land in the C-2 zone shall not be available for the land partition or subdivision process without an approved site plan as specified in subsections D2a and D2b of this section. (Ord. 667, 9-24-1984;

amd. Ord. 925, 6-13-2005)

E. Minimum Yard Requirements: For existing single-family dwelling or duplex:

1. Interior lots:

- a. Front yard: Twenty two feet (22'). (Ord. 745, 1-22-1990; amd. Ord. 925, 6-13-2005)
- b. Side yard: Minimum of six feet (6') on any side, with both side yards combining for a minimum of fourteen feet (14').
- c. Rear yard: Sixteen feet (16'). (Ord. 873, 9-13-1999; amd. Ord. 925, 6-13-2005)

2. Corner lots:

- a. Front yard: Twenty two feet (22'). "Front yard" is defined as that side of the property which faces a street and contains the main entrance to the structure. (Ord. 764, 5-26-1992; amd. Ord. 925, 6-13-2005)
- b. Side yards: Minimum of six feet (6') on interior side, with both sides combining for a minimum of fourteen feet (14'). If garage, carport or driveway is located on the property's street facing side yard, the minimum setback is twenty two feet (22'). If the garage, carport, or driveway is not located on the property's street facing side yard, the minimum setback is ten feet (10'). (Planning director may modify strict application of this standard based on actual proposed location of garage or carport in relation to streets.)
- c. Rear yard: Sixteen feet (16'). (Ord. 873, 9-13-1999; amd. Ord. 925, 6-13-2005)

F. Lot Coverage: Residential structures shall occupy a maximum of fifty percent (50%) of their lots, with total coverage including driveways not to exceed seventy five percent (75%).

G. Building Height: Buildings in a C-2 zone within one hundred fifty feet (150') of a residential zone shall not exceed thirty five feet (35'). Commercial buildings in excess of one hundred fifty feet (150') of a residential zone shall not exceed forty five feet (45'). (Ord. 667, 9-24-1984; amd. Ord. 925, 6-13-2005)

H. Additional Standards: All single-family dwellings shall be required to have the main entrance situated on that side of the structure which is closest to the front yard. (Ord. 873, 9-13-1999; amd. Ord. 925, 6-13-2005)

10-4-9: I-M INDUSTRIAL-MANUFACTURING:

A. Permitted Uses: The following outright uses are permitted in accordance with level I application procedures:

Modular or mobile dwelling for caretaker or night watchman on industrial use premises.

Public utility facilities.

B. Permitted Uses With Site Plan Review: The following outright uses are permitted in accordance with level I application procedures and site plan review specified in [chapter 8](#) of this title:

Manufacture, assembly, compounding, packaging, or storage of materials when such activity does not create emissions or discharge other than normal sanitary sewer or industrial sewer wastes, or which does not necessitate permits to be issued by the Oregon department of environmental quality. Such industrial use may involve retail sales, provided that retail sales are a minor accessory use to the major industrial activity. (Ord. 667, 9-24-1984; amd. Ord. 925, 6-13-2005)

C. Conditional Uses: The following conditional uses are permitted in accordance with level III application procedures:

Automobile, truck or farm equipment repair including bodywork, painting and machining.

Automobile wrecking yard.

Machine shop, welding shop, glass shop.

Manufacture, assembly, compounding, packaging, or storage of materials when such activity does not create emissions or discharge other than normal sanitary sewer or industrial sewer wastes, or which necessitates permits to be issued by the Oregon department of environmental quality. Such industrial use may involve retail sales, provided that retail sales are a minor accessory use to the major industrial activity.

Office park complex with a minimum size of three (3) acres.

Any use, which in the opinion of the planning commission, is similar to those listed above. (Ord. 667, 9-24-1984; amd. Ord. 710, 5-16-1987; Ord. 736, 5-22-1989; Ord. 830, 12-11-1995; Ord. 925, 6-13-2005)

D. Minimum Lot Dimensions:

1. When dividing land to be allocated to existing residential structures, the minimum lot shall be:

- a. Single-family dwelling: Six thousand (6,000) square feet.
- b. Duplex: Seven thousand five hundred (7,500) square feet.
- c. Boarding/rooming house: Nine thousand (9,000) square feet.

2. When dividing land to be allocated to existing industrial structures, or for development of a new industrial use, the minimum lot shall be determined by:

- a. Submittal of a site plan as specified in [chapter 8](#) of this title, which proposes use for the property.
- b. Parking requirements, access standards, and other applicable provisions of this title shall be utilized to determine the size of parcel necessary to accommodate the proposed use.
- c. Land in the I-M zone shall not be available for the land partition or subdivision process without an approved site plan as specified in subsections D2a and D2b of this section.

E. Minimum Yard Requirements:

1. Front yard: Twenty two feet (22'). (Ord. 667, 9-24-1984; amd. Ord. 925, 6-13-2005)

2. Where an industrial use abuts a residential zone, the yard abutting the residential zone shall be a minimum of thirty five feet (35'). (Ord. 873, 9-13-1999; amd. Ord. 925, 6-13-2005)

3. Other yard requirements shall be determined by the fire clearances specified by the uniform building code and the state fire marshal's office for that type of construction and use.

F. Building Height:

1. Buildings in the I-M zone within one hundred fifty feet (150') of a residential zone shall not exceed forty five feet (45').

2. Industrial buildings in excess of one hundred fifty feet (150') of a residential zone shall not exceed fifty five feet (55'). (Ord. 667, 9-24-1984; amd. Ord. 925, 6-13-2005)

10-4-10: PL PUBLIC LANDS:

A. Permitted Uses: The following outright uses are permitted in accordance with level I application procedures:

Public utility facilities.

B. Conditional Uses: The following conditional uses are permitted in accordance with level I application procedure and site plan review specified in [chapter 8](#) of this title:

Golf course.

Governmental structure or land use including, but not limited to, a public park, playground, recreation building, fire station, library, or museum.

Public schools and associated facilities.

C. Minimum Lot Dimensions: Due to the wide range of land uses, structure types, and lot sizes inherent to the generalized category of public lands, lot dimensions are best determined through the site plan review process. When a proposed use is permitted in another zone with specified lot dimensions, the requirements of that zone shall apply in the public lands zone.

In any case, lot dimensions shall be sufficient to accommodate parking, vehicle maneuvering areas, landscaping, open space, and other development standards required by this title for the use as determined by the site plan review process. (See [chapter 8](#) of this title.)

D. Minimum Yard Requirements: When a proposed use is permitted in another zone with specified yard requirements, the requirements of that zone shall apply in the public lands zone.

In any case, yard requirements shall be sufficient to meet fire and other standards as determined by the site plan review process. (See [chapter 8](#) of this title.)

E. Building Height: Building height shall be determined by the site plan review process to be compatible with appropriate use of adjacent properties. (Ord. 667, 9-24-1984; amd. Ord. 925, 6-13-2005)

10-4-11: CO CIVIC OVERLAY:

A. Permitted Uses: The following outright uses are permitted in accordance with a level I application and site plan review procedures specified in [chapter 8](#) of this title:

Government offices and facilities (administration, public safety, transportation, utilities, and similar uses).

Libraries, museums, community centers and similar uses.

Private utilities.

Public parking lots and garages.

Schools (public and private). (Ord. 925, 6-13-2005)

10-4-12: BP BUSINESS PARK:

A. Relationship To Other Regulations: The land use designations and design standards in this section take precedence over other city design standards. Where there are conflicts the more stringent standards apply. All additional city, state or federal regulations, requirements and permits must be adhered to and obtained.

B. Land Uses: The business park subdistrict is intended to provide a mix of professional offices, small businesses, other compatible commercial purposes and light industrial activities.

1. Use: Allowed uses consist of a broad range of light industry, business, commercial and supporting service uses. See table 1 "Land Use Matrix", of this section to determine which uses are allowed outright, conditionally allowed, or prohibited in each district.

2. Prohibited Uses: Generally, heavy industries are prohibited. These industries include:

a. Waste related industries,

b. Rendering plants,

c. Petroleum or chemical refineries,

d. Mineral extraction, and

e. Others determined by the planning commission.

The conditional use review provides an opportunity to allow a use when there are minimal impacts, to allow a use but impose conditions specifying mitigation measures to address identified impacts or to deny a use if the impacts are substantial and the impacts cannot be mitigated.

The following table outlines uses not allowed, allowed uses and uses allowed under a conditional use permit:

A = Allowed use

C = Conditionally allowed use

N = Use not allowed

TABLE 1
LAND USE MATRIX

Use		
Residential:		
Hotel/motel		C
Commercial:		
Adult entertainment		N
Automotive services in conjunction with other uses		C
Business service retail		A
Eating and drinking establishments		A
Gasoline filling stations		C
Large retail stores, greater than 10,000 square feet		C
New car dealerships		C
Personal services		A
Recreation, indoor		A
Recreation, outdoor		A
Rental services		A
Repair services		A
Retail, less than 10,000 square feet		A
Business office:		
Financial institutions		A
General office		A

Medical and dental offices	A
Office based research facilities and medical laboratories	A
Professional services	A
Industrial:	
Agricultural production	N
Equipment sales, including incidental service and repair (excludes retail sales of specific items on display)	C
Heavy industry	N
Light manufacturing, processing and fabrication	A
Outdoor fabrication	N
Railroad yards and loading	N
Research and development	A
Warehouse and freight movement	N
Waste related activities	N
Wholesale sales	C
Institutional:	
Fraternal organizations	C
Preschool/childcare	C
Public facilities	C
Schools K-12	C
Sports facilities	C
Vocational and job training facilities	A

3. Uses Not Listed: Uses not categorized in the land use matrix are subject to site plan committee interpretation. Appeals of decision may be made to the planning commission as provided by section [10-3-12](#) of this title.

4. General Restricted Activities:

- a. Maximum noise levels shall not exceed the city standards.

- b. Vibration discernable at the property line without the use of measuring instruments is prohibited.
- c. Air emissions shall not exceed federal air quality standards.
- d. Emissions of odorous gases or matter beyond the property of the industrial activity are prohibited.
- e. Outside activities producing heat or glare are prohibited. If such activities are required they shall be conducted within buildings.
- f. Outdoor storage of raw materials or finished products.
- g. Movement of heavy equipment on and off the site, except truck deliveries.
- h. Movement of live animals or the waste or byproduct of dead animals to the site.
- i. Outdoor testing of products or processes on the site.
- j. Highly combustible, explosive or hazardous materials or waste.

C. Development Standards: Standards are governed by [chapter 14](#) of this title and subject to the requirements of this chapter. All requirements contained in this section represent minimum standards.

Because these statements are subjective and not quantitative, a site plan review committee (SPRC) will review plans submitted. The committee will have the authority to request modifications to any design submitted for review to better meet the design standards outlined herein. The committee's responsibility will include buildings, landscaping, site plans, lighting, signs, mechanical equipment locations, fences, and vaults.

1. Temporary Structures:

- a. Temporary buildings or other temporary structures shall not be allowed within the business park.
- b. Construction trailers and construction related temporary buildings will be allowed on site during construction periods.
- c. The structures must be removed within thirty (30) days of construction completion.
- d. Temporary construction structures shall be located as inconspicuously as possible and shall cause no inconvenience to owners and occupants of neighboring parcels.

2. Construction Activities:

- a. Construction activities shall not disrupt business and the operations of adjacent parcels.
- b. Construction activity shall not block access to any other parcel.
- c. The developer shall be responsible for the repair of any street, public feature, or adjoining property damaged during the course of construction.
- d. The developer is responsible for street cleaning necessitated by construction activity.
- e. The developer shall maintain a dust suppression program, water erosion prevention measures and wind erosion stabilization measures.

3. Site Development Requirements:

a. Building Setbacks:

- (1) All buildings are to be set back from the property line to ensure that adequate space is provided between buildings for safety, screening, and visual appeal and as defined in table 2 of this section.
- (2) All setback areas except those where parking is allowed and exists shall be landscaped.
- (3) Landscape areas within the setback can be plant material or attractive hardscape for pedestrian use.
- (4) Site plan review committee will determine the side setbacks for individual corner lots.
- (5) Setbacks are measured from the property line.

The following table outlines the site development requirements:

TABLE 2
SITE DEVELOPMENT REQUIREMENTS

	Business Park	
Minimum area of lot (in square feet)	40,000	
Minimum lot dimensions:		
Width	75	feet
Depth	80	feet
Building setback:		
Front	20	feet
Rear	10	feet
Side	20	feet
Corner ¹	20	feet
Highway 11	50	feet
Arterial frontage	25	feet
Maximum building height	45	feet
Parking and loading setback:		
Front	15	feet
Rear	10	feet
Side	5	feet
Corner	15	feet
Highway 11	30	feet
Minimum landscape area	15	percent

b. Parking Setbacks:

- (1) A minimum five foot (5') wide landscape area shall screen parking from adjoining parcels of the

same zone. When abutting a less intense zone the side setback shall be ten feet (10').

(2) All parking setbacks shall be landscaped.

(3) All parking will be set back ten feet (10') from the front face of the building. The setback area shall have landscape material or pedestrian amenities.

c. Buffers Between Zoning Districts: Property that abuts a less intense subdistrict will provide a twenty foot (20') wide landscape buffer.

d. Landscape Area Requirement: All unpaved property on developed sites will be landscaped. Gravel and bare ground is not acceptable.

4. Building Design: All buildings shall be visually interesting and not monotonous with special attention to street facing building facades. The use of windows, canopies, parapets, fascias, cornices and a variety of building materials is encouraged to break up large, monolithic walls and indicate pedestrian entry areas.



Accent paint and details within the concrete effectively breaks up the bulk of the facade.



Building functions, like office and loading docks, should be physically separated. Access to office entrance should be convenient and safe.

5. Building Materials:

a. Materials: All buildings shall be constructed from a combination of tilt-up concrete, brick, concrete block, metal (as a partial element), and glass.

b. Wood: Wood may be used as an element of detail but not as a primary material.

c. Windows, Doors And Wall Articulation: The front yard face of buildings, the facade facing Highway 11 and facades facing less intense districts shall be governed by [chapter 14](#) of this title and the following requirements:

(1) Monotonous and unarticulated facades are not allowed.

(2) Changes of materials, detailing, shadows, color, and texture shall be incorporated into building facades.

(3) Where blank walls are required for the type of business operation, then the design shall be reviewed as an adjustment from this standard.

(4) Design standards will be reviewed by the site plan review committee and approved by the planning commission.

d. Building Entries: Entries shall be obvious with clear and direct pedestrian access. They shall be accentuated with a combination of features such as building material change, parapet, canopies,

and landscaping.



6. Circulation, Parking And Loading: The site design for each lot will comply with the development standards outlined in this document and all requirements of the city of Milton-Freewater.

a. Pedestrian Circulation:

- (1) Safe and direct concrete accessways will be provided throughout the development.
- (2) Materials used for pedestrian paths and sidewalks shall be of a contrasting material when adjacent to paved surfaces and separated by a concrete curb.
- (3) Pedestrian walkways and crosswalks shall be clearly marked and meet the needs of individuals with disabilities.
- (4) Clear and direct pedestrian access shall be provided from the public right of way to the main entries of all buildings.

b. Vehicular Access:

- (1) Vehicular access shall be provided to each lot. Shared driveways between abutting lots shall be employed where feasible.
- (2) No more than one curb cut per lot will be allowed without site plan review committee approval.

c. Parking: The number and size of parking stalls for employees and visitors will be governed by [chapter 6](#) of this title and will meet the following standards:

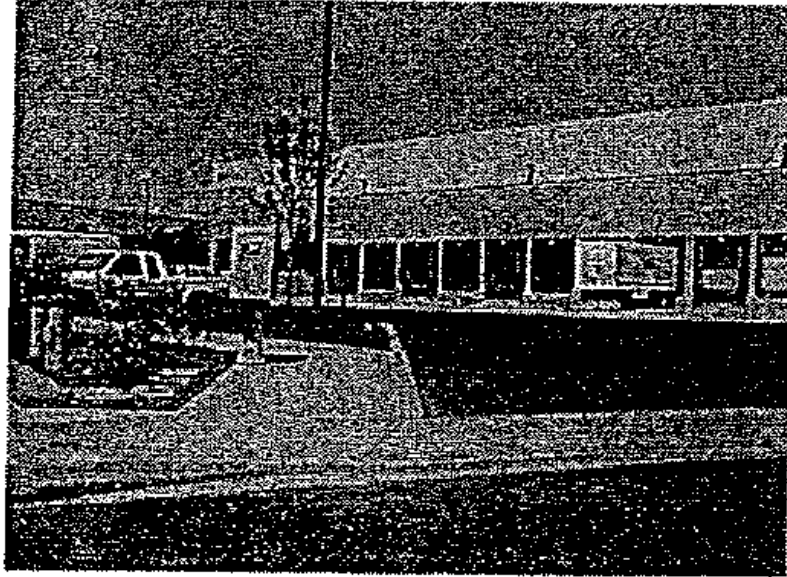
- (1) Rows of parking stalls shall be separated from drive aisles with a curbed landscape island at least eight feet (8') wide.
- (2) Long rows of parking stalls shall have one landscape island for at least every twelve (12) stalls.

d. Loading And Service Access: The intent of this subsection is to reduce and mitigate direct visibility of service and loading activities.

- (1) Loading facilities should be located so that they are not visible from primary streets. In situations where this is not possible, then a sight obscuring wall should be built with landscape material on the outside face to screen the service doors, docks, and vehicles.
- (2) The landscape screening area shall be fifteen feet (15') wide minimum and be located along all

public rights of way and lot lines.

(3) Where adjoining lots have abutting service and loading areas a landscape buffer is not required to foster shared circulation.



Where necessary, due to operational or site constraints, service docks may face the street if well organized and maintained in a neat and orderly manner and screened as possible.

Utilities should be ground mounted and postal boxes should be safely accessible.

7. Landscaping: Landscape requirements are governed by section [10-14-4](#) of this title and this chapter.

All pervious surfaces shall be landscaped with healthy and well maintained plant materials in a manner consistent with and complementary to the native landscape. All landscaped surfaces shall be properly maintained and contribute to the visual appeal of the development and surroundings. The property owner is responsible for replacement of damaged or dead plant material.

- a. Plant material should provide visual interest and variety. Plant material shall be acclimated to the general climate.
- b. Designs should make use of native and drought tolerant plant material.
- c. Landscaping shall employ a variety of trees, shrubs and ground covers.
- d. Boulders, gravel and assorted rocks can be used as a design accent element that supplements the overall landscape plan.
- e. Bark, mulch, wood shavings or other organic products shall be used as a supplement to the plantings and shall not be the primary design element.

- f. All landscape areas will be irrigated with an underground irrigation system.
- g. Special attention should be paid to fire safety issues.
- h. Decorative walls and fencing may replace landscape shrubs with site plan review committee approval.
- i. Courtyards and paved pedestrian areas may meet up to twenty percent (20%) of the landscape area requirement.

8. Buffers:

- a. Buffers shall be used to visually screen parking, loading, trash areas, and other such uses from public streets by vegetation or attractive walls. Buffers shall be composed of a combination of hedges, informal screens, and mounds. Monotonous long rows of hedging are discouraged. Hedging should be no higher than forty two inches (42") to ensure visual access to the building for security purposes. Taller shrubs and trees are allowed sporadically along the frontage.
- b. Plant material should be appropriate to the climate.



Informal plantings act as a buffer between parking areas and public street or neighboring parcels.

Buffers act as wind breaks and can improve the microclimate.

- c. The landscape buffer for loading and service and adjoining parcels shall be ten feet (10') minimum unless the loading has a shared access.

9. Parking Lot Islands: All islands shall be landscaped with ground covers and shrubs. Deciduous

shade trees or appropriate evergreens shall be installed in islands to reduce heat and reflection where space allows. Islands will be edged with a six inch (6") concrete curb.



Evergreen trees provide an effective buffer between loading doors and brick framed office windows. The striped crosswalk provides a pedestrian link to the building entrance. Landscaped islands within the parking area help direct traffic and provide visual relief in large pavement areas.

On parcels with multiple buildings, the landscaping should be used to break up large expanses of walls and paving. Traffic and pedestrian circulation system should provide for safe movement throughout the development.

10. Trash And Outdoor Storage:

- a. Materials, supplies or equipment shall not be stored outside unless screened from a neighboring parcel or street.
- b. Outdoor storage is not allowed.
- c. Trash areas shall be screened with sight obscuring fencing or vegetation on three (3) sides.
- d. The use of trash compactors is strongly encouraged.

11. Fencing And Walls: Fencing and walls are allowed if they are attractive and placed appropriately.

Fencing and walls over forty two inches (42") are not allowed in the front yards.

12. Signs: "Signs" are defined as lettering, numbers, and business logos associated with a building or site for purposes of business identification. Signage shall be governed by [chapter 7](#) of this title and the requirements of this chapter.

- a. Flashing and moving signs are not permitted.
- b. Reader boards and video displays are not permitted.
- c. Windows shall not have flashing or moving displays intended to attract attention.
- d. Signs may not be used for advertising or for businesses not located in the park.

13. Lighting: Exterior lighting shall be governed by section [10-14-8](#) of this title and the requirements of this section. Lighting illumination levels that meet industry safety standards will be installed when the parcels are developed.

- a. Lighting fixtures shall be consistent throughout the business park.
- b. Building fronts can be illuminated at night from ground mounted fixtures provided that no glare is directed onto the streets, adjacent parcels, or toward the flight path of aircraft.
- c. Lighting shall not be used as a design element to attract attention.

14. Utilities And Mechanical Equipment:

- a. All utilities shall be constructed below grade. Aboveground utility vaults shall be screened by sight obscuring vegetation.
- b. Satellite dishes shall be appropriately screened.
- c. Roof mounted equipment shall be located within an area that is screened on all sides.

15. Stormwater Detention And Quality: Stormwater detention and quality requirements will be met for each new development through city facilities when available or on site facilities constructed by the owner according to the city of Milton-Freewater standards. (Ord. 928, 6-27-2005)

10-4-13: R-M RESIDENTIAL MIXED USE:

A. Permitted Uses: The following outright uses are permitted in accordance with level I application procedures and a site plan review specified in [chapter 8](#) of this title:

Attached single-family dwellings.

Banks and financial institutions that do not include drive-up windows.

Childcare facility.

City governmental structure or land use including, but not limited to, a public park, playground, recreation building, fire station, library, or museum.

Condominium developments.

Duplex.

Home office occupation.

Indoor health clubs and gyms.

Multi-family dwellings.

Offices.

Public utility facilities.

Restaurants (drive-up windows are not allowed).

Single-family dwelling.

B. Conditional Uses: The following conditional uses are permitted in accordance with level III application procedure:

Bed and breakfast establishments.

Church.

Nursing home.

Personal and business services not exceeding two thousand (2,000) square feet.

Planned unit development.

Public or private school.

C. Unlisted Uses: Uses not listed are generally prohibited. Questionable uses should be processed through a level III process.

D. Minimum Lot Dimensions:

1. Single-family dwelling: Five thousand (5,000) square feet.
2. Attached single-family dwellings: Two thousand (2,000) square feet per unit.
3. Multi-family dwellings: Two thousand (2,000) square feet per unit.
4. Offices, banks and financial institutions, and childcare facilities: Ten thousand (10,000) square feet.
5. Restaurants (drive-up windows are not allowed): Twenty thousand (20,000) square feet.
6. Indoor health clubs and gyms: Ten thousand (10,000) square feet.
7. Church: Ten thousand (10,000) square feet.
8. Planned unit development: Eighty thousand (80,000) square feet.
9. Nursing home: Two thousand five hundred (2,500) square feet per bed or living unit.
10. Personal and business services: Ten thousand (10,000) square feet (multi-tenant buildings encouraged).

E. Minimum Yard Requirements:

1. Residential uses:

- a. Front yard: Twenty feet (20').
- b. Side yard: Seven feet (7') from a residential use except attached home where there is no setback for shared walls.
 - (1) Fifteen feet (15') to a public right of way.
 - (2) Thirty feet (30') from a nonresidential use combining for a total of at least forty feet (40') between uses.
- c. Rear yard: Fifteen feet (15').

2. Nonresidential uses:

- a. Front yard: Twenty feet (20') minimum.
 - b. Side yard: Ten feet (10') from a nonresidential use and thirty feet (30') from a residential use combining for a total of at least forty feet (40') between uses.
 - c. Rear yard: Twenty feet (20').
- All nonresidential uses must have side or front yard frontage on an arterial or collector street.

F. Lot Coverage And Landscape Requirement:

1. Residential uses: No more than eighty percent (80%) of the lot will be covered by building, parking or driveways. The remaining twenty percent (20%) shall be live plant material, except for paved patio or walkways for the exclusive use of pedestrians.
2. Nonresidential uses: No more than eighty five percent (85%) of the lot will be covered by building, parking or driveways. The remaining fifteen percent (15%) of the lot shall be live plant material, except for paved patio or walkways for the exclusive use of pedestrians.

G. Building Height: No building shall exceed thirty five feet (35') in height.

H. Pedestrian Connections: Pedestrian connections shall be provided between residential developments and other uses.

I. Screening: Nonresidential uses shall screen parking, loading, mechanical units, trash enclosures and other such uses from the public right of way and from residential uses.

J. Design Standards:

1. Architectural Standards:
 - a. Purpose: The architectural standards are intended to provide detailed, human scale design, while affording flexibility to use a variety of building styles.
 - b. Applicability: This section applies to all of the following types of buildings, and shall be applied during

site plan review:

- (1) Single-family attached townhomes which are subject to site plan review (3 or more attached units);
- (2) Multi-family housing;
- (3) Public and institutional buildings; and
- (4) Neighborhood commercial and mixed use buildings.

c. Standards: All buildings which are subject to this section shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.

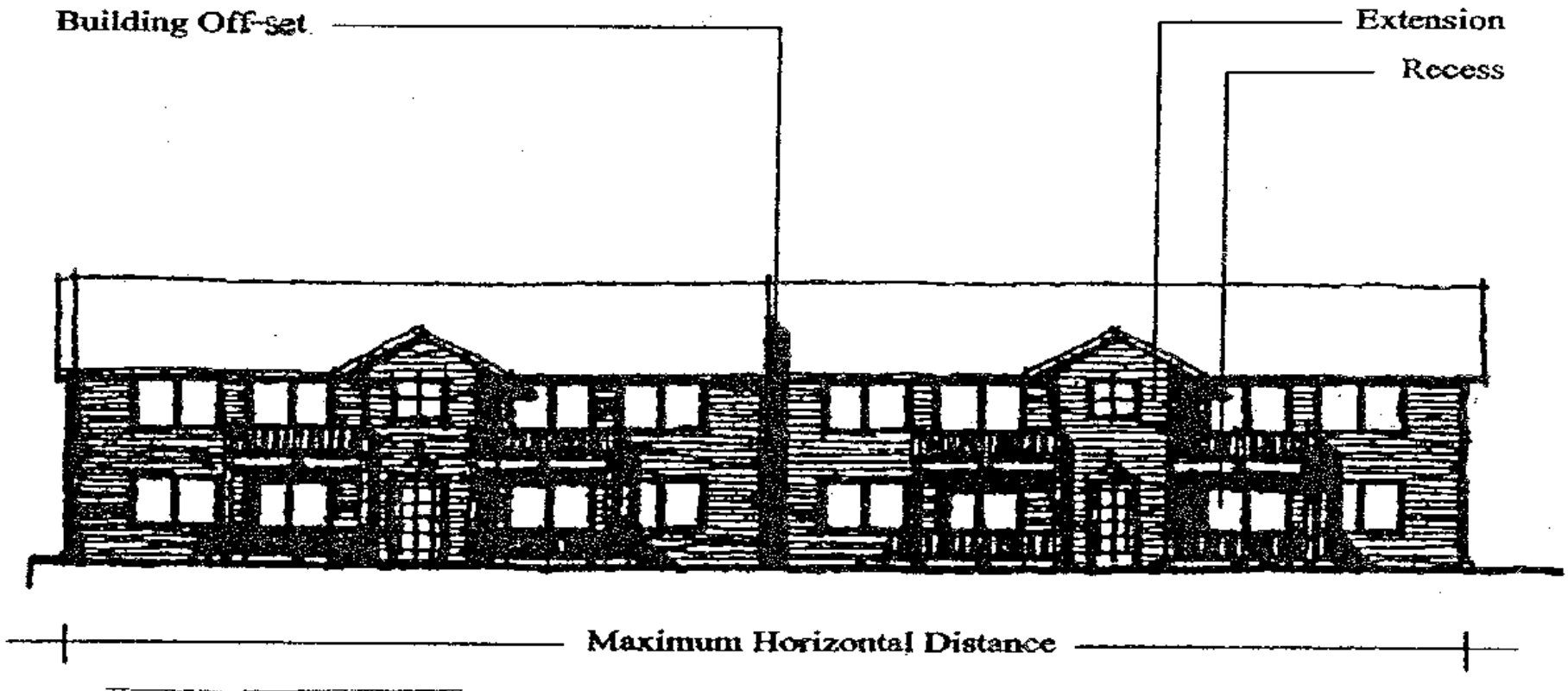


Figure 1. Building Form (Multi-Family Housing Example)

(1) Building Form: The continuous horizontal distance (i.e., as measured from end wall to end wall) of individual buildings shall not exceed one hundred twenty feet (120'). All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to

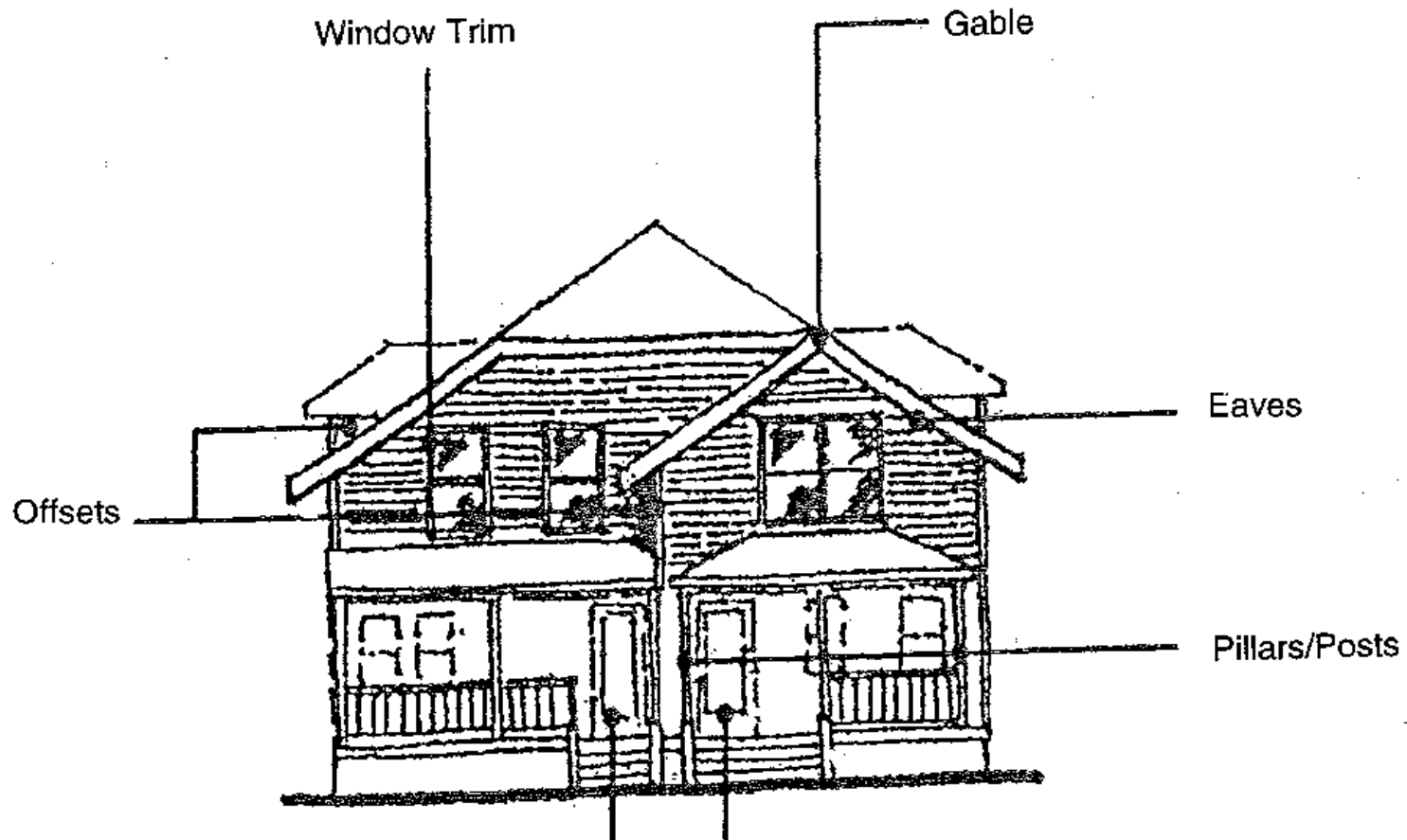
preclude large expanses of uninterrupted building surfaces, as shown in figure 1 of this section. Along the vertical face of a structure, such features shall occur at a minimum of every thirty feet (30'), and on each floor shall contain at least two (2) of the following features:

(A) Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of four feet (4');

(B) Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two feet (2') and runs horizontally for a minimum length of four feet (4'); and/or

(C) Offsets or breaks in roof elevation of two feet (2') or greater in height.

d. Eyes On The Street: All building elevations visible from a street right of way shall provide doors, porches, balconies, and/or windows.





Recessed Entries/Covered Front Porches

Figure 2. Architectural Details

e. Additional Standards: Single-family dwellings (site built, modular, manufactured homes) shall be required to provide covered parking for each dwelling. All single-family dwellings shall be required to have the main entrance situated on that side of the structure which is closest to the front yard. All building elevations visible from the front street facing side of the home shall provide a combination of doors, porches, balconies and/or windows. A minimum of thirty percent (30%) of the total wall area facing the street shall meet this standard. For corner lots, a minimum of fifteen percent (15%) of the total wall area of the secondary wall shall meet this standard. All dwellings shall also utilize at least six (6) of the following design features to provide visual relief along the front, street facing side of the homes.

- (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 of 6 inch projection).
- (9) A roof pitch of six feet (6') or higher in height for each twelve feet (12') in width.
- (10) Offsets on building face (minimum 16 inches).
- (11) Decks and railings.
- (12) Decorative bricks, stones, rock, or other distinct pattern in the surface.
- (13) Window shutters or trim (4 inch minimum trim) (must be on all windows on the street facing side).
- (14) An alternative feature providing visual relief, similar to subsections J1e(1) through J1e(13) of this section.

Adjustments to these standards may be applied for. Requests for adjustments must show that the intent of the above standards can be satisfied by alternative design features. Adjustments shall be processed in accordance with level III application procedures as described in section [10-3-9](#) of this title. (Ord. 947, 5-12-2008)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): SPRC may reduce setback if the second street frontage is less visible (Milton-Freewater South Hill neighborhood master plan appendix A, business park zoning).

Chapter 5

SUPPLEMENTARY PROVISIONS

10-5-1: FENCES:

Fences are subject to the provisions of this chapter and require a permit prior to construction. Fence permits are to be processed under level I procedures.

A. Vision Clearance: Fences shall not conflict with requirements for vision clearance areas in section [10-5-3](#) of this chapter. For public safety reasons, no variances from these provisions shall be applied for or permitted.

B. Private Property: Fences shall always be required to be built on private property and never on public right of way. Private property lines may be a considerable distance back from actual street surfaces or curb lines.

C. Property Line: It shall be the property owner's responsibility and obligation to identify his property line when proposing to construct a fence on said property line. A property survey may be required.

D. Construction And Maintenance: All fences shall be constructed and maintained in a structurally sound manner. Fences which are structurally unsound and/or hazardous are subject to abatement.

E. Residential Zone Fences:

1. Rear And Side Yards: Fences not to exceed six feet (6') in height are permitted in side and rear yards, but shall not extend past the front of the residence or the front of a detached garage, whichever is farther from the front lot line.

2. Front Yard: From the front of the structure (as described in subsection E1 of this section) to the front property line, chainlink, woven wire and split rail fences not to exceed four feet (4') in height are permitted. Fences of other materials and

sight obscuring fences shall not exceed three feet (3').

3. Corner Lots: On corner lots, the provisions of subsection E2 of this section apply to the front yard. Side yard facing on secondary street may incorporate fencing at a maximum height allowed from rear lot line to front of house, at which point it would conform to maximum front yard fencing height.

At the discretion of the city planner, fencing along entire side yard fronting on a street, or any portion thereof (excluding that portion from the front of the house to the front lot property line, which shall in all instances conform to the front yard fencing height restrictions), may be reduced in height for purposes of visual clearance.

F. Commercial Zone And Residential Office Zone Fences: All provisions of subsection E of this section apply to residences, commercial or office development in these zones.

G. Industrial Zone Fences: In industrial zones, fences not to exceed eight feet (8') in height are permitted in all yards of industrial developments except as restricted by vision clearance requirements. (Ord. 947, 5-12-2008)

10-5-2: WALLS, HEDGES, BERMS, LANDSCAPING:

A. All walls, hedges, berms, and other landscaping features shall conform to the vision clearance requirements of section [10-5-3](#) of this chapter. For public safety reasons, no variances from this requirement shall be issued.

B. Any freestanding property perimeter wall which is not a retaining wall shall conform to provisions of section [10-5-1](#) of this chapter. Retaining walls may be constructed to the height necessary to protect a cut-fill grade, but shall be a maximum of nine inches (9") above finished grade on the fill side of the wall.

C. Where a retaining wall is located on a line separating lots, the retaining wall may

be topped by a fence of the height permitted in the particular yard in which the wall is located. The allowable height of the fence shall be determined by measuring from the finished grade of the wall.

D. Where an earthen berm is required, the size shall be determined by the site plan review committee or the planning commission. The berm may be topped by a fence, wall, or hedge of the height permitted in the particular yard in which the berm is located. The height shall be measured from the highest finished grade of the berm.

E. Landscaping installed for required screening shall be of sufficient size to provide the required degree of screening at the time of installation.

Required landscaping with living materials shall be lawn, ground cover, shrubs and trees suitable to the local climate. Landscaping shall be irrigated, properly maintained and protected from damage. (Ord. 947, 5-12-2008)

10-5-3: VISION CLEARANCE:

Vision clearance requirements apply to all zones.

A. All corner lots shall maintain a triangular area for clear vision purposes. Two (2) sides of the triangle are lines measured from the corner intersection of the property lines to a distance of twenty five feet (25') from the corner point. The third side of the triangle is the straight line connecting the two (2) 25-foot sides. Corner lots include intersections of public streets and private streets such as in mobile home parks or apartment developments.

B. All lots which abut alleys which intersect with streets shall maintain a triangular area for clear vision purposes. The sides of the triangle forming the corner angle shall be fifteen feet (15'). The third side of the triangle is the straight line connecting the two (2) 15-foot sides.

C. No screen or other visual obstruction with the exception of one tree or shrub

trunk no larger than ten inches (10") in diameter shall be permitted to be between two and one-half ($2\frac{1}{2}$) and eight feet (8') above the grade of street centerline, or curb top if one is present. Woven wire and chainlink fences are permitted provided that there is no other landscaping or visual obstruction.

D. The vision clearance requirement may be increased by the site plan review committee or planning commission in areas of unusual circumstances. For example, streets permitting high speed travel or with excessive curbs may require a larger field of vision.

E. Any obstruction of a visual clearance area is subject to abatement by the city upon twenty four (24) hours' notice irrespective of standard abatement procedures in section [10-1-10](#) of this title. (Ord. 947, 5-12-2008)

10-5-4: ADDITIONAL YARD REQUIREMENTS:

A. Measurement Of Yards: All required yards, whether specified in subsection C of this section shall be measured from the property line to the foundation line of the structure.

B. Permitted Intrusions Into Required Yards: The following intrusions may extend up to two feet (2') into a front, rear, or side yard. Additional uses of required yards are provided in section [10-5-6](#), "Residential Accessory Structures", of this chapter.

1. Eaves, bay windows, dormers, chimneys, solar collectors.
2. Stairways, fire escapes.
3. Planting boxes.
4. Other architectural features similar to those listed above.

C. Yard Requirements For Property Abutting Future Street Right Of Way:

1. If a lot abuts a street having only a portion of its required width dedicated, no building or structure shall be constructed on that portion of the lot needed to complete the road widths plus width and/or depth of the yards required on the lot by this title.
2. Where a precise plan adopted pursuant to law includes the plans for widening the existing streets, the connecting of existing or the establishment of new streets, the placement of buildings and maintenance of yards, where required by this title, shall adhere to the future street boundaries as determined by said precise plans.

D. Single Use Of Required Yard: No required yard or other open space dedicated to a particular structure or use shall be considered as providing required yard or open space for any other structure or use.

E. Exceptions To Required Front Yard: The following exceptions to the front yard requirement are authorized for a residential lot:

1. 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 lot need not exceed the average front yard of the abutting dwelling.
2. 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 lot need not exceed a depth one-half ($1/2$) way between the depth of the abutting lot and the required front yard depth. (Ord. 947, 5-12-2008)

10-5-5: RESIDENTIAL DWELLING STANDARDS:

All dwellings constructed under this title shall conform to the following minimum standards:

A. Dwelling Unit:

1. At least one room of not less than one hundred fifty (150) square feet.
2. At least one additional room of not less than seventy (70) square feet.
3. At least one bathroom containing a toilet, a sink, and a shower stall or bathtub.
4. Only one kitchen or cooking area (this is a maximum standard) containing at least a sink, a cooking appliance, and a food refrigeration unit.

B. Efficiency Dwelling Unit: Efficiency or studio apartment dwelling units shall contain:

1. A living room of not less than two hundred twenty (220) square feet.
2. An additional one hundred (100) square feet of living area for each occupant in excess of two (2).
3. A separate closet.
4. Unless meals are provided by the management as a standard service of the facility, each unit shall contain a food preparation area containing a sink, a cooking appliance, and a food refrigeration appliance, each with at least thirty inches (30") of clear workspace in front.
5. A separate bathroom containing a toilet, a sink, and a shower stall or bathtub.

C. Habitable Area: Habitable area shall be the sum of the following areas within one dwelling unit:

1. A living room, bedroom, dining room, family room, and similar living areas with a ceiling height of at least seven feet six inches (7'6").
2. Kitchen, hallway, bathroom, with a ceiling height of at least seven feet (7').
3. In rooms with sloping ceilings, at least one-half ($1/2$) of the room area need meet the ceiling height prescribed above, except that no area with a ceiling

height of less than five feet (5') shall be considered as habitable area. (Ord. 947, 5-12-2008)

10-5-6: RESIDENTIAL ACCESSORY STRUCTURES:

Accessory structures are permitted as accessory use to a residence in any zone subject to the following requirements:

A. **Small Structures Exempt:** Accessory structures of less than twelve (12) square feet in area and four feet (4') in height may encroach in a required rear or side yard, and do not require permits. Accessory structures of less than fifty (50) square feet in area and eight feet (8') in height may encroach in a required rear or side yard, provided that the structure is constructed with flame retardant siding or of a noncombustible material and no portion of the building or roofline projects over any property lines.

B. **Permit Required:** Prior to construction of an accessory structure or principal garage (except small structures in subsection A of this section), a permit shall be obtained. Applications for these structures shall be processed by level I procedures.

C. **Principal Garage Not An Accessory Structure:** One principal garage, whether attached or detached, is permitted for each residence. The size of the principal garage is limited by the size of the lot and the lot coverage standards, but is not limited to any specific maximum square footage.

D. **Limitation On Size And Number Of Structures:** Accessory structures shall be limited to two hundred forty (240) square feet and fifteen feet (15') in height. No more than two (2) accessory structures which require permits shall be allowed per residence.

E. **Yard Intrusion Permitted:** Accessory structures shall not intrude into required front or side yards. Accessory structures requiring permits may intrude into required rear yards provided that a minimum setback of five feet (5') from all property lines is

maintained.

F. Separation Required: Accessory structures shall be detached from the residence and all other structures by at least nine feet (9') measured from the foundation line. (Ord. 947, 5-12-2008)

10-5-7: AUTHORIZATION OF SIMILAR USES:

The planning commission may permit placement of a use in a zone when such use is not listed, if the proposed use is similar to the uses listed in that zone. This provision does not apply if the proposed use is listed in another zone, or is more similar to uses listed in another zone than it is to the zone in which the use is proposed. (Ord. 947, 5-12-2008)

10-5-8: BUILDING HEIGHT EXEMPTIONS:

The following types of structures or structural parts may exceed the building height limitations upon issuance of a conditional use permit as provided in section [10-9-7](#) of this title:

Chimneys, cupolas, tanks, church spires, belfries, domes, derricks, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, masts, aerials, cooling towers, water towers, elevator shafts, windmills, conveyors, and other similar projections. (Ord. 947, 5-12-2008)

10-5-9: FRONTAGE AND ACCESS:

A. Residential lots fronting on streets other than a cul-de-sac shall have a minimum frontage of fifty feet (50') on a dedicated public street.

B. Residential lots fronting entirely on the circumference of a cul-de-sac shall have a minimum frontage of twenty five feet (25').

C. Residential lots fronting partially on a cul-de-sac circumference and partly on a straight street shall have minimum frontage of forty feet (40').

D. Access shall be onto a public street other than an alley. (Ord. 947, 5-12-2008)

10-5-10: MANUFACTURED HOMES:

Manufactured homes are permitted in manufactured home parks, which are a conditional use in the R-3 zone.

A. Design Standards: A manufactured home placed in a manufactured home park shall be designed in accordance with section [10-2-2](#) of this title.

B. Certification: Manufactured homes shall bear the Oregon department of commerce "insignia of compliance", and shall have been manufactured after June 15, 1976.

C. Placement Standards: Manufactured homes placed in manufactured home parks shall be placed in conformance with the following standards:

1. The manufactured home shall have the wheels, towing assembly (if detachable), travel lights, and all other transport hardware removed.

2. The manufactured home shall have a continuous perimeter of skirting which meets one of the following standards:

- a. Skirting of the same or similar appearance as the exterior of the manufactured home. If metal skirting is used, the wooden supporting members

shall be separate from the ground by at least two inches (2") using galvanized stakes or similar metal members.

b. Three-eighths inch ($3/8$ ") exterior grade plywood skirting separated from the ground by three inches (3") of metal or concrete.

c. Continuous concrete or masonry block.

3. All plumbing, electric and gas service connections shall be made according to instructions approved by the state department of commerce.

4. Upon removal of the manufactured home, the owner of the property shall remove all accessory structures and additions to the manufactured home, permanently disconnect sewer, water, and other utilities unless otherwise authorized by the city. In the event the owner fails to accomplish said work within thirty (30) days from the date on which the manufactured home is moved from its foundations, the city may perform such work and place a lien against the property for the cost of such work. Said lien may be initiated by the city council. This condition shall not apply in the event the manufactured home is replaced on the original foundation by another approved manufactured home within thirty (30) days of the original unit's removal. (Ord. 947, 5-12-2008)

10-5-11: HOME OCCUPATIONS:

It is the intent of this section to allow home occupations as long as they are not in violation of the terms of this section and do not alter the residential character of the neighborhood nor infringe upon the right of neighboring residents to the peaceful enjoyment of their homes.

A. Signage: One nonilluminated wall sign of not more than two (2) square feet in area is permitted.

B. Display Prohibited: There shall be no display other than a sign that indicates from the exterior that the building is used in whole or part for any purpose other than a dwelling.

C. Characteristics Of Residence To Be Retained: The building shall retain the characteristics of a residence.

D. Outside Storage Prohibited: There shall be no outside storage of materials.

E. Mechanical Equipment: No mechanical equipment shall be permitted except that which is compatible with residential uses.

F. No Employees To Reside At Dwelling: There shall be no employees other than family members who reside at the dwelling.

G. Secondary Use: The home occupation shall be secondary to the main use of the property as a residence, and shall be operated by the resident of the property on which the business is located, within the same dwelling or in an accessory building normally associated with uses located in the zone.

H. Delivery And Parking Restrictions: No materials or commodities shall be delivered to or from the property which are of such bulk or quantity as to require delivery by a commercial vehicle or a trailer. There shall be no parking of customers' vehicles in a manner or frequency so as to cause disturbance or inconvenience to nearby residents or so as to necessitate off street parking.

I. Retail Sales: Retail sales shall be limited or accessory to a service.

J. Produce Sales/Display Stand: Temporary sales of produce is permitted subject to the following:

1. The produce for sale shall have been grown on the premises from which it is being sold.
2. The sales area shall be located entirely on private property.

3. The operation shall not create hazardous traffic conditions or unreasonably increase traffic conditions in residential areas for on street or off street parking.

4. If any of the terms of this section are violated, produce sales shall immediately cease.

K. Daycare Centers: Daycare centers providing for six (6) or less children shall be a permitted outright use in any residential or commercial zone, provided that prior to permit issuance the physical facilities for the care of the children, such as building construction, sanitation, plumbing, heating, lighting, ventilation, maintenance, indoor and outdoor activity areas and fire protection, are approved by inspection of such by city provided inspector(s). (Ord. 947, 5-12-2008)

10-5-12: MODULAR HOMES:

Modular homes are residential structures which are constructed to the standards of chapter 50 (Oregon amendments) of the uniform building code, and the structural, mechanical, electrical, and plumbing specialty codes. (Ord. 947, 5-12-2008)

10-5-13: TRANSPORTATION IMPROVEMENTS:

A. Improvements Permitted Outright: Except where otherwise specifically regulated by this code, the following improvements are permitted outright:

1. Normal operation, maintenance, repair and preservation activities of existing transportation facilities.

2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right of way.

3. Projects specifically identified in the transportation system plan as not requiring further land use regulation.

4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property.
6. Acquisition of right of way for public roads, highways, and other transportation improvements designated in the transportation system plan except for those that are located in exclusive farm use or forest zones.
7. Construction of a street or road as part of an approved subdivision or land partition consistent with the applicable land division ordinance.

B. Transportation Projects; Criteria:

1. Construction, reconstruction or widening of highways, roads, bridges, or other transportation projects that are: a) not improvements designated in the transportation system plan or b) not designed and constructed as part of a subdivision or planned development subject to conditional use permit review, which shall comply with the transportation system plan and applicable standards, shall address the following criteria. For state projects that require an environmental impact statement (EIS) or environmental assessment (EA) the draft EIS or EA shall be reviewed and used as the basis of findings to comply with the following criteria:

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

2. If review under this section indicates that the use or activity is inconsistent with the transportation system plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

C. Time Limitation On Transportation Related Conditional Use Permits:

1. Authorization of a conditional use shall be voided after a period specified by the applicant as reasonable and necessary based on season, right of way acquisition, and other pertinent factors. This period shall not exceed three (3) years. (Ord. 947, 5-12-2008)

10-5-14: ACCESS MANAGEMENT AND CONNECTIVITY:

The intent of this section is to manage access to land development while preserving the movement of people and goods in terms of safety, capacity, functional classification, and level of service as categorized in the transportation system plan. This section shall apply to all arterials and collectors within the city of Milton-Freewater and to all properties that abut these roadways.

A. Joint Use Driveways And Cross Access:

1. Adjacent commercial or office properties classified as major traffic generators (i.e., shopping plazas, office parks) shall provide a cross access drive and pedestrian access to allow circulation between sites.
2. A system of joint use driveways and cross access easements shall be established wherever feasible.
3. Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
4. Pursuant to this section, property owners shall:
 - a. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
 - b. Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the city of Milton-Freewater and preexisting

driveways will be closed and eliminated after construction of the joint use driveway;

c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

5. The city of Milton-Freewater may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

a. Joint access driveways and cross access easements are provided in accordance with this section.

b. The property owner enters into a written agreement with the city of Milton-Freewater, recorded with the deed, that preexisting connections on the site will be closed and eliminated after construction of each side of the joint use driveway.

6. The city of Milton-Freewater may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make the development of a unified or shared access and circulation system impractical.

B. Access Connection And Driveway Design:

1. Driveways shall meet the following standards:

a. If the driveway is a one-way in or one-way out drive, then the driveway shall be a minimum width of ten feet (10') and shall have appropriate signage designating the driveway as a one-way connection.

b. For two-way access, each lane shall have a minimum width of ten feet (10') and a maximum width of twelve feet (12').

2. Driveway approaches provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.

3. The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing

into the flow of traffic on the public street or causing unsafe conflicts with on site circulation.

C. Nonconforming Access Features:

1. Legal access connections in place as of the adoption date hereof that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

- a. When new access connection permits are requested;
- b. Change in use or enlargements or improvements that will increase trip generation.

D. Reverse Frontage:

1. Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification.
2. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to the city of Milton-Freewater and recorded with the deed.

E. Shared Access:

1. Subdivisions with frontage on the state highway system shall be designed into shared access points to and from the highway. Normally a maximum of two (2) accesses shall be allowed regardless of the number of lots or businesses served. If access off of a secondary street is possible, then access should not be allowed onto the state highway. If access off of a secondary street becomes available, then conversion to that access is encouraged, along with closing the state highway access.
2. New direct accesses to individual one- and two-family dwellings shall be prohibited on all state highways except district level state highways.

F. Connectivity:

1. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision, as provided in this section.
2. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to provide access to abutting property or to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turnaround unless specifically exempted by the city engineer. Restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
3. Minor collector and local residential streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets. Appropriate design, such as narrow streets, traffic control such as four-way stops, and traffic calming measures are the preferred means of discouraging through traffic.

G. Pedestrian And Bicycle Circulation:

1. On site facilities shall be provided that accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connection to adjacent residential areas and neighborhood activity centers within one-half ($1/2$) mile of the development. Residential developments shall include streets with sidewalks and accessways. Pedestrian circulation through parking lots shall be provided in the form of accessways.
2. Bikeways shall be required along arterials and collectors with ADTs greater than three thousand (3,000). Sidewalks shall be required along arterials, collectors and most local streets, except that sidewalks are not required along controlled access roadways (freeways).

H. Cul-De-Sacs And Accessways:

1. Cul-de-sacs or permanent dead end streets may be used as part of a development plan; however, through streets are encouraged except where topographical, environmental, or existing adjacent land use constraints make connecting streets infeasible. Where cul-de-sacs are planned, accessways shall be provided connecting the ends of cul-de-sacs to each other, to other streets, or to neighborhood activity centers.
2. Accessways for pedestrians and bicyclists shall be ten feet (10') wide and located within a twenty foot (20') wide right of way or easement. If the streets within the subdivision are lighted, the accessways shall also be lighted. Stairs or switchback paths may be used where grades are steep.
3. Accessways for pedestrians and bicyclists shall be provided at midblock where the block is longer than six hundred feet (600').
4. The city planner may determine, based upon evidence in the record, that an accessway is impracticable. Such evidence may include, but is not limited to: (Ord. 947, 5-12-2008)
 - a. Physical or topographic conditions make an accessway connection impractical. Such conditions include, but are not limited to, freeways, railroads, extremely steep slopes, wetlands, or other bodies of water where a connection cannot reasonably be provided. (Ord. 667, 9-24-1984; amd. Ord. 947, 5-12-2008)
 - b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering potential for redevelopment.
 - c. Where accessways would violate provisions of leases, easements, covenants, restrictions, or other agreements existing as of May 1, 1995, that preclude a required accessway connection.

I. Blocks:

1. The maximum perimeter lengths for blocks shall be one thousand six hundred feet (1,600').

2. The maximum length of any block shall be four hundred feet (400'). (Ord. 667, 9-24-1984)

Chapter 6

OFF STREET PARKING

10-6-1: APPLICATION OF PARKING PROVISIONS:

The off street parking requirements which follow apply to development of all new buildings and uses, expansion of the area or intensity of an existing use, and to conversion of a building or site from one type of use to another type of use.

These provisions do not apply to placement of a retail commercial use in an existing but vacant commercial building in the downtown main street areas of the Milton and Freewater town sites. In these areas where full development of common wall construction effectively precludes these parking standards, existing buildings may be used for retail commercial use without providing additional parking. (Ord. 667, 9-24-1984)

10-6-2: REQUIRED OFF STREET PARKING:

A. Residential Uses:

1. Single-family, duplex or triplex	1 per dwelling unit
2. Multi-family dwellings containing 4 or more units	3 spaces per each 2 units
3. Rooming/boarding house	Spaces equal to 80 percent of guest capacity plus management

B. Hotel, Motel

1 for each guestroom

C. Commercial:

1. Retail store (except as in subsection C2 of this section)	1 for every 400 square feet floor area
2. Repair shop or retail store handling bulky merchandise such as implement dealership or furniture store	1 for every 600 square feet floor area

3. Bank, office, except medical/dental clinic	1 for every 500 square feet plus 1 per 2 employees
4. Medical/dental clinic	1 for every 300 square feet plus 1 per 2 employees
5. Eating or drinking establishment	1 for every 200 square feet floor area
6. Wholesale establishment	1 for every 500 square feet customer service area and 1 for each employee
D. Institutional And Community Service:	
1. Hospital	2 for each bed
2. Nursing home, group home, residential care facility	1 space for each 2 beds or residential units
3. Preschool nursery, daycare center	2 spaces per teacher
4. Elementary or junior high school	2 spaces per classroom
5. High school	6 spaces per classroom
6. College (commercial or business)	1 for each 5 classroom seats
E. Places Of Assembly:	
1. Auditorium, assembly hall	1 for each 8 seats
2. Stadium, arena	1 space per 10 seats or 30 feet of bench
3. Church, lodges, clubs	1 for each 5 seats or 10 feet of bench
F. Industrial Uses	1 space per employee

G. Additional Provisions:

1. Additional parking spaces may be required through review by the site plan committee to accommodate employees of a commercial or industrial use.
2. For uses not listed in this section, parking shall be provided on the same basis as required for the most similar listed use.

3. Recreational vehicles (campers, fifth wheelers, trailers, buses, conversions, etc.) shall be parked off street in all residential districts at all times.

4. Owners of two (2) 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 evidence is presented to the planning director in the form of deeds, leases or contracts to establish the joint use.

5. Off street parking for residential uses shall be on the same lot as the residential structure.

6. Off street parking for uses other than residential may be located on the same lot as the subject use or may be on another property under the same ownership as the subject use provided that the separate lot is within four hundred feet (400') of the subject use.

When provided on a separate parcel, an agreement with the city must be recorded which dedicates the needed portion of that parcel to parking for the subject establishment.

7. When mixing uses occupy a structure, the total requirements for off street parking shall be the sum of the various uses.

8. Required parking spaces shall be available for the 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 use.

9. Parking shall not be provided in areas which are required open space areas. (Ord. 667, 9-24-1984)

10-6-3: DESIGN AND CONSTRUCTION STANDARDS:

Plans for parking lots shall be submitted as provided in section [10-3-4](#) of this title. When part of an application for a new use, a parking lot shall be considered as part of the overall application. When proposed to provide parking for an existing use, the application shall be processed by level I procedures and shall conform to the following

standards:

A. Surfacing:

1. Surfaces of required parking or maneuvering areas for all uses, other than industrial uses in industrial zones, shall have paved surfaces of asphalt cement or concrete cement. Construction shall be as follows:

a. Asphalt Cement: Two inches (2") of asphalt cement over a four inch (4") select rock base on a stable substrate.

b. Concrete Cement: Four inches (4") of concrete cement over a two inch (2") gravel base on a stable substrate.

2. Industrial uses in industrial zones shall have designated areas for employee parking, and specified routes for employee and industrial vehicle access and maneuvering. The access routes and parking areas are to be constructed of an all weather gravel surface on a stable substrate.

B. Drainage: Sumps, collectors, storm sewers and other facilities shall be designed and placed to dispose of storm water runoff within the boundaries of the facilities to adjacent property if proper easements are acquired and if no storm flood potential results.

C. Fencing: Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimizedisturbance of residents by the erection between the uses of a sight obscuring fence of not less than five (5) nor more than six feet (6') in height except where vision clearance is required.

D. Bumper Strips: Parking spaces along the outer boundaries of a parking lot shall include a wheel stop at least six inches (6") high, or by a bumper rail.

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

F. Access:

1. Groups of two (2) or more parking spaces shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street other than an alley will be required.
2. Access locations (driveway) to collector and arterial streets shall be determined by the director of public works.
3. Service drives to off street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives.
4. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right of way, and a straight line joining said lines through points twenty feet (20') from their intersection.
5. All off street parking, whether residential, commercial, or industrial, shall be accessible directly from an approved street, unless special conditions have been determined to exist for the property by the planning commission.

G. Compact Car Spaces: Compact car spaces will be allowed in any parking area with four (4) or more required spaces. One compact space may be allowed in lieu of one required standard space for each four (4) spaces provided, representing twenty five percent (25%) of the total spaces required.

H. Designated Handicapped Spaces: In lieu of one required standard space, one parking space for the handicapped shall be required and one for every fifty (50) spaces thereafter.

I. Parking Diagram: A parking diagram on file with the city provides the minimum dimensions for public and private parking area construction. (Ord. 667, 9-24-1984)

10-6-4: OFF STREET LOADING:

A. Schools: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty five (25) students.

B. Merchandise And Supplies: Buildings or structures to be built or substantially altered to receive or distribute material or merchandise by truck shall provide and maintain off street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off street parking areas used to fulfill the requirements of this chapter shall not be used for loading or unloading operations except during periods of the day when not required to take care of parking needs. (Ord. 667, 9-24-1984)

10-6-5: BICYCLE PARKING:

A. A minimum of two (2) bicycle parking spaces per use (1 sheltered and 1 unsheltered) shall be required.

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

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

bicycle parking spaces shall be sheltered under an eave, overhang, an independent structure, or similar cover.

2. Parking Lots: All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every ten (10) motor vehicle parking spaces.

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

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

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

6. Multiple Uses: For facilities with multiple uses (such as commercial centers), the bicycle parking requirements shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. (Ord. 667, 9-24-1984)

Chapter 7

SIGNS

10-7-1: DESCRIPTION AND PURPOSE:

The provisions of this chapter regulate the location, construction, size and number of signs and related matters. The purpose of these provisions is to maintain and improve the aesthetic and safety characteristics of signs within the city. (Ord. 667, 9-24-1984)

10-7-2: EXEMPT SIGNS:

The following signs are exempt from this chapter, and do not require permits for placement or modification. These signs are permitted in any zone.

A. Traffic: Traffic control signs and instruments of the state, county or municipality provided for public safety, information or assistance.

B. Utility: Signs of public utility companies or railroads which aid public safety, or which show the location of underground facilities or of public telephone. (Ord. 667, 9-24-1984)

10-7-3: GENERAL SIGN PROVISIONS:

A. Project Over Property: Signs may not project out over public property beyond ten feet (10') nor closer than two feet (2') from the vertical extension of the curb line, whichever is less.

No sign shall project over state highway right of way. (Ord. 667, 9-24-1984)

B. Vertical Clearance: All signs shall have a vertical clearance of ten feet (10') above public property. After review by the planning department, awnings or marquees may be allowed within eight feet (8') above public property. (Ord. 764, 5-26-1992)

C. Public Property: No sign shall stand or be based on public property.

D. Nonconforming Signs: All nonconforming signs advertising a business that has been discontinued from active use for a period of one year shall comply with this chapter prior to resumption of business.

E. Building Code: All signs must be structurally in conformance with the building code.

F. Regulatory Equipment: Regulatory equipment shall be installed in all electric signs to preclude interference with radio and television.

G. Sign Faces And Measurements:

1. Single Face Sign: A single face sign is one with advertising on only one surface of the sign.

2. Double Face Sign: A double face sign is one with advertising on two (2) surfaces back to back.

3. Multi-Face Sign: A multi-face sign is one with more than one section or module. (Ord. 667, 9-24-1984)

4. Size: The size of a sign shall be the entire area within any type or perimeter or border which encloses the outer limits of any writing, representation, emblem, figure or character. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire area of the sign and computing the area of the parallelogram or triangle. The area of a sign for awnings or marquees shall be computed in this manner. Where a sign has two (2) or more faces, the

area of all faces shall be included in determining the area of the sign. Conforming and/or nonconforming signs in existence at the time of the enactment of this chapter shall be counted in establishing the permitted area or size of all new signs to be allowed on the property. (Ord. 764, 5-26-1992)

H. Repair And Maintenance: All signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and be maintained in a safe, neat, clean and attractive condition, free from rust, corrosion, peeling paint or other surface deterioration. (Ord. 667, 9-24-1984)

10-7-4: PERMIT NOT REQUIRED:

No permit is required for placement of the following signs, but such signs shall conform to the regulations of this chapter. These signs are permitted in any zone.

A. Construction Project Sign: A sign erected in conjunction with construction projects and used to inform the public of the architects, engineers and construction organizations participating in the project and indicating "future home of" information. One such sign may be erected after appropriate building permits have been obtained. No such sign shall exceed sixty four (64) square feet total and thirty two (32) square feet per face; no freestanding signs shall exceed eight feet (8') in height. The sign shall be removed at the time final occupancy is approved by the state building inspector.

B. Garage Sale Sign: A sign advertising garage sales or similar events. Such signs are allowed in residential zones. They shall not exceed a size per face of two (2) square feet and shall not exceed four feet (4') in height. Such signs shall not be erected prior to one week before this event and shall be removed no later than the day after the event. They shall not be placed in the public right of way or vision clearance areas. (Ord. 667, 9-24-1984)

C. Gas Station Price Sign: Up to three (3) changeable copy signs may be allowed for the purpose of advertising gasoline prices. Each sign shall be a one or two (2) face sign with a maximum of four (4) square feet in area per face and shall be

permanently affixed to the building or freestanding sign. This may be in addition to any other signs allowed for the property. (Ord. 764, 5-26-1992)

D. Nameplate: A sign identifying the name, street address, occupation and/or profession of the occupant of the premises; graphic information on all nameplates shall be limited to the identification of the business name as registered with the state of Oregon. One nameplate, not exceeding two (2) square feet total shall be allowed for each occupant; the nameplate shall be affixed to the building wall.

E. Opening Banner: A banner announcing the opening of a new business. One banner shall be permitted for a period of three (3) weeks prior to and three (3) weeks after the actual opening. Such banner shall not exceed sixty four (64) square feet total and thirty two (32) square feet per face. This section does not apply to announcing the availability of office space or residential units.

F. Private Real Estate Sign: A sign placed by persons not employing a real estate broker, agent or salesperson to sell or rent structures or real property.

1. In all residential zones, such signs shall not exceed three (3) square feet per face, six (6) square feet per sign.

2. In the commercial zones (C-1 and C-2) and in the I-M zone, such signs shall not exceed sixteen (16) square feet per face, thirty two (32) square feet per sign.

G. Public Safety And Convenience: A sign used to serve the public safety or convenience, such as "entrance" signs, "parking" signs. Such signs shall not exceed three (3) square feet per face, per sign.

H. Commercial Real Estate Sign: A sign for the purpose of rent, lease, sale, etc., of real property, building opportunities or building space.

1. In all residential zones, the sign shall not exceed three (3) square feet per face, six (6) square feet per sign. One such sign is permitted per parcel, or per each one hundred fifty feet (150') of street frontage.

2. In the commercial zones (C-1 and C-2) and in the I-M zone, such signs shall

not exceed sixteen (16) square feet per face, thirty two (32) square feet per sign. One such sign is permitted per parcel, or per each one hundred fifty feet (150') of street frontage.

I. Special Event Sign: A sign advertising or pertaining to any special community event sanctioned or sponsored by the city council taking place within the city.

J. Window Sign: A sign not exceeding twenty percent (20%) of interior window area per window.

K. Political Campaign Sign: Political campaign signs shall be placed on private property, not in a street right of way. They shall not exceed thirty two (32) square feet per face, sixty four (64) square feet per sign. All such signs shall be removed within five (5) days after the election which they advertise. (Ord. 667, 9-24-1984)

10-7-5: PERMIT REQUIRED:

The following types of signs are permitted only after review and issuance of a permit by the planning department. Signs in C-1 and C-2 zones may be subject to review by a design review committee, whose recommendations are presented to the planning department for outright issuance of permit, or modification of sign design prior thereto. Each type of sign listed below is separate and exclusive from every other type, i.e., a projecting sign shall not include moving parts unless a moving sign is applied for. (Ord. 764, 5-26-1992)

A. Billboard: Signs advertising merchandise or services other than those available for sale on the premises.

B. Changeable Copy Sign: A sign which contains numbers, letters or symbols capable of being changed.

C. Fence Sign: A sign attached to or painted on a fence. Fence signs shall be

subject to the same requirements as a freestanding sign and shall not exceed the height of the fence.

D. Flashing Sign: A sign with flashing lights or which changes brightness of illumination.

E. Freestanding Sign: A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

F. Moving Sign: A sign which revolves, rotates or has moving parts.

G. Projecting Sign: A sign which projects up to eight feet (8') beyond a building wall surface, or within two feet (2') of the curb, or up to two-thirds ($\frac{2}{3}$) of the width of the sidewalk, whichever is less.

H. Wall Sign: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than twelve inches (12"). A sign projecting more than twelve inches (12") is a projecting sign. (Ord. 667, 9-24-1984)

I. Hanging Sign: A sign that is mounted to hang, without other supports, from an awning, porch or structure. (Ord. 925, 6-13-2005)

10-7-6: PERMIT PROCEDURES:

For all signs listed in section [10-7-5](#) of this chapter, a permit is required. No person shall construct, erect, attach or alter any such sign without a permit.

When applying for a new use, a sign or signs if desired, shall be included in the application, and shall be reviewed as part of the overall proposal.

When applying for a sign to advertise an existing use, the application shall be processed by level I procedures, except that all applications for moving or flashing signs shall be conditional and shall be processed by level III procedures including subsection [10-9-7H](#) of this title. (Ord. 667, 9-24-1984)

10-7-7: R-1 ZONE:

Signs allowed:

A. Signs listed in sections [10-7-2](#) and [10-7-4](#) of this chapter.

B. One temporary freestanding or wall sign not exceeding sixty four (64) square feet of total display area per subdivision advertising the sale of the tract or the lots. (Ord. 667, 9-24-1984)

C. One freestanding sign, illuminated by a spotlight if desired and not to exceed thirty two (32) square feet per display surface and one wall sign, not to exceed twenty percent (20%) of the wall area, to identify places of worship. (Ord. 887, 10-23-2000)

10-7-8: R-2 ZONE:

Signs allowed:

A. Signs listed in sections [10-7-2](#) and [10-7-4](#) of this chapter.

B. One nonilluminated freestanding or wall sign, not to exceed two (2) square feet total display surface, for the purpose of advertising approved home occupations.

C. One temporary freestanding sign, not exceeding sixty four (64) square feet of

total display area, per subdivision, advertising the sale of the tract or the lots. (Ord. 667, 9-24-1984)

D. One freestanding or wall sign, illuminated by a spotlight if desired and not to exceed thirty two (32) square feet per display surface, to advertise multi-family dwelling developments and planned unit developments.

E. One freestanding sign, illuminated by a spotlight if desired and not to exceed thirty two (32) square feet per display surface and one wall sign, not to exceed twenty percent (20%) of the wall area, to identify places of worship. (Ord. 887, 10-23-2000)

10-7-9: R-3 ZONE:

Signs allowed:

A. Signs listed in sections [10-7-2](#) and [10-7-4](#) of this chapter.

B. One temporary freestanding or wall sign not exceeding sixty four (64) square feet in area per subdivision, advertising the sale of the tract or lots. (Ord. 667, 9-24-1984)

C. One freestanding or wall sign, illuminated by a spotlight if desired and not to exceed thirty two (32) square feet per display surface, to advertise manufactured home parks, multi-family dwelling developments, planned unit developments, or nursing homes and residential care facilities. The sign shall be natural wood finish or muted earth tone colors. (Ord. 887, 10-23-2000)

D. One nonilluminated freestanding or wall sign not to exceed two (2) square feet total display surface for the purpose of advertising approved home occupations. (Ord. 667, 9-24-1984)

E. One freestanding sign, illuminated by a spotlight if desired and not to exceed thirty two (32) square feet per display surface and one wall sign, not to exceed twenty percent (20%) of the wall area, to identify places of worship. (Ord. 887, 10-23-2000)

10-7-10: MSR ZONE:

Signs allowed:

A. Signs listed in sections [10-7-2](#) and [10-7-4](#) of this chapter.

B. One temporary freestanding or wall sign not exceeding sixty four (64) square feet in area per subdivision, advertising the sale of the tract or lots. This provision applies only to uses for parcels which meet the standards for this use.

C. One freestanding or wall sign, illuminated by a spotlight, and not to exceed thirty two (32) square feet per display surface. The sign shall be natural wood finish or muted earth tone colors. This provision applies only to commercial uses on parcels which are being carried out in a structure not originally constructed for residential use.

D. One nonilluminated wall or hanging sign not to exceed six (6) square feet total display surface for the purpose of advertising approved uses, including home occupations. (Ord. 925, 6-13-2005)

10-7-11: C-1, C-2, DB AND R-M (FOR OFFICE AND COMMERCIAL TYPE USES IN R-M ZONE) ZONES:

Signs allowed:

A. Allowed: Signs listed in sections [10-7-2](#) and [10-7-4](#) of this chapter.

B. Home Occupation: One nonilluminated freestanding or wall sign not to exceed two (2) square feet total display surface for the purpose of advertising approved home occupations.

C. Business Signs:

1. A place of business shall be permitted one freestanding sign and one wall sign. (Ord. 667, 9-24-1984)

2. Freestanding and projecting signs shall be no larger than 0.5 square feet per linear foot of lot street frontage per display surface, with a maximum of two (2) display surfaces. However, in no case shall each display surface exceed two hundred twenty five (225) square feet. (Ord. 887, 10-23-2000)

3. Wall signs shall be a maximum of twenty percent (20%) of the area of the front entry wall of the business.

4. Businesses which occupy buildings having two (2) or more street frontages shall be permitted one wall sign on each wall which faces a street. The sign on the main frontage or entry wall of the business shall be a maximum of twenty percent (20%) of the wall area and the sign on any side wall or secondary entry shall be a maximum of ten percent (10%) of that wall area. Each wall shall be a separate unit for area calculations. Wall areas shall not be combined in any way to increase the size or number of signs permitted.

5. All freestanding signs shall be on premises. No billboards shall be permitted. (Ord. 695, 4-28-1986)

D. Residential Zone: A flashing or moving sign shall not be located within seventy five feet (75') of a residential zone. (Ord. 667, 9-24-1984)

E. Off Premises Signs:

1. Off premises signs shall be allowed along designated Oregon/Washington

Highway 11 within the city of Milton-Freewater, more specifically: S. Main Street from S.E. 3rd Avenue to S.E. 14th Avenue, S. Columbia from S.E. 3rd Avenue to E. Broadway, and North Columbia from E. Broadway to the northern city limits boundary across North Columbia Street. Off premises signs shall only be allowed on lots with street frontage along these designated streets. (Ord. 723, 3-14-1988)

2. Each lot, parcel, or tract of land shall have a sign allowance defined by the standards set forth in subsection C of this section. This sign allowance shall be the maximum square footage of signs allowed to be installed on that lot. Increases in sign area standards due to sign appearance incentive shall not be applied to sign allowance for off premises signs.

3. One off premises sign shall be allowed per business or service identified. Application shall be made by landowner and proprietor of the business or service identified. A copy of the lease agreement shall be submitted with the application.

4. Size of off premises signs shall be determined by sign allowance for the host property. Existing signs shall be subtracted from sign allowance with the remainder to be made available for off premises signs. Maximum size shall be forty (40) square feet per display surface with maximum of two (2) display surfaces. (Ord. 717, 10-12-1987)

5. Notwithstanding any other provision of this chapter, any off premises sign in the area described in this subsection E which is allowed by the state of Oregon off premises sign regulations may be allowed by the planning commission as a conditional use. (Ord. 741, 7-24-1989)

10-7-12: I-M ZONE:

Signs allowed:

A. Signs listed in sections [10-7-1](#) and [10-7-4](#) of this chapter.

B. Retail businesses located in an I-M zone shall be regulated by the provisions of section [10-7-11](#) of this chapter.

C. Industrial businesses shall be permitted one freestanding sign as provided by subsections [10-7-11C2](#) and C5 of this chapter and wall signs as provided in subsections [10-7-11C3](#) and C4 of this chapter. (Ord. 695, 4-28-1986)

10-7-13: BP ZONE:

Signs allowed:

A. Signs listed in sections [10-7-2](#) and [10-7-4](#) of this chapter.

B. Businesses located in this zone with a posted speed of between twenty five (25) and fifty five (55) miles per hour shall be regulated by the provisions of section [10-7-11](#) of this chapter. (Ord. 667, 9-24-1984)

C. Businesses located in this zone with a posted speed of fifty five (55) miles per hour or higher shall be no larger than 0.75 square feet per linear foot of lot street frontage per display surface with a maximum of two (2) display surfaces. However, in no case shall each display surface exceed two hundred twenty five (225) square feet. (Ord. 887, 10-23-2000)

10-7-14: SIGNS OR ADVERTISING DEVICES PROHIBITED:

The following signs are prohibited:

A. Signs in vision clearance areas as defined in section [10-5-3](#) of this title.

B. Pennants, streamers, festoon lights and other similar devices with parts intended to be moved by the wind. (Ord. 667, 9-24-1984)

C. Signs attached to any publicly owned tree or public utility pole, other than signs posted by public utilities. (Ord. 764, 5-26-1992)

D. Signs using bare bulb illumination or lighted so that the immediate source of illumination is visible. This is not intended to prohibit the use of neon as a source of illumination.

E. 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.

F. Any sign which by reason of its size, location, movement, content, coloring or manner of illumination may be confused with or construed as a traffic control device, or which hides from view any traffic sign or signal.

G. Signs designed or used for the purpose of emitting sound or dispersing smells.

H. A sign or sign structure constructed so that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, standpipe or the exterior of any window. (Ord. 667, 9-24-1984)

10-7-15: APPEARANCE INCENTIVE:

A. The sign area standards contained in this chapter may be increased. (Ord. 887, 10-23-2000; amd. Ord. 925, 6-13-2005)

B. Application for and consideration of modification of sign standards shall be made in the same manner as provided in section [10-3-9](#) of this title for level III procedure.

C. In considering an application for modification of the sign standards, the planning commission shall consider the following factors:

1. Increase in signage shall be allowed only for signs that are well balanced to the scale of the property and the neighborhood, that are indirectly illuminated or not illuminated, that are constructed of natural materials, and where the overall aesthetic effect is more pleasing than would be the case without planning commission action. (Ord. 709, 5-26-1987)

10-7-16: TEMPORARY SIGN PERMIT PROCEDURE:

Notwithstanding any other provision of this chapter, upon application by any person, the planning commission may allow the placement of temporary signs of any number, size, or character in accordance with the terms of this section. The intent of the council in adopting this section is that signs be allowed under this section only in exceptional or unusual situations, where a strict interpretation of this chapter may cause a result not generally desired by the community.

A. Temporary signs may be allowed for any period up to one year.

B. Temporary signs may be allowed by the planning commission on public property with the consent of the owner of the public property and the consent of the property owner immediately adjacent when the public property is street right of way. When the property owner is the city, the city manager shall be empowered to act for the city in consenting to the placement of the sign.

C. When considering an application for the placement of a sign under the provisions of this section, the planning commission shall consider the following:

1. The extent to which the sign is necessary to promote the public welfare and community good.

2. The size, design, and general appearance of the sign. The sign must be attractive in appearance and of the minimum size required to accomplish the

purpose.

3. The extent of general public support for the sign, as evidenced by testimony presented to the commission.

4. The extent to which the sign placement is supported by residents and/or businesses adjacent to the sign location.

D. The commission may establish such restrictions or conditions on the approval of any application as appears necessary in the judgment of the planning commission to protect the public welfare and to carry out the general intent of this chapter.

E. Applications filed under the provisions of this section shall be considered as provided in section [10-3-9](#) of this title. Notice shall be provided to property owners within one hundred feet (100') of the sign location and in a newspaper of general circulation as provided in subsection [10-3-15C2](#) of this title. (Ord. 729, 9-26-1988)

10-7-17: ABATEMENT OF SIGNS:

A. Nuisance: Signs which are placed or which exist in violation of this chapter are declared to be a public nuisance.

B. Liable: No owner of property, and no lessor, tenant, or occupant thereof, shall allow signs in violation of this chapter to exist on the subject property. The owner of the property, and any lessor, tenant, or occupant thereof shall be jointly and severally liable for the removal of any sign in violation of this chapter.

C. Prosecution: An individual identified in subsection B of this section who is in violation thereof shall be subject to prosecution as provided for in sections [10-1-1](#) through [10-1-12](#) of this title.

D. Abatement Of Nuisances:

1. **Enforcing Authority:** The city manager shall have full authority of law to enforce the provisions of this chapter. The city manager may delegate any portion or all of this authority to his agents. Nothing herein shall limit the responsibility, authority, or powers of enforcement given under the city ordinances or other state law. The term "manager", as used in this chapter, shall mean the city manager or his agent.

2. **Public Hearing:** The manager shall compile a list of properties in violation of this chapter as often as needed and shall convene a public hearing before the city council to consider abatement of signs declared herein to be a public nuisance.

3. Notice:

a. At least ten (10) days prior to the public hearing, the manager shall cause a notice to be posted at the site of the nuisance.

b. At the time of posting, the manager shall cause a copy of the notice to be forwarded by registered or certified mail, postage prepaid, to the person or persons identified in subsection B of this section at the person's last known address.

c. The notice to abate shall contain:

(1) A description of the real property, by street address or otherwise, on which the nuisance exists.

(2) A direction to abate the nuisance within ten (10) days from the date of the notice or to appear before the council at the public hearing to show cause why the nuisance should not be abated.

(3) A description of the nuisance.

(4) A statement that unless the nuisance is removed the city may abate the nuisance; and the cost of abatement will be charged to the person responsible and will become a lien against the subject property.

(5) A statement that failure to abate a nuisance may warrant imposition of a

fine or jail sentence.

Upon completion of the posting and mailing, the persons posting and mailing shall execute and file a certificate stating the date and place of the mailing and posting, respectively.

d. An error in the name or address of the person responsible shall not make the notice void, and in such case the posted notice shall be sufficient.

4. Resolution: At the conclusion of the public hearing, the council may pass a resolution authorizing the abatement of any identified nuisance at the cost of the owner of the property responsible for the nuisance. The resolution will include the authorization for the manager at reasonable times to enter into or upon property to investigate or cause the removal of the nuisance.

E. Assessment Of Costs:

1. The manager shall keep an accurate record of the expenses incurred by the city in physically abating the nuisance and shall include therein a charge of ten dollars (\$10.00) or ten percent (10%) of those expenses, whichever is greater, for administrative overhead.

2. The manager, by registered or certified mail, postage prepaid, shall forward to the owner and any other person responsible a notice stating:

a. The total cost of abatement, including the administrative overhead.

b. That the cost as indicated will be assessed to the person responsible and become a lien against the property unless paid within thirty (30) days from the date of the notice.

c. That if the owner or the person responsible objects to the cost of the abatement as indicated, he may file a notice of objection with the manager not more than ten (10) days from the date of the notice.

3. Upon the expiration of ten (10) days after the date of the notice, the council, in the regular course of business, shall hear and determine the objections, if any, to the costs assessed.

4. If the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the costs, as stated or as determined by the council, shall be made by resolution and shall thereupon be entered in the docket of city liens. Upon the entry being made, it shall constitute a lien upon the property from which the nuisance was removed or abated, and shall remain the personal obligation of the responsible person.

5. The lien shall be enforced in the manner as liens for street improvements are enforced and shall bear interest at the rate of nine percent (9%) per annum. The interest shall begin to run from the date of the entry of the lien in the lien docket. Unless paid within one year after assessment, the manager may foreclose the lien in accordance with Oregon Revised Statutes 223.505 to 223.670.

6. An error in the name of the owner or the person responsible shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void; but it shall remain a valid lien against the property, and the personal obligation of the responsible person.

F. Application Of Chapter To Unauthorized Signs And Graffiti: This chapter shall apply to and regulate written and graphic material whether placed with or without the permission of the person or persons identified in subsection B of this section, including written or graphic material commonly considered graffiti and/or placed on buildings or other property by vandals. That the written or graphic material was placed upon property without the knowledge of the person or persons identified in subsection B of this section shall be no defense to the enforcement of this chapter. (Ord. 762, 12-9-1991)

Chapter 8

SITE PLAN REVIEW

10-8-1: DESCRIPTION AND PURPOSE:

The purpose of site plan review is to determine compliance with the intent and specific development standards of this title for types of development which can have a particular impact on public health, safety and general welfare. Those uses which are specifically subject to site plan review are listed in the zone descriptions of [chapter 4](#) of this title. A site plan review on any given land use application may be called at the discretion of planning department staff. (Ord. 764, 5-26-1992)

10-8-2: SITE PLAN REVIEW COMMITTEE:

The city manager, the engineering and planning director, the public works superintendent, the electric superintendent, the fire chief, the engineering and planning secretary and the chief of police shall constitute the site plan review committee. This committee shall have the authority to approve, disapprove, or approve with conditions, the site plans of all proposed development which is subject to site plan review. (Ord. 764, 5-26-1992)

10-8-3: REVIEW PROCEDURE:

A. Committee Review: In review of plans and setting of conditions, the committee shall be governed by this chapter, and the provisions of section [10-9-5](#) of this title. The decision of the site plan review committee may be accepted by the applicant, and permits may be issued after that acceptance.

In approving the plan, the committee shall construct written findings which demonstrate that pertinent provisions of this title are complied with, and that all buildings and facilities, access points, parking and loading facilities, signs, lighting

and walls or fences, are so arranged that traffic congestion is minimized and pedestrian and vehicular safety and welfare are protected, and that adverse impacts on surrounding property and public services will be minimized. When a site plan review is mandated for a level II action, public input received from the notification procedure shall be reviewed by the committee.

B. Appeal Permitted: If the applicant does not accept the decision of the committee, he may request a review of the decision of the planning commission, he may file an appeal to the planning commission as provided by section [10-3-12](#) of this title.

C. Appeal Procedure: The commission shall hear the appeal within thirty (30) days of filing. The commission may approve, modify or reverse the decision of the site plan review committee. If the applicant does not accept the decision of the planning commission, he may file an appeal to the city council as provided for by section [10-3-12](#) of this title.

The city council shall then review the decision of the planning commission based on the existing record, within thirty (30) days of filing of the appeal. The council may affirm, modify, or reverse the decision of the planning commission within fifteen (15) days after review of the appeal. The decision of the council shall be final. (Ord. 667, 9-24-1984)

10-8-4: REQUIREMENTS:

An application for a permit subject to site plan review shall be accompanied by a site plan which shall be drawn to scale, and shall include the following as appropriate to the nature of the use:

A. Name and address of the owner, and name and address of anyone acting as agent on behalf of the owner.

B. Dimensions and orientation of the parcel.

- C. Locations of buildings and structures, both existing and proposed.
- D. Location and layout of off street parking and loading facilities.
- E. Location of points of entry and exit for motor vehicles, and internal circulation pattern.
- F. Location of walls and fences, and indication of their height, and construction materials.
- G. Indications of exterior lighting standards and devices.
- H. Location and size of exterior signs and outdoor advertising.
- I. General landscaping layout and drainage provisions.
- J. Grading and slopes where they affect relationship of the buildings and drainage.
- K. Indication of the heights of buildings and structures.
- L. Indication of the proposed use of buildings shown on the site.
- M. Relationship to sewer, water and electric utilities.
- N. Any other architectural or engineering data as may be required to permit necessary findings that the proposal complies with this title.
- O. A site plan which has been approved with level II public notification may be modified without further public notification provided that the change does not create a noticeably different impact on surrounding property when compared with the

original proposal.

P. The development shall include the number and type of bicycle parking facilities required in the off street parking and loading section of this title. The location and design of bicycle parking facilities shall be indicated on the site plan.

Q. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of hard surface walkways, landscaping, accessways, or similar techniques.

R. 1. New commercial buildings, particularly retail shopping and offices, shall be oriented to the street, near or at the setback line. A main entrance shall be oriented to the street. For lots with more than two (2) front yards, the buildings shall be oriented to the two (2) busiest streets.

2. Off street motor vehicle parking for new commercial developments shall be located at the side or behind the building(s).

S. All site plans (industrial and commercial) shall clearly show how the site's internal pedestrian and bicycle facilities connect with external existing or planned facilities or systems. (Ord. 667, 9-24-1984)

Chapter 9

CONDITIONAL USE

10-9-1: DESCRIPTION AND PURPOSE:

It is recognized that certain uses, while generally appropriate to an area or zone, require special consideration prior to their being permitted at any particular location.

Development of any use listed as a conditional use, or the expansion or alteration of an existing use which is listed as a conditional use by this title is subject to issuance of a conditional use permit. The purpose of this review shall be to ensure that, if approved, the use will be reasonably compatible with surrounding uses permitted in the area. To this end, the planning commission may stipulate conditions of development as specified in this chapter.

There may be situations in which the conditions necessary to proper placement of a conditional use cannot be developed at a particular site. Nothing contained herein shall be construed to require the commission to grant a conditional use permit. (Ord. 667, 9-24-1984)

10-9-2: PROCEDURE:

A. A conditional use procedure shall be initiated by a property owner or his representative on forms provided by and filed with the planning department, and accompanied by the appropriate administrative fee.

B. All conditional use applications shall be heard by the planning commission according to level III procedures. Appeal of a decision on a conditional use application is provided in section [10-3-12](#) of this title. (Ord. 667, 9-24-1984)

10-9-3: TIME LIMIT ON CONDITIONAL USE:

A conditional use permit shall be void after one year unless terms of the permit have been substantially completed within that time. The planning commission may extend authorization for an additional period of six (6) months for reasons such as health, financial or administrative problems incurred by the applicant during the permit period. The commission must make a finding that the delay is justified by circumstances beyond the applicant's control, and that the six (6) month extension can reasonably be expected to remedy the circumstances. Conditional uses granted addressing business activities to be conducted in a zone where such is not an outright use are allowed as long as the grantee honors the conditions of the permit, as designated by this code, staff, and planning commission. Any such use shall be subject to annual review. Violation of any terms of the conditional use shall be grounds for revocation of the conditional use permit. (Ord. 764, 5-26-1992)

10-9-4: LIMIT ON REAPPLICATION:

No application for a conditional use shall be considered by the commission within one year of a denial of the same or similar request, unless in the opinion of the commission, new evidence or circumstances warrant reconsideration within that time. (Ord. 667, 9-24-1984)

10-9-5: CONDITIONS OF APPROVAL:

To ensure that a conditional use proposal meets the general and specific criteria which follow, the commission may impose any of the following conditions as part of a conditional use permit. Each condition imposed shall be accompanied by a finding which supports such a condition.

A. Limiting the manner in which the use is conducted, including restricting hours of operation, and restraints to minimize such environmental effects as noise, vibration, air pollution, glare or odor.

B. Establishing a special yard, other open space or lot area or dimension in excess

of any specified minimum.

C. Limiting the height, size, or location of a building or other structure.

D. Designating the size, number, location, and nature of vehicle access points.

E. Increasing the required street dedication, roadway width or improvements within the street right of way on adjacent streets.

F. Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area.

G. Requiring an overall drainage plan of the property and construction of drainageways, sumps, and other drainage structures.

H. Limiting or otherwise designating, the number, size, location, height, and lighting of signs.

I. Limiting the location and intensity of outdoor lighting and requiring its shielding.

J. Requiring diking, screening, landscaping, or other methods to protect adjacent or nearby property from noise, light, traffic or litter, and designating standards for installation and maintenance.

K. Designing the size, height, location, and materials for a fence.

L. Protecting and preserving existing trees, vegetation, or water resources. (Ord. 667, 9-24-1984)

10-9-6: GENERAL CRITERIA:

A conditional use permit may be granted after development of findings which show that the following general criteria, and any specific standards applicable to the proposed use, have been met. This section will apply unless excluded from consideration for specific uses in section [10-9-7](#) of this chapter.

- A. The proposal has properly addressed traffic flow on the subject parcel, and interaction with public streets adjacent to the property as regards width and pavement type sufficient to carry the quantity and kind of traffic generated by the use.

- B. The subject parcel is of sufficient size and shape to permit proper operation of the use including necessary landscaping to buffer parking, and any anticipated expansion.

- C. The overall design and operation of the use such that it is reasonably compatible with the livability or appropriate development of adjacent property and the neighborhood as regards public safety, traffic, noise, hours of operation and health and safety. (Ord. 752, 2-11-1991)

10-9-7: SPECIFIC STANDARDS:

Conditional uses listed below must meet the standards which are specified for that use, as well as the general criteria prescribed in section [10-9-6](#) of this chapter.

A. Automotive Fuel Service Station:

1. Access points are well marked and designated through use of bumper rails or landscaping.

2. The use is to be contingent on approval of the final plans by the state fire marshal's office, and the city fire department. (Ord. 667, 9-24-1984)

B. Automobile Wrecking Or Junk Yard:

1. Access points shall be well marked and designated through use of bumper rails or landscaping as required by the planning commission; such devices to serve as traffic buffers at access points. (Ord. 764, 5-26-1992)
2. The site is entirely enclosed by a sight obscuring fence, with operable gates, high enough to block view into the premises from adjacent public rights of way, but in any case, no lower than six feet (6'). Failure to maintain the fence in good repair shall constitute a violation of the conditional use permit.

C. Boarding, Lodging, And Rooming House:

1. The residential character of the building shall be maintained.
2. Required off street parking is provided in a manner which does not detract from the residential nature of the property.
3. Suitable methods of fire escape are provided.

D. Church:

1. Sufficient area shall be provided for the building, required yards, and off street parking. Related structures and uses such as a manse, parochial school or community rooms are considered separate uses, and additional lot and parking areas shall be required for these areas.
2. Probable growth and need for future expansion of facilities shall be considered in size of site necessary for the use.
3. Bell towers, spires, or similar architectural treatments may exceed a specified building height limitation to a maximum of fifty feet (50') from ground level.

E. Commercial Amusement Facility Not Wholly Enclosed, Or Restaurant With Outdoor Service:

1. All required parking shall be paved.
2. Lighting shall be directed away from adjacent property.
3. The property shall be fenced on the sides and rear.
4. The premises shall be kept free of litter. Accumulation of litter on the premises or surrounding property shall be a violation of the conditional use permit. (Ord. 667, 9-24-1984)

F. Daycare Center, Childcare Facility, Private School Providing For Seven Or More Children:

1. Sight obscuring fence, or chainlink (or equivalent) of at least four feet (4') height surrounding play yards.
2. A sight obscuring fence may be required to ensure the privacy of adjoining neighbors.
3. Minimum of two hundred (200) square feet of outdoor play area per child for up to five (5) children, plus fifty (50) square feet for each additional child.
4. At least one off street parking space reserved for loading, and unloading of children, or as provided in section [10-6-4](#) of this title, if in excess of twenty five (25) students.
5. The physical facilities for the care of children, such as building construction, sanitation, plumbing, heating, lighting, ventilation, maintenance, indoor and outdoor activity areas and fire protection are approved by inspection of such by city provided inspector(s).

G. Manufactured Home Park: In addition to state statutes and administrative rules which may regulate manufactured home parks, parks shall comply with the following standards:

1. Location Of Development: Each manufactured home park or travel trailer park shall have direct access to a dedicated public street or street highway. Minimum frontage on a public street or highway shall be sixty feet (60').

2. Dimensional Standards:

- a. Development: No manufactured home park or travel trailer park shall be created on a parcel of less than one and one-half ($1\frac{1}{2}$) acres in area.
- b. Spacing: Each manufactured home site shall be large enough to accommodate the manufactured home, and maintain a minimum of ten feet (10') side to side, and end to end between manufactured homes; five feet (5') between a manufactured home and a property line; and ten feet (10') between a manufactured home and awning, carport, cabana or ramada of an adjacent space.
- c. Density: The gross density of each manufactured home park or subdivision shall not exceed eleven (11) manufactured homes per gross acre.
- d. Minimum Space: Manufactured home, three thousand five hundred (3,500) area in square feet; travel trailer, one thousand two hundred (1,200).

3. Parking Space Requirements:

- a. Two (2) parking spaces shall be provided for each manufactured home site, eight (8) on the site or within two hundred feet (200') thereof, inside the development, which shall be not less than nine (9) by twenty feet (20') in size and surfaced with at least four inches (4") of screened gravel or crushed rock, size one and one-half inch ($1\frac{1}{2}$ ") to zero.
- b. Guest parking shall also be provided in every manufactured home park based on a ratio of one parking space for each four (4) manufactured home sites. Such parking shall be surfaced with atleast four inches (4") of screened gravel or crushed rock, size one and one-half inch ($1\frac{1}{2}$ ") to zero and shall be clearly defined and identified.

4. Signs: One sign conforming to the underlying zone may be allowed to designate the name of the manufactured home park. The sign shall conform to all applicable standards listed in [chapter 7](#) of this title.

5. Landscaping: Open areas and buffer strips between manufactured home lots

and public streets shall be landscaped with lawn, trees, and shrubs.

6. Park Streets; Access: Private park streets shall connect each manufactured home site to a public street or highway.

7. Additional Standards:

a. Recreation Areas: Two hundred (200) square feet of recreational area shall be provided for each manufactured home site. This area may be in one or more locations in the park and shall be suitably improved and maintained for recreational purposes.

b. Accessory Structures: Structures located on a manufactured home site, in addition to the manufactured home, shall be limited to the normal accessories such as an awning, cabana, ramada, patio, carport, garage, or storage building. No other structural additions shall be built onto or become part of any manufactured home, and no manufactured home shall support any building in any manner.

c. Skirting And Certification: All manufactured homes in a park shall be skirted around their entire perimeter by a fire resistant siding and shall have an "Insignia of Compliance" seal from the department of commerce.

d. Recreation Vehicle Spaces: Not more than ten percent (10%) of a manufactured home park area may be used to accommodate persons wishing to park their recreational vehicles overnight. No recreational vehicle shall remain in a manufactured home park for more than thirty (30) days in any sixty (60) day period. (Ord. 764, 5-26-1992)

H. Signs, Flashing Or Moving:

1. Traffic Hazard:

a. The sign shall not glare or otherwise interfere with vision of drivers.

b. Movement shall not present or appear to present a barrier or hazard to traffic.

c. The sign does not bear the words "stop", "go", "slow", "caution", "danger",

"warning", or similar words or in any otherway cause confusion or doubt as to its being a traffic control device.

2. Lighting Standards:

- a. The lights shall be constructed as an integral part of a sign, and are not merely attached thereto.
- b. The flashing impulse shall not exceed twenty five (25) flashes per minute for single flashing segments of the sign, and two hundred fifty (250) flashes per minute for bulbs within chasing and scintillating actions. Only one of the above actions shall be permitted on any sign.
- c. The brightness of bulbs within chasing or scintillating actions shall not exceed eleven (11) watts.
- d. The brightness of any flashing light will not exceed twenty five (25) watts per bulb.

3. Additional Restrictions:

- a. No flashing "billboards" will be allowed.
- b. No flashing neon signs will be allowed.
- c. No strobe lights will be allowed.
- d. All revolving signs will be designed so as not to exceed a speed of five (5) revolutions per minute.
- e. All other conditions of [chapter 7](#) of this title shall be met. (Ord. 667, 9-24-1984)

I. Nonconforming Agricultural Uses: It is the intent of this section to permit existing commercial agricultural uses to remain in any zone until they are removed or abandoned. Nonconforming commercial agricultural uses shall be considered abandoned if the land is allowed to lie fallow, not under cultivation for a period of greater than seven hundred thirty (730) consecutive days. Said use shall not be considered abandoned if weeds are annually controlled by mechanical or chemical

means. It is the intent of this title to permit those existing nonconformities until they are removed or abandoned.

J. Temporary Agricultural Uses:

1. Commercial cultivation of annuals are allowed in any zone by conditional use permit through a level III procedure, if in the opinion of the planning commission, the production of the crop will have no substantial adverse impact on adjacent properties.
2. In addition, by level III procedure, the planning commission may grant a conditional use permit for commercial perennial agriculture in any zone except I-M, if in the opinion of the planning commission, there will be no substantial adverse impact on adjacent properties.
3. Perennial agriculture is not allowed in I-M zone. (Ord. 714, 8-24-1987)

Chapter 10

VARIANCE

10-10-1: DESCRIPTION AND PURPOSE:

A variance shall be initiated by a property owner or his representative on forms provided by and filed with the planning department and accompanied by the appropriate administrative fee. A variance is a permission granted as a relief from some specific and unusual hardship(s) imposed by the strict interpretation of this title. The planning director, and the planning commission shall have the authority to grant a variance from provisions of this title. The planning director shall act on applications for variation of up to ten percent (10%) in minimum yard requirements. The planning commission shall hear all other applications for variance.

A variance shall not be granted in cases where a zone change or zone text amendment is the appropriate administrative procedure. (Ord. 667, 9-24-1984)

10-10-2: MINOR SETBACK VARIANCE:

Subject to level II processing procedures (section [10-3-8](#) of this title), at the discretion of the planning director, a variance of up to ten percent (10%) of any specified minimum yard requirement may be authorized outright by the planning director. (Ord. 764, 5-26-1992)

10-10-3: FINDINGS FOR MINOR SETBACK VARIANCE:

In granting a minor setback variance, the applicant must show and the planning director shall construct written findings which demonstrate that the variance conditions listed in subsections [10-10-5A](#), B, C, and D of this chapter have been met. (Ord. 667, 9-24-1984)

10-10-4: REFERRAL AND APPEAL OF MINOR SETBACK VARIANCE:

Based on input from the level II notification procedures, or for other stated cause, the planning director may defer decision on a minor setback variance, and refer it to the planning commission. In such case, the planning commission's decision shall substitute for the planning director's decision, and level III time lines and appeal procedures shall be utilized.

Other provisions of the level II procedures remain in effect.

Appeal of level II decision, except in cases of referral discussed above, are provided in section [10-3-12](#) of this title. (Ord. 667, 9-24-1984)

10-10-5: CONDITIONS FOR GRANTING VARIANCE:

All variances other than minor setback variances shall be heard by the planning commission in accordance with level III processing procedures.

In granting a variance, the planning commission shall find that the following conditions have been met:

- A. Exceptional or extraordinary circumstances apply to the property itself such as lot size, shape, or topography, which do not apply generally to other properties in the same zone or vicinity, and result from a situation over which the applicant has no control.
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
- C. The granting of the proposed variance will not be materially detrimental to property within the vicinity in respects such as public safety, traffic, noise, health and sanitation, and hours of operation. The granting of variance shall not constitute a

grant of special privileges inconsistent with the limitations on other properties in the same zoning district.

D. It must be shown that a material hardship unwarranted within the intent of this title will exist if the variance is not granted, and that the hardship cannot be remedied by other means. The hardship demonstrated must not be self-created, and must relate to the land itself, and not to problems personal to the applicant. The variance permitted shall be the minimum variance which will alleviate the hardship. (Ord. 667, 9-24-1984)

10-10-6: TIME LIMIT ON VARIANCE:

A variance or minor setback variance permit shall be void after one year unless terms of the permits have been substantially completed within that time. The planning commission, or planning director, whichever granted the permit, may extend authorization for an additional period of six (6) months for due cause such as health, financial, or administrative problems incurred by the applicant during the permit period. (Ord. 667, 9-24-1984)

10-10-7: LIMIT ON REAPPLICATION:

No application for a variance shall be considered by the director or planning commission within one year of a denial of the same or substantially similar request, unless in the opinion of the director (for level II proposals) or the planning commission (for level III proposals), new evidence or circumstances warrant reconsideration within that time. (Ord. 667, 9-24-1984)

Chapter 11

NONCONFORMING USES

10-11-1: DESCRIPTION AND PURPOSE:

Within the zones established by this title, there exist lots, structures, and uses of land and structures which were lawful before adoption of this title, but which are now restricted or prohibited by this title.

It is the intent of this chapter to permit those nonconformities until they are removed or abandoned, but not to allow their replacement or reestablishment. (Ord. 667, 9-24-1984)

10-11-2: NONCONFORMING LOT OF RECORD:

Nonconforming lots of record are buildable lots provided that such lots in any residential zone are limited to a single-family dwelling. Construction on nonconforming lots shall meet all minimum yard standards required in the zone in which the property is located. (Ord. 667, 9-24-1984; amd. Ord. 925, 6-13-2005)

A. Any lot in a platted subdivision, town site plat, or town addition (such lots are designated on the county assessment map by lot and block descriptions, and are shown with a lot number) which has legal access to a public right of way but which is substandard in minimum area, width, depth or street frontage, is a nonconforming lot of record.

B. Any unit of land not designated by lot and block description which has legal access to a public right of way, but which is substandard in minimum area, width, depth or street frontage, is a nonconforming lot of record provided that all contiguous tax lots under a single ownership are combined to come as close to the minimum standard as possible. Two (2) contiguous substandard tax lots which together make a conforming ownership unit shall be combined.

C. Contiguous tax lots not designated by lot and block descriptions which together or individually are nonconforming may not be built on as separate units or sold separately to create a nonconforming ownership unit. (Ord. 667, 9-24-1984)

10-11-3: NONCONFORMING STRUCTURES:

A structure which exists at the time of adoption of this title, but which could not be built under provisions of this title due to lot coverage, yard requirements, height, or other characteristics is a nonconforming structure. Such structures may continue subject to the following provisions:

A. A nonconforming structure may be expanded once up to an additional twenty percent (20%) of the floor area which existed at the date of adoption of this title. Such expansion shall be permitted in accordance with procedures prescribed in section [10-11-5](#) of this chapter.

B. Should a nonconforming structure suffer damage exceeding fifty percent (50%) of its replacement cost, it shall be reconstructed in conformance with this title.

C. If a nonconforming structure is removed or destroyed beyond repair, replacement structures, and their uses shall conform to this title. (Ord. 667, 9-24-1984)

10-11-4: NONCONFORMING USE OF STRUCTURE OR LAND:

A use of a structure or of land which exists at the time of adoption of this title, but which could not commence under provisions of this title is a nonconforming use. Such use may continue subject to the following provisions:

A. An existing structure or an area of land devoted to a use not permitted by this title shall not be enlarged, extended or structurally altered except for the purpose of changing the structure to accommodate a use permitted by this title, or as provided

by section [10-11-5](#) of this chapter.

B. A nonconforming use may be extended within a building if the building was designed for that use prior to adoption of this title, provided that such an expansion does not unreasonably increase the noise, traffic, parking, or public facility characteristics of the use. Expansion of an enclosed nonconforming use to land outside of the building is not permitted, and is not subject to application under section [10-11-5](#) of this chapter.

C. Expansion of the land area devoted to an unenclosed nonconforming use is permitted only in conformance with the provisions of section [10-11-5](#) of this chapter.

D. If a nonconforming use of a structure is replaced by another use, the replacement use and all subsequent uses shall be conforming uses.

E. If a nonconforming use of a structure ceases for a period of three hundred sixty five (365) days, all subsequent uses shall be conforming uses. (Ord. 667, 9-24-1984)

10-11-5: EXPANSION OF NONCONFORMING USE OR STRUCTURE:

A nonconforming structure may be expanded one time to provide additional area not to exceed twenty percent (20%) of the floor area or land area as it existed at the date of adoption of this title. Application for such expansion shall be handled by level III processing procedures according to the following provisions.

A permit for expansion of a nonconforming use in no way removes the nonconforming status. All provisions relating to regulations and abandonment of a nonconforming use still apply.

A. Expansion of a nonconforming use shall be a conditional use. The provisions of sections [10-9-1](#) through [10-9-6](#) of this title shall apply.

B. In addition to the general criteria of section [10-9-6](#) of this title, the following criteria shall be met:

1. The proposed increase does not materially increase noise, odor, traffic, or other adverse effects on surrounding property which conforms to the provisions of the use zone applicable to the property.
2. The proposed increase shall not exceed the setbacks required for the principal use listed in the zone even though other portions of the existing structure may exceed the required setbacks.

C. In addition to the conditions of approval listed in section [10-9-5](#) of this title, the commission may place the following conditions on the expansion of a nonconforming structure: (Ord. 667, 9-24-1984)

1. If the nonconforming use is in a residential zone, the subject property, the expansion, and/or the original structure, may be required to be upgraded or modified so as to conform more closely to the residential structure characteristics of the surrounding property. (Ord. 667, 9-24-1984; amd. Ord. 925, 6-13-2005)
2. Increased setbacks, obscuring fencing, or other buffering may be required on the existing use as well as the expansion to provide additional protection to surrounding uses. (Ord. 667, 9-24-1984)

10-11-6: ADDITIONAL PROVISIONS:

A. Any nonconforming structure or structure containing a nonconforming use may have routine upkeep and maintenance or repair, provided that the repair does not exceed fifty percent (50%) of the replacement cost of the structure. Repair or construction ordered by any official charged with protecting public safety shall be permitted in all cases on nonconforming structures.

B. When a zoning permit has been issued for a structure prior to adoption of this

title, said structure may be completed according to the approved plans even though the structure, or use, or both are nonconforming. (Ord. 667, 9-24-1984)

Chapter 12

AMENDMENTS

10-12-1: AUTHORIZATION TO INITIATE AMENDMENT:

An amendment to the text of this title or to the zoning map may be initiated by the city council, planning commission, or by application of a citizen. (Ord. 667, 9-24-1984)

10-12-2: PROCESS:

Amendments to the text of this title or to the zoning map shall be processed under terms of the level IV procedure in section [10-3-10](#) of this title. (Ord. 667, 9-24-1984)

10-12-3: STANDARDS:

In the planning commission report to the city council, and in the city council's action after review of the planning commission's report, the following standards shall be addressed:

- A. The proposal is in conformance with all applicable provisions of the comprehensive plan text and map of land use designations.

- B. The proposal addresses a need which was improperly or inadequately addressed by the present zoning text or map. (Ord. 667, 9-24-1984)

10-12-4: RECORDS:

The city recorder shall maintain records of text and map amendments. (Ord. 667, 9-24-

1984)

10-12-5: LIMIT ON REAPPLICATION:

No application of a property owner for a text or map amendment shall be considered within one year of denial of the same or similar request, unless in the opinion of the commission, new evidence or circumstances warrant reconsideration within that time. (Ord. 667, 9-24-1984)

10-12-6: TRANSPORTATION FACILITIES:

A. A plan or land use regulation amendment significantly affects a transportation facility if it:

1. Changes the functional classification of an existing or planned transportation facility;
2. Changes standards implementing a functional classification system;
3. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
4. Would reduce the level of service of the facility below the minimum acceptable level identified in the transportation system plan.

B. Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the transportation system plan. This shall be accomplished by one of the following:

1. Limiting allowed land uses to be consistent with the planned function of the transportation facility;

2. Amending the transportation system plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the transportation planning rule; or

3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes. (Ord. 667, 9-24-1984)

Chapter 13

HISTORIC SITE/STRUCTURE PROVISIONS

10-13-1: DESCRIPTION AND PURPOSE:

The purpose of this chapter is to reasonably assure that historic, archeological, and cultural resources are conserved and protected, while providing an expedient process for reviewing land uses that may affect these resources when they become identified. From time to time, information will become available to the city to help identify these sites and/or structures. (Ord. 707, 4-27-1987)

10-13-2: SPECIAL DEFINITIONS:

ALTERATION: Any addition to, removal of, or change in the exterior part of a structure, and shall include modification of the surface texture, material, or architectural details of the exterior part of the structure, but shall not include paint color.

DEMOLITION: To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a historic site or structure.

HISTORIC, ARCHEOLOGICAL OR CULTURAL RESOURCE: A district, site, building, structure, object or natural feature significant in American history, architecture, archeology and culture. It may be of value to the nation as a whole or important only to the community in which it is located.

HISTORIC SITE OR STRUCTURE: Any historic, archeological or cultural site or structure, or a geographic area listed on the National Register of Historic Sites or on the Register of Milton-Freewater Historic Sites in the comprehensive plan.

PRESERVATION: The act or process of applying measures to sustain the existing form, integrity, and material of a historic building, structure or object, and the existing form and vegetation cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials. (Ord. 707, 4-27-1987)

10-13-3: APPLICATION:

When a development, alteration or demolition is proposed for a historic site or structure, the planning director shall review the proposal to ensure that it meets the requirements of this chapter. A zoning permit is required for any alteration or demolition of a historic site or structure.

Nothing in this section shall be construed to prevent the ordinary maintenance, or repair of any exterior architectural feature on any property covered by this chapter that does not involve a change in design, material, or external appearance thereof. Nor does this section prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the building official with jurisdiction in the city determines that such emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, notification shall be provided to the planning director. (Ord. 707, 4-27-1987)

10-13-4: REFERENCE:

The following documents and their performance standards are hereby adopted by reference and made a part of this chapter:

A. Register of Milton-Freewater Historic Sites.

B. State of Oregon uniform building code, chapter 41, "Historic Buildings", sections 4101-4105.

C. The secretary of the interior's standards for historic preservation projects with guidelines for applying the standards, U.S. department of the interior, heritage conservation and recreation service, technical preservation service division, Washington, D.C. 1979. (Ord. 707, 4-27-1987)

10-13-5: CRITERIA FOR REVIEW:

A. New Use: Upon receipt of a proposal for a new use in a historic site or structure, the planning director shall determine whether the use is administered by level I or II procedures (section [10-3-7](#) or [10-3-8](#) of this title) or is administered by level III procedures (section [10-3-9](#) of this title). Further administrative action shall be governed by the section which applies to the request.

Decisions to issue a permit under level I, II, or III procedures shall be accompanied by findings which address each of the following criteria:

1. The proposed use is compatible with the identified historical, archeological, or cultural value identified on or near the site.
2. The request is in conformance with other applicable sections of this title.
3. The proposed new use will take into consideration setbacks, excavation, landscaping, scenic views and other man caused land disturbances in relation to the identified historic site or structure.
4. The proposed new use will assist in preserving the significant physical characteristics of the historic site or structure.
5. The physical changes necessary for the proposed new use will not require substantial alteration, thus diminishing the historic significance of the historic site or structure.
6. Conditions may be attached to the approval of a zoning or conditional use permit to ensure the viability of the historic site or structure, including use of the documents referenced in section [10-13-4](#) of this chapter. Said conditions may include, but not be limited to, setbacks, site design, landscaping, architectural style, scale, texture and construction materials.
7. New development shall not be approved if it is found to be detrimental to the historic site or structure as unsightly or otherwise adversely affecting the architectural significance; the integrity of historical appearance, educational, and historical value, or is found not to be in accord with other review criteria.

B. Exterior Alterations:

1. Upon receipt of a zoning or development permit application to change the exterior or a historic structure, the planning director shall review the application within thirty (30) days to determine if the application will be harmonious and compatible with the character of the historic resource with respect to style, scale, texture and construction materials, and/or will enhance the historical value of the historic structure.
2. Conditions may be attached to the approval of a building permit to ensure the viability of the historic structure, including use of the documents referenced in section [10-13-4](#) of this chapter. Said conditions may include, but not be limited to, setbacks, site design, landscaping, architectural style, scale, texture, and construction materials.
3. Historic structure alteration review standards are as follows:
 - a. The distinguishing original qualities or character of a building, structure or site, and its environment, shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 - b. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 - c. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - d. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
 - e. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of feature, substantiated by historic, physical or pictorial evidence rather than on

conjectural designs or the availability of different architectural elements from other buildings or structures.

f. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.

g. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

h. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the structure, the essential form and integrity of the structure would be unimpaired.

C. Demolition Or Moving:

1. When demolition or moving is proposed for a historic structure, the planning director or planning commission and the historic structure owner shall endeavor to prepare an economically feasible plan for preservation of the historic structure. The possibilities of purchase of the historic structure by interested persons, organizations, or government agencies shall be explored.

2. If a designated historic structure is to be demolished or moved, the planning director shall require the applicant to assist the appropriate historical organization to record the historic structure, and its setting by means of photographs, pictures, artifacts or architectural detail salvage, written description, measured drawings or other means of documentation. (Ord. 707, 4-27-1987)

10-13-6: SIGNS:

Types of signs allowed in historic sites or structures shall be those permitted by the underlying zoning designation. However, the planning director or planning commission may require additional standards as to size, scale, material, lettering and construction to

ensure that signs will be harmonious and compatible with the character of the resource.
(Ord. 707, 4-27-1987)

10-13-7: REVIEW AND DISPOSITION:

A. The applicant shall provide a plot plan at a scale no smaller than one inch to one hundred feet (1" = 100'). The plot plan shall accurately show property boundaries; natural features, i.e., trees, shrubs, rock outcropping, etc.; the existing and proposed uses, and any other pertinent information that would help to identify how the proposed use and the historic, archeological or cultural use would coexist in a compatible manner. The planning director may refer the request to other agencies or individuals for their review and comment. If, after review, the planning director or planning commission finds that the development meets the criteria above, the application shall be approved and the applicant shall obtain a zoning permit prior to commencement of any work. Any development shall conform to the plot plan submitted by the applicant and approved by the planning director or planning commission.

B. In the case of a permit for the alteration of a historic site or structure, the planning director or planning commission shall:

1. Approve the request as submitted;
2. Approve the request with modifications;
3. Delay the final decision on the request for sixty (60) days to allow time for an alternative to the alteration to be developed.

At the end of the sixty (60) day period, the planning director or planning commission shall:

1. Approve the request;
2. Approve the request with modifications; or

3. Deny the request.

C. In the case of an application for demolition of a historic site or structure, the planning director shall order:

1. The immediate issuance of the permit if the planning director finds all of the following:

a. The structure cannot be economically maintained or restored, giving due consideration to all potential uses to which the structure might reasonably be put upon restoration by the property owner;

b. A program or project does not exist which may result in preservation of the structure;

c. Delay of the permit would result in unnecessary and substantial hardship to the applicant;

d. Issuance of the permit will not act to the substantial detriment of the public welfare considering the significance of the structure and the economic, cultural and energy consequences of demolishing the structure; or

e. No other reasonable alternative to demolition exists.

2. The immediate issuance of the permit if the structure for which the demolition permit has been requested has been damaged in excess of fifty percent (50%) of its assessed value due to fire, flood, wind, or other act of God.

3. Delay issuance of the permit for up to sixty (60) days. During this period, the planning director shall attempt to determine if public or private acquisition and preservation is feasible or if other alternatives are possible which could be carried out to prevent demolition of the site or structure. (Ord. 707, 4-27-1992)

10-13-8: DESIGNATION OF HISTORIC SITES AND STRUCTURES:

A. The planning commission shall, from time to time, designate sites and structures within the city as being of such historic, archeological and cultural significance that conservation and protection from conflicting land uses is warranted.

B. These designations shall be made through the public hearing process described in section [10-3-14](#) of this title. The commission shall seek the advise of the Milton-Freewater Historical Society, Umatilla County Historical Society, government agencies, and other knowledgable and interested individuals and organizations.

C. The commission may create ad hoc or permanent committees to assist it with this function. (Ord. 707, 4-27-1987)

D. Sites and structures found to be of sufficient age and/or historical interest may be added to the Milton-Freewater Register of Historic Sites and Structures. (Ord. 764, 5-26-1992)

Chapter 14

SITE AND DESIGN STANDARDS

10-14-1: PURPOSE:

Development standards are intended to achieve the following:

- A. Improve the quality and appearance of commercial and industrial development in the city.
- B. Ensure that such development is compatible with adjacent development and is complementary to the community as a whole.
- C. Promote streetscapes that are consistent with the desired character of the various commercial and industrial zoning districts.
- D. Encourage crime prevention through environmental design, decrease opportunity for crime, and increase user perception of safety through application of CPTED (crime prevention through environmental design) principles.
- E. Increase opportunities for use of alternative modes of transportation.
- F. Regulate the intensity of use allowed on a site.
- G. Promote safe, attractive, and functional pedestrian circulation systems in commercial areas. (Ord. 667, 9-24-1984)

10-14-2: APPLICATION OF STANDARDS:

The standards in this chapter shall apply to all new developments located in a commercial or business park zoned site. These standards shall also apply to new developments on any industrially zoned property located on the main street and state highway areas of the city as follows: Highway 11_S. Main from the south city limits to S. E. 3rd, S. Columbia from S.E. 3rd to E. Broadway, and N. Columbia from E. Broadway to the northern city limits; S. Main from S.W. 2nd to Broadway, Broadway between N. Main and Columbia, N. Main to N.W. 8th, 8th Avenue between Lamband Elizabeth; and N.E. 5th between N. Main and N. Columbia. The guidelines shall also apply to all existing developments in these areas if exterior remodeling or expansion of existing buildings or sites is done. When remodeling or expansion occurs, compliance with these guidelines must be in accordance with the same percentage as the remodeling or expansion, e.g., if the building area is expanded twenty five percent (25%), then at least twenty five percent (25%) of the site must be brought into conformance with the guidelines contained in this chapter. When restoration of an older historic building occurs, strict applications of these guidelines may be considered for an adjustment as set forth in section [10-14-9](#) of this chapter. (Ord. 667, 9-24-1984)

10-14-3: REQUIREMENTS FOR EXTERIOR WALLS:

At least twenty five percent (25%) of the wall area facing a street shall have treatments consisting of any one or a combination of the following treatments, with a minimum of fifteen percent (15%) of the wall area containing windows or glass doors. Corner lots shall be required to meet this standard on both walls, with the primary entrance wall meeting this standard for a minimum of twenty five percent (25%) of the wall area and the secondary wall meeting this standard for a minimum of ten percent (10%) of the wall area. Building frontages greater than one hundred feet (100') in length shall have offsets, projections, changes in elevation or horizontal direction, small scale lighting, or other distinctive changes in the building facade. Suggested wall treatments are as follows:

A. Windows.

B. Display areas or doorways which allow view into work areas or lobbies, pedestrian entrances or display windows set in the wall.

C. Awnings.

D. Decorative brick, stone or other distinct pattern in surface area.

E. Landscaping in excess of the required fifteen percent (15%) as set forth below may be substituted for one of the items above.

F. Rehabilitation of existing historic buildings by keeping true to their original character and by referencing the commercial district's historic character in new infill development. (Ord. 667, 9-24-1984)

10-14-4: LANDSCAPING:

Fifteen percent (15%) of the developed site shall be landscaped with living plant materials or a combination of living plant materials and nonliving materials such as benches, walkways and courtyards built of brick, decorative rock or other decorative materials. A minimum of eighty percent (80%) of required landscaping shall consist of living plant materials, which shall be either irrigated or certified they can be maintained and survive without artificial irrigation. If the plantings fail to survive, the property owner shall be required to replace them. Native plants are encouraged. A maximum of twenty percent (20%) of landscaping may also include natural features, such as rock or stone outcrops, or structural features including fountains, pools, courtyards, walkways or benches. Landscaping shall be placed to afford surveillance opportunities, i.e., the landscaping does not block entrances or allow concealment. Where common wall construction in the main street areas of Milton and Freewater prohibit strict application of these guidelines, alternatives shall be explored and implemented when feasible. (Ord. 667, 9-24-1984)

10-14-5: OFF STREET PARKING AREAS:

Off street parking areas in commercially zoned areas shall be located in accordance with

chapter [10-8-4](#) of this title. Perimeter site landscaping of at least four feet (4') in width shall be provided in all parking areas. Plants, when mature, should not interfere with surveillance opportunities. If a parking lot is being constructed in conjunction with commercial development of a site, the parking lot landscaping will be counted towards total landscaping requirements of the site. Curb islands containing plantings shall be provided throughout parking lots containing an excess of ten (10) parking spaces. Off street parking in industrially zoned areas bordering residential zones shall provide perimeter landscaping as described above for each side bordering a residential zone. (Ord. 667, 9-24-1984)

10-14-6: FENCING:

Fence height and placement shall be in accordance with [chapter 5](#) of this title. Barbed wire and razor wire fencing is prohibited in the commercial and business park zones, and in industrial zones located on the main streets/state highways of the city as set forth in section [10-14-2](#) of this chapter. (Ord. 667, 9-24-1984)

10-14-7: DWELLING UNITS IN CONJUNCTION WITH COMMERCIAL USE:

Dwelling units which are used in conjunction with a commercial use under section [10-4-6](#) of this title, located in the C-1 and C-2 zones, shall contain a minimum of fifty percent (50%) of the building area dedicated to a permitted commercial use. (Ord. 667, 9-24-1984)

10-14-8: EXTERIOR LIGHTING:

Exterior lighting standards shall minimize adverse effects on adjacent residential properties (e.g., lighting directed away from windows, etc.). Exterior lighting should provide nighttime illumination of parking lots, walkways, entrances and exits. (Ord. 667, 9-24-1984)

10-14-9: ADJUSTMENTS:

Adjustments to the above requirements may be applied for. Adjustment requests shall be required to show how the development would be as good or better by using applicant's proposal rather than strict application of the above standards while maintaining the purpose of these standards. Adjustments shall be considered in accordance with level III application procedures as described in section [10-3-9](#) of this title. (Ord. 667, 9-24-1984)