

ORDINANCE NO. 477

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, IMPLEMENTING AN UPDATE TO THE ZONING AND DEVELOPMENT CODE AND COMPREHENSIVE PLAN

WHEREAS, the City of North Plains ("City") initiated an update to the following Chapters of the Zoning and Development Code:

- 155.012 Definitions
- 155.045-155.057 Design Review
- 155.140-155.142 Zoning Districts
- 155.143 Zoning Use Table
- 155.155-155.160 R-7.5 Zone
- 155.175-155.0180 R-5 Zone
- 155.195-155.200 R-2.5 Zone
- 155.255-155.261 NC Zone
- 155.275-155.280 M-1 Zone
- 155.295-155.298 M-2 Zone
- 155.485-155.488 Duplex, Triplex and Attached Two-Family (now Townhomes)
- 155.545 Lot Line Adjustment
- 155.610-155.614 Planned Unit Development
- 155.670-155.676
- 155.670-155.676 Off-Street Parking and Loading; and

WHEREAS, the City also initiated an update to Page 8 of the Comprehensive Plan; and

WHEREAS, the City submitted the proposed amendments to DLCD on January 5, 2022; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing, and reviewed the proposed text amendments and staff report at its meeting on February 9, 2022; and

WHEREAS, the City Council conducted a duly-noticed public hearing, and reviewed the proposed text amendments, Planning Commission recommendation and staff report at its meeting on February 22, 2022; and

WHEREAS, the City Council considered the application, the evidence in the record and applicable criteria for the amendments proposed in Application File No. 22-001 (Zoning Code and Comprehensive Plan Update) to amend several sections of the Zoning and Development Code and one page of the Comprehensive Plan.

Now, therefore:

THE CITY OF NORTH PLAINS ORDAINS AS FOLLOWS:

Section 1. The City hereby adopts the Zoning Code and Comprehensive Plan Text Amendments proposed in File 22-001, attached hereto as Exhibit "A" and incorporates them into the North Plains Zoning and Development Code and North Plains Comprehensive Plan.

Section 2. In support of its decision, the City Council adopts the findings within the Planning Commission Recommendation for File No. 22-001, dated February 9, 2022 and signed February 10, 2022, attached hereto as Exhibit "B".

Section 3. This Ordinance shall become effective on the 30th day after its adoption.

INTRODUCED on the 22nd day of February, 2022, **ADOPTED** on the 21st day of March, 2022 and **EFFECTIVE** on the 20th day of April, 2022.

CITY OF NORTH PLAINS, OREGON



By: _____
Teri Lenahan, Mayor

ATTEST:



By: _____
Lori Lesmeister, City Recorder

§155.012
DEFINITIONS

100-Year Flood Plain: Land subject to one percent or greater chance of flooding in any given year as defined by the Federal Insurance Administration (FIA) on its official Flood Insurance Rate Map (FIRM). In this Ordinance, "100-year flood plain" is synonymous with "area of special flood hazard."

Access: The way or means which allows pedestrians and/or vehicles to ingress and egress a property.

Accessory Structure or Use: A detached, subordinate structure, the use of which is customarily incidental to that of the dominant use of the main building, structure, or land and which is located on the same lot or parcel as the main building, structure or use. Examples of accessory structures or uses include, but are not limited to, private garages, greenhouses, decks, fences, arbors, gazebos, air conditioners, heat pumps, tool sheds and satellite dishes per definition. (An Accessory Dwelling is not considered an Accessory Structure or Use. See definition for Dwelling, Accessory.) Accessory structures and accessory uses are not allowed in floodplains or floodways.

Alcoholic Beverage Establishment: A commercial establishment including, but not limited to, bars, taverns, pool halls, coffee houses, or similar establishments where a dance floor, music, games, or other entertainment may be provided and where the sale of alcoholic beverages is an integral component of the business.

Alley: A narrow vehicular service access to the back or side of properties.

Amusement Enterprise, Indoor: Any enterprise, wholly contained within a structure, whose main purpose is to provide the general public with an amusing or entertaining activity. Indoor amusements may include arcades, skating rinks, dance halls, theaters, ice rinks, pool halls, bowling alleys, indoor shooting ranges, health/sports facilities/gyms, and similar enterprises. Indoor amusement enterprises may also include business that hold classes in acting, art, dance, music, photography, and martial arts.

Amusement Enterprise, Outdoor: Any enterprise whose main purpose is to provide the general public with an amusing or entertaining activity. Outdoor amusements may include zoos, carnivals, expositions, miniature golf courses, fairs, exhibitions, athletic contests, rodeos, tent shows, Ferris wheels, children's rides, roller coasters, private soccer and baseball fields, go-cart tracks, archery range, golf courses, driving ranges, and similar enterprises.

Animal Care Facilities: A place where animals are boarded and/or bred, including, but not limited to, veterinary clinics, stables, dog day cares, animal groomers, and kennels.

Art Studio or Gallery: Where objects of art are created or displayed for public enrichment or where said objects of art are displayed for sale (including, but not limited to, the teaching of photography, painting, sculpture, and other similar skills) as the primary use of the structure.

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

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

Awning: A roof-like cover extending over or in front of a place (as over the deck or in front of a door or window) as a shelter.

Bed and Breakfast Inn: A structure where rooms are rented to transient paying guests on an overnight basis and meals are served where no cooking facilities are provided in the rooms.

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

Bulk Storage Tank: A container for the storing of chemicals, petroleum products, grains, and other materials for subsequent use or resale to distributors or retail dealers or outlets.

Bus Depot/Terminal: A use that includes a building and area in which patrons may purchase tickets for bus transportation. Bus terminals may provide for the storage, maintenance, and services of busses including repair, washing, and fueling facilities.

Business Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files, and communication equipment.

Carport: A structure covered with a roof and constructed specifically for the storage of one or more vehicles.

Catering establishment: A business where the scope of activity is the preparation and sale of meals and beverages for consumption by large parties in conjunction with events such as weddings, parties, and other events with large numbers of attendees.

Certified Family Child Care Home: As defined by the State of Oregon, a Certified Child Care Home provides child care for up to 12 children, and may be certified for up to 16 children with prior approval from the State of Oregon; and is located in a building constructed as a single-family dwelling.

City: The City of North Plains, Oregon.

City Planner: The City employee or contractor authorized by the city manager or City Council to implement, administer, interpret and enforce the Zoning and Development Ordinance.

Civic/government use: Uses that principally serve a public need, such as libraries, museums, post offices, parks, community centers, police stations, and fire stations.

Clinic, Medical & Dental: A facility operated by one or more physicians, dentists, chiropractors, or other licensed practitioners of the healing arts for the examination and treatment of persons solely on an outpatient basis.

Cold Storage Facility : A commercial establishment where foods or other commodities are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or other commercial businesses. No slaughtering of animals or fowl is allowed on the premises.

Corner Lot: (see Lot, Corner)

Country Club: Land area and buildings containing golf courses or other recreational facilities, a clubhouse, and customary accessory uses, open to members and their guests.

Commission: The City of North Plains Planning Commission.

Conference/Convention Center: A large civic building or group of buildings designed for conventions, industrial shows, and the like, having large unobstructed exhibit areas and often including conference rooms, hotel accommodations, restaurants, and other facilities.

Condominium: A condominium is a group of housing units where each homeowner owns their individual unit space, usually from the wall studs in, and share ownership of most or all common elements. Condominiums are subject to the provisions of ORS Chapter 100. Condominiums are multi-family dwellings.

Cottage Cluster: A grouping of no fewer than four detached dwelling units per acre, located on individual lots or a single lot or parcel. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” or “pocket neighborhood.”

Council: The City of North Plains City Council.

Day: A business day unless specifically noted as a calendar day.

Drive-in/Thru window: A takeaway restaurant, bank, etc. designed so that customers can do business without leaving their cars. This may include, but is not limited to, fast food, bank, and pharmacy drive-thrus.

Dwelling, Accessory: A detached, secondary, and subordinate dwelling unit which is located on the same lot or parcel as the main building, structure, land, or use. Examples of accessory dwellings include, but are not limited to, granny flats, garage apartments, and accessory apartments. Accessory dwellings are structures on permanent foundations connected to utilities in a similar manner to the primary structure on the site.

Dwelling, Multi-Family: A single structure containing four or more dwelling units that share common walls or floor/ceilings with one or more units on one lot or parcel. Multi-family dwellings include structures commonly called apartments and condominiums. Structures containing four or more dwelling units that are attached on one or both sides to similar adjacent but distinct units that are located on individual lots or parcels are considered townhouses (see definition below).

Dwelling, Single-Family, Attached Townhouse: Two or more single family dwellings with one or more common walls. Each dwelling is on a separate lot or parcel. Townhouses may also be known as rowhomes, row houses or townhomes.

Dwelling, Single-Family, Detached: A detached building containing one dwelling unit on one lot.

Dwelling, Townhouse: (see **Dwelling, Single-Family, Attached**)

Dwelling, Three-Family (Triplex): Three dwelling units, located on one legal lot.

Dwelling, Two-Family (Duplex): Two dwelling units, located on one legal lot.

Dwelling Unit: A structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

Easement: A grant of right to use an area of land for a specified purpose.

Educational Facility: Any facility or premises regularly attended by one or more persons for the purpose of instruction. Such facilities may include tutoring businesses and primary, secondary, colligate, and vocational/trade schools.

Entity: Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

Extended Care Facility, Convalescent Home, or Nursing Home: A building, or portion thereof, used or designed for the housing of the aged, and/or mentally or physically handicapped persons who are under daily medical, psychological, or therapeutic care;

provided that this definition shall not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

Farm product processing: The alteration or modification, for the purpose of storage, transport, or sale of an agricultural product produced on a farm site through the addition of other ingredients or components, provided that the initial agricultural product must be the principal ingredient or component. Types of establishments that conduct farm product processing may include canneries, meat packing plants, saw mills, and grain elevators.

Fence, Sight Obscuring: A fence or evergreen planting arranged in such a way as to obscure vision.

Flag Lot: (See Lot, Flag)

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry areas from the overflow of water bodies and/or unusual and rapid accumulation of surface water from any source.

Floor Area: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

- A. Attic space providing headroom of less than seven feet;
- B. Basement, if the floor above is less than six feet above grade;
- C. Uncovered steps or fire escapes;
- D. Private garages, carports, or porches;
- E. Accessory water towers or cooling towers;
- F. Accessory off-street parking or loadingspaces.

Fraternity or Sorority: An organization formed chiefly to promote friendship and welfare among the members.

Fraternal Lodge: A structure where a group of people meet who are organized for a common interest, usually cultural, religious, or entertainment with regular meetings, rituals, and formal written membership.

Fuel Sales: A business for retail delivery of combustible fuels, including but not limited to gasoline, diesel, propane, natural gas, bio-diesel, or hydrogen to individual motor vehicles.

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

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

building.

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

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

Greenhouse or Garden, Commercial: A structure or location where plants, vegetable, flowers, and similar materials are grown for sale.

Health Club/Sports Facility: A building designed and equipped for the conduct of sports, or exercise, or other customary and usual recreational activities, operated for profit or not for profit and which is open only to members and guests of the club or facility.

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

Hospital or Sanitarium: A building, or portion thereof, used or designed for the medical or surgical treatment of the sick, mentally ill, or injured persons, primarily on an inpatient basis, and including as an integral part, related facilities such as laboratories, outpatient facilities, or training facilities; provided that this definition shall not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

Home Occupation: A commercial activity that is conducted within a dwelling unit and/or accessory buildings by persons occupying the dwelling, with no servant, employee, or other person being engaged, provided the occupation is conducted in such a manner as not to give an outward appearance, nor manifest any characteristic of a business, in the ordinary meaning of the term, nor infringe upon the rights of neighboring residents including but not limited to noise, odors, or parking.

Hotel: A building in which lodging is provided for guests for compensation.

Impervious Surface: Hard surfaces such as roofs, driveways, patios and pavement that prohibit water from soaking into the ground.

Industrial, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Light industrial establishments may include cabinetry/carpentry/woodworking shops, machine shops, welding shops, and sheet metal shops.

Industrial, Heavy/General: A use engaged in the basic processing and manufacturing

of materials or products or parts, predominantly from extracted raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. Heavy industrial also includes farm product processing establishments, including grain elevators; saw mills, meat packing plants, and canneries.

Land Division: A partition or subdivision of a lot or parcel.

Light Truck: Truck with a gross cargo weight of 1-1/2 tons or less.

Live/Work Townhouse: An attached single-family dwelling which is designed to accommodate a commercial business on the ground floor. The commercial or office portion of the building shall be oriented to the front of the building and shall be directly accessible by the primary front entrance.

Livestock: Domestic animals of types customarily raised or kept on farms for profit or other purposes. Refer to Municipal Code Chapter 4.25 Livestock.

Local Improvement District (LID): The area determined to be specially benefitted by a local improvement within which properties are assessed to pay for the cost of the local improvement.

Lot: Unless the context provides otherwise (e.g. a "lot of record"), a unit of land created by land division.

Lot of Record: Any lot, or parcel lawfully created by a partition, subdivision, recorded deed, or sales contract if there was no applicable planning, zoning or partitioning ordinance or regulation.

Lot Area: The total area of a lot or parcel measured in a horizontal plane within the lot boundary lines exclusive of public and private roads. For flag-shaped lots, the access strip shall not be included in the lot area for the purposes of minimum lot area requirements.

Lot, Corner: A lot or parcel abutting on two intersecting streets other than an alley provided that the streets do not intersect at an angle greater than 135 degrees.

Lot Coverage: That portion of a lot or parcel covered by impervious surfaces, buildings and structures usually expressed in percentage of total square feet of lot size.

Lot Depth: The horizontal distance from the midpoint of the front lot or parcel line to the midpoint of the rear lotline.

Lot, Flag: A lot or parcel where access to the public road is usually by a narrow access strip.

Lot Interior: A lot or parcel other than a corner lot or parcel.

Lot Line Adjustment: The relocation or elimination of a common boundary between two legal lots or parcels, provided no new lots or parcels are created.

Lot Line, Front: The line separating the lot or parcel from the public street and in the case of a corner or through lot or parcel, the line along a street over which the primary pedestrian access to the property is gained. In the case of a flag lot, the front lot line for setback purposes shall be the parallel projection of the shortest side lot line of the driveway flagpole.

Lot line, Rear: The line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lotline.

Lot Line, Side: Any property line that is not a front or rear lot line.

Lot Width: The average horizontal distance between the side lot lines; ordinarily measured parallel to the front lotline.

Manufactured Home: A structure that has a Department of Housing and Urban development label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974(42 U.S.C. Secs. 5401 et seq.), as amended on August 22, 1981; and is constructed for movement on the public highways has plumbing, and cooking facilities, is intended for human occupancy, and is being used for residential purposes.

Manufactured Home Park: A place where two or more manufactured homes are located on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person or to offer space free in connection with securing the trade or patronage of such a person.

Marijuana: The plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

Marijuana processing site: An entity registered with the Oregon Health Authority to process marijuana.

Marijuana processor: An entity licensed by the Oregon Liquor Control Commission to process marijuana.

Marijuana producer: An entity licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow or harvest marijuana.

Marijuana retailer: An entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state.

Marijuana wholesaler: An entity licensed by the Oregon Liquor Control Commission to purchase items in this state for resale to a person other than a consumer.

Medical marijuana dispensary: An entity registered with the Oregon Health Authority to transfer marijuana.

Mixed Use Development: A development that integrates some combination of retail, residential, commercial, office, institutional, recreation, or other functions. It is pedestrian-oriented and contains elements of a live-work-play environment. It maximizes space usage, reduces reliance on the automobile, and encourages community interaction.

Manufactured Home Subdivision: A subdivision intended for and designed to accommodate manufactured homes on individual lots and developed pursuant to the provisions of this Ordinance.

Motel: A building or group of buildings on the same lot or parcel and containing guest units with separate entrances and individual sleeping quarters, detached or in connected rows for rental to visitors. The term includes auto courts, tourist courts, tourist homes and motor lodges.

Municipal Park: An area of open space designed and intended for active recreational use. Municipal parks are available for use by the general public. Municipal parks may be in public ownership, such as the City or another government agency or organization. Municipal parks may also be in private ownership, such as a Homeowner's Association. All municipal parks shall be open to the public by either direct public ownership or a public access easement. Municipal parks include one or more of the following attributes: playground, athletic field, swimming pool, reservoir, or other recreational facility.

Nonconforming Structure or Use: A lawfully existing structure or use, at the time this Ordinance or any amendment thereto becomes effective, which does not conform, or becomes nonconforming, to the requirements of the zone in which it is located as a result of amendments or other changes to this ordinance.

Parking Space: A space with room for maneuvering and access space required for a standard automobile to park space.

Partition: To divide land into not more than three parcels within a calendar year.

Place of Worship: A building or structure, or group of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Planned Unit Development: Type of development in which some departure from lot size, density, and other requirements of the underlying zone is permitted in order to accommodate unique physical characteristics and/or facilitate use of innovative building techniques and materials.

Recycling Facility: A facility that involves the separation, collection, and/or processing of metals, glass, paper, plastics, and other materials which would otherwise be disposed of as solid waste, which are intended for reuse, re-manufacture, or re-constitution for the purpose of using the altered form.

Recycling Drop-Off Center: A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation. Recycling materials are not sold to a recycling drop-off center. A recycling drop-off center is intended for household or consumer use. Use by commercial or industrial establishments is not included. Unattended drop-off stations for single materials, such as newsprint, are also not included.

Residential Facility: A residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

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

Restaurant: An establishment that serves food and beverages primarily to persons seated within the building. This includes, but is not limited to, cafes, tea rooms, and outdoor cafes.

Restaurant, Fast Food: An establishment that offers quick food which is accomplished through a limited menu of items already prepared and held for service, or prepared quickly. Orders are not generally taken at a customer's table and food is generally served in disposable wrapping or containers. This type of establishment may or may not include a drive in/thru window.

Retail Sales & Service: Indoor establishments engaged in selling goods and services to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RV Park: A campground for day use and overnight accommodations by motor homes.

Salvage Yard: A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging material or equipment. Materials include, but are not limited to, lumber, pipes, metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural

steel, equipment/vehicles, appliances and electronic products.

Satellite Dish: As regulated by the FCC, a direct-to-home satellite dish or antenna that is less than one meter in diameter, a TV antenna on a mast less than 12 feet above the roofline, and wireless cable antennas associated with a single family or manufactured home, a townhouse, apartment or condominium. The City may restrict such devices if it is necessary to accomplish a clearly defined safety objective, or is necessary to preserve an historic district listed or eligible for listing in the National Register of Historic Places and imposes no greater restrictions than on other devices.

School, Elementary, Junior High or High School: An institution, public or private, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education.

Scientific Testing/Research Laboratory: An establishment or facility used for carrying on investigation in the natural, physical or social sciences, which may include engineering and product development.

Senior Housing: A residential development which is limited to residents 55 years and over.

Setback: An imaginary line which marks the minimum distance a structure must be located from the property line, and establishes the minimum required front, side, or rear yard space of a building plot.

Sign: An identification, description, illustration, or devise which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution or business.

Sign, Monument: A sign that has an engineered footing and a solid supporting base that is generally made of stone, masonry or concrete. Alternatively, a monument sign may be a sign that extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.

Solid Waste Transfer Station: A facility at which solid waste is transferred from one solid waste vehicle to another solid waste vehicle for transportation to a solid waste facility.

Solid Waste Transfer Station, Material Recovery Facility: A solid waste transfer station designed and operated to process waste by utilizing manual and/or mechanical methods to separate useful materials from the incoming waste stream for return to the economic mainstream for use as raw materials or products. This definition includes recycling plants that process discarded metals, glass, paper, plastics, and other materials for re-use.

Storage, Outdoor: The keeping, in an unenclosed area, of any goods, junk, materials, or merchandise in the same place for more than twenty-four hours and not actively being

sold. Does not include storage for RVs, boats, or other large vehicles.

Storage, Self Service/RV: A structure containing separate, individual, and private storage spaces of varying sizes that may include, but is not limited to, storage areas for Recreational Vehicles (RVs) and boats. Storage for RVs does not include RV parks.

Story: The portion of a building included between the first surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above the basement or cellar is more than six feet above grade, such basement or cellar shall constitute a story.

Street: The entire width between the boundary lines of every way of travel which provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and including the terms "road," "highway," "place," "avenue," and other similar designations.

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

Subdivision: To divide an area of land into four or more lots for the purpose of transfer of ownership or building development, whether immediate or future, when such lot exists as a unit or contiguous units.

Substandard lot: A lot which does not meet the lot size requirements of the zoning district in which it is located and is therefore considered a nonconforming property.

Tax lot: A reference number on a taxmap (Assessor's Map) to identify a tax account for the purpose of taxing/assessing by the Washington County Assessors' Office.

Theater: A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.

Through Lots: Any interior lot or parcel which has frontage on more than one street.

Trailer (Travel or Vacation): A vehicle or structure equipped with wheels for highway use that is intended for human occupancy, which is designed primarily for vacation and recreation purposes.

Travel Trailer Parks: An area containing one or more spaces designed for the temporary parking and convenience of travel trailers and similar recreational vehicles.

Truck Stop/Freight/Trucking Terminal: Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or

equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews.

Unstable Soil: Soil types which pose severe limitations for development due to potential flooding, structural instability, or inadequate sewage waste disposal, as defined by the U.S. Soil Conservation Service and identified in the Comprehensive Plan.

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

Utility Facility: A site where infrastructure services and structures necessary to deliver basic utilities are undertaken. This includes all lines and facilities provided by a public or private agency and related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, information, telephone cable, electricity and other services provided by the utility.

Variance: The modification of a specific standard in this Ordinance. Variances are granted by the Planning Commission. Minor variances may be approved administratively by the City Planner.

Vehicle Wash: A place containing facilities for washing automobiles which may include the automatic or semiautomatic application of cleaner, brushes, rinse water, and heat for drying.

Vehicular Sales, Rental, Repair & Service: Any premises or structures when used for the sales, rental, servicing and/or repair of motor vehicles, including paint and bodywork, engine rebuilding and minor maintenance activities, irrespective of commercial gain derived there from. Motor vehicles may include, but are not limited to, automobiles, marine craft, motorcycles, and air craft. This use does not include sales, repair/service, and rental of commercial freight trucks/semi-trailers and farm/logging equipment.

Vision Clearance: The triangular area at the intersection of any two streets, a street and a railroad, or a driveway providing vehicular access to a public street, including alleys. These areas provide increased sight distance to drivers, pedestrians, wheelchairs, and other users of the intersection. For more details, refer to §155.656 Clear Vision Areas.

Warehousing: The storage of goods or merchandise at a facility such as a store house.

Waste/Recycling Services: Trash removal and recycling services for residents and business of an area. This may include, but is not limited to, solid waste transfer stations, material recovery facilities, and recycling facilities.

Wholesale Sales/Service: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wireless Telecommunication Facility: An unstaffed facility operating for the transmission and reception of radio signals consisting of an equipment shelter or cabinet, a support structure, antennas, and related equipment.

Wireless Telecommunication Tower: A tall structure with the intended purpose of elevating a antenna high above the ground. This definition includes but is not limited to a tower, pole, or mast over 20 feet tall.

Yard: An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.

Yard, Rear: A yard between side lot lines measured at a right angles from the rear lot line to the nearest point of a main building.

Yard, Side: A yard between the front and rear yard measured at a right angles from the side lot line to the nearest point of the building.

Design Review

§155.045 Purpose

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

(B) This section is designed to address the location and design of a use that is allowed within the zone. In considering the design review requirements, the City shall take into account the impact of the proposed development on nearby properties, the capacity and circulation of the street system, the capacity of the utility and service systems, and the appearance of the street and the community.

§155.046 Design Review Approval Requirements

A building, grading, parking, or development permit, as specified in this chapter shall not be issued for a use subject to this section, nor shall such uses be commenced, enlarged, altered, changed or moved until a design review application is approved by the City.

§155.047 Design Review Approval Procedures

Design review is required for all new developments and modifications of existing developments described below. Regular maintenance, repair and replacement of existing materials (e.g. roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair shall be exempt from review.

A. Limited Land Use Design Review – Type II.

(1) A Type II Land Use Design Review application is conducted by the City without a public hearing and in accordance with this chapter. This procedure shall be used when the City finds that the applicable standards are primarily clear and objective but may require a limited exercise of discretion. This procedure is for changes in land use and developments that do not require a conditional use permit or comprehensive design review approval. A limited land use review ensures compliance with the basic land use and development standards of the land use district, such as lot area, building setbacks, and orientation, lot coverage, building height, landscaping, parking and other development standards.

(2) A Limited Land Use review is required for the types of changes in land use and development proposals listed below. Land uses and development exceeding the thresholds below require a Type III Design Review application.

- a) A change in occupancy from one type of land use to a different land use;
- b) A development proposal that increases lot coverage by no more than 10%;
- c) Non-residential building additions up to 500 square feet or 20% of an existing structure, whichever is greater.
- d) Minor modifications to development approvals that require one or more discretionary approval standards.
- e) Minor alterations to a development that has a valid conditional use permit that require one or more discretionary approval standards, and as determined by §§155.070 through 155.077 of this chapter;
- f) Non-residential Accessory structures and accessory parking;
- g) Having a condition for major public improvements where a specific plan was not considered (e.g., transportation facilities and improvements, parks, trails and similar improvements as determined by the City).

(3) A Type II Limited Land Use Design Review shall be conducted prior to issuance of building permits, occupancy permit, business license or public improvement permits as determined by the City and an application shall be approved only upon meeting all of the following criteria:

- a) The proposed land use or development is permitted by and meets the intent of the underlying land use district and all other applicable sections of this Zoning and Development Code; and
- b) The proposed land use or development meets all applicable criteria of Clean Water Services, Tualatin Valley Fire & Rescue, Washington County and any other entity with jurisdiction over the property or the roadway adjacent to the property; and
- c) The off-street vehicle parking, bicycle parking and loading areas for the use meet the requirements of §§155.670 through 155.676.

B. Type III Design Review. Type III design review applications are reviewed by the Planning Commission including a public hearing in accordance with this chapter. It applies to all development in the City, except those specifically listed or similar to those under “A.” above and the standards of this chapter.

§155.048 Filing Procedure

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

§155.049 Pre-Application Conference

If required, the applicant shall schedule a pre-application conference prior to filing a Design Review Application.

§155.050 Application

Following the pre-application conference and neighborhood meeting, the applicant shall submit the formal application to the City accompanied by the appropriate fee and application materials, along with a site development plan and other information in accordance with the pre-application meeting and the requirements of this chapter.

§155.051 Filing

A design review application must be filed for any of the following uses, except for single family or duplex construction and accessory structures and unless determined to be a Type II limited land use review pursuant to §155.047(A) of this chapter:

- A. New buildings or structures.
- B. Building alterations substantially affecting the exterior design and/or dimensions of an existing structure.
- C. Any exterior alteration to an existing nonresidential use, which has not previously been subject to design review, except for painting, the replacement of roofing and siding material.
- D. Any exterior alteration to an existing nonresidential use which has been subject to design review.
- E. Any alteration of site improvements, such as the landscaping in conjunction with an existing nonresidential use which has been subject to design review.
- F. Any new permitted land use on undeveloped property, such as parking lots, concession stands, storage yards, etc.
- G. Site grading of property affecting or altering the on-site or off-site drainage.
- H. A change of use within a zone unless the use change will not affect parking, exit requirements, and other standards of this ordinance.
- I. The removal of a substantial portion of mature trees existing on-site.

§155.052 Design Review Plan - Submittal Requirements

- A. **Information Requirements.** Information provided on the design review plan shall conform to the following:
 - 1. Drawings depicting the proposal;
 - 2. Drawings shall be at a scale sufficiently large enough to enable all features

of the design to be clearly discerned;

3. An electronic copy of the drawings shall be submitted in (.pdf) or other software format designated by the City;
4. A development anticipating more than one business on the premises shall submit a uniform sign plan with the land use application for design review.

B. **Existing Conditions.** This element of the design review plan, which may be in a freehand form to scale, shall indicate the following site characteristics:

1. Location and species of trees greater than six inches in diameter when measured four and one-half feet above the natural grade, and an indication of which trees are to be removed;
2. On sites that contain steep slopes, potential geologic hazard or unique natural features that may affect the proposed development, the city may require contours mapped at two-foot intervals;
3. Natural drainage ways and other significant natural features;
4. All buildings, roads, retaining walls, curb-cuts and other manmade features;
5. Natural features, including trees and structures on adjoining property having a visual or other significant relationship with the site.

C. **Site Photographs.** Photographs depicting the site and its relationship to adjoining sites may also be provided.

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

1. Legal description of the lot;
2. Boundary dimensions and area of the site;
3. Location of all new structures and existing structures proposed to be retained, including their distances from the property line;
4. Area of the site covered by the structures described in 3 of this subsection and their percentage of the site;
5. All external dimensions of proposed buildings and structures;
6. The location of a building's windows, doors, entrances and exits;
7. Vehicle Parking and circulation areas, including their dimensions and electric vehicle (EV) charging areas;

8. Service areas for such uses as the loading and delivery of goods;
9. Locations, descriptions and dimensions of easements;
10. Grading and drainage plans, including spot elevations and contours at close enough intervals to easily convey their meaning;
11. Location of areas to be landscaped;
12. Private and shared outdoor recreation areas;
13. Pedestrian circulation and bicycle parking/storage;
14. The location of mechanical equipment, garbage disposal areas, utility appurtenances and similar structures;
15. Exterior lighting on the proposed building(s), including the type, intensity and area to be illuminated;
16. Location, size and method of illumination of signs;
17. Provisions for handicapped persons;
18. Other site elements which will assist in the evaluation of site development;
19. The location and names of all existing streets within or on the boundary of the proposed development;
20. A written summary showing the following:
 - a) For commercial and nonresidential development:
 - i. The square footage contained in the area proposed to be developed,
 - ii. The percentage of the lot covered by structures,
 - iii. The percentage of the lot covered by parking areas and the total number of parking spaces,
 - iv. The total square footage for all landscaped areas including the percentage consisting of natural materials and the percentage consisting of hard-surfaced areas such as courtyard,
 - b) For residential development:
 - i. The total square footage in the development,
 - ii. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, e.g., ten one-bedroom, twenty-five two-bedroom, etc.),
 - iii. Percentage of the lot covered by:

- 1) Structures
- 2) Parking areas
- 3) Recreation areas
- 4) Landscaping

D. **Landscape Plan.** This element of the design review plan shall indicate the following:

1. The size, species and locations of plant materials to be retained or placed on the site;
2. The layout of proposed irrigation facilities;
3. The location and design details of walkways, plaza, courtyards and similar seating areas, including related street furniture and permanent outdoor equipment including sculpture;
4. The location, type and intensity of lighting proposed to illuminate outdoor areas;
5. The location and design details of proposed fencing, retaining walls and trash collection areas; and

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

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

requirements of the Zoning and Development Ordinance. At the applicant's option, this plan may be submitted for approval at any time prior to the issuance of occupancy permits.

F. **Property Survey.**

1. A survey of the property by a licensed land surveyor clearly delineating property boundaries. The city may waive this requirement where there is a recent survey which can be used to establish the applicant's property boundaries;

§155.053 Engineer's Assessment

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

§155.054 Documentation

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

§155.055 Type III Design Review Criteria

Approval of a Type III Design Review application shall be based on the following criteria:

A. **Relation of Site Plan Elements to the Environment**

1. The elements of the site plan shall be compatible with the natural environment and existing buildings and structures having a visual relationship with the site.
2. The elements of the site plan should promote energy conservation, and provide protection from adverse climatic conditions, noise and air pollution.
3. Each element of the site plan shall effectively, efficiently and attractively serve its function. The elements shall be on a human scale, interrelated, and shall provide spatial variety and order.
4. In commercial and industrial zones adjacent to State or Federal highways, and/or lying in County jurisdiction within urban growth boundaries, a coordinated circulation and access plan shall be submitted for the site and all properties in the immediate vicinity (no more than 1/4 mile to each site) to assure the public's safety in entering or leaving the site, as well as when traveling through the area. This requirement may be waived by the Planning Staff if adequate access control and efficient and safe circulation can be obtained without the development and approval of a coordinated circulation and access plan.

5. Safety and Privacy. The site plan should be designed to provide a safe environment while offering appropriate opportunities for privacy and transitions from public to private spaces.
6. Preservation of Natural Landscape. The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve the applicant's functions. Preserved trees and shrubs shall be protected during construction.
7. Pedestrian and Vehicular Circulation and Parking. The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and arrangement of parking areas in relation to building and structures, shall be harmonious with proposed and neighboring buildings and structures.
8. Drainage. Surface drainage systems shall be designed so as to not adversely affect neighboring properties, streets and/or surface and subsurface water quality. All surface water shall be contained on-site.
9. Buffering and Screening. Areas, structures, and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered, or screened to minimize adverse impact on the site, adjacent right-of-way and neighboring properties. All roof-mounted equipment visible from neighboring properties or adjacent right-of-way shall be screened with materials complimentary to the building design materials.
10. Utilities. All utility installations above ground, if such are allowed, shall be located so as to minimize adverse impacts on the site, adjacent right-of-way and neighboring properties.

B. Required Landscaping

Areas Subject to Landscape Requirements: All use types as allowed in the particular zoning district, and subject to Design Review shall meet the provisions of this section.

1. Multi-family Residential. 15% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped.
2. Community Commercial and mixed use. 5% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped.
3. General Commercial. 5% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped. Screening by tall trees between highway commercial and adjacent residential zones, on side of highway commercial zone from highway to which it relates,

such that the trees provide an attractive backdrop to elevated signage and adjacent residential uses.

4. Light Industrial. 5% landscaping of the gross lot area required. All areas subject to final site plan and not otherwise improved shall be landscaped.
5. Institutional and Public Uses. 5% landscaping of the gross lot area required. All areas subject to the final site plan and not otherwise improved shall be landscaped.
6. Landscape Management. Natural vegetation is acceptable if maintained in a neat and fire safe manner.
7. Other Landscape Areas. All areas utilized for subsurface sewage disposal land treatment, except for single-family residences are required to be landscaped and maintained.

C. **Landscaping in Parking and Loading Areas**

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

1. A parking or loading area shall be separated from any lot line adjacent to a roadway by a landscaped strip at least 5 feet in width.
2. A landscaped strip separating a parking or loading area from a street shall contain:

- a) Street trees spaced as appropriate to the species, not to exceed 50 feet apart, on the average; and
 - b) Low shrubs, not to reach a height greater than 3'0", spaced no more than 8 feet apart, on the average; and
3. Vegetative ground cover if required.
 4. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
 5. The landscaping in a parking area shall have a width of not less than three feet.

D. Irrigation

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

E. Maintenance

Required landscaping shall be continuously maintained.

F. Special Requirements

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

1. An increase in building separation, to afford improvement in light reception or air circulation or to afford greater fire resistance, based on building structural and fire flow requirements.
2. Additional off-street parking or loading spaces, according to specific requirements for the type of development. These spaces are in addition to those required by §§155.673-674.
3. Screening of the proposed use by a fence, or landscaping.
4. Limitations on the size, location, intensity and number of exterior lights.
5. Limitations on the number, and location of curb cuts.
6. Improvement or enlargement of utilities serving the proposed use, where existing facilities will be burdened by the proposed use.
7. Landscaping, or increases in landscaping requirements for the site.

8. Limitations on the number and size of signs.
9. Review of and adjustments in design for conformance with the historic architectural design theme.
10. Any other limitations or conditions it considers necessary to achieve the purposes of this ordinance and the Comprehensive Plan.

§155.056 Design Review - Specific Use Standards

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

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

The Planning Commission may authorize these uses if it determines that the following will be provided:

1. Access from principal streets subject to City Public Works Standards.
2. Building and site design provisions, including landscaping, that will effectively screen neighboring uses from noise and glare.
3. Subject to site plan review if the use is located in or adjacent to a residential district, all such uses shall be located with off-street parking screened from abutting residential property. If located in or adjacent to a residential district, design shall be of a type that conforms with the type of allowed residential use adjacent to it.
4. Parks greater than 1 acre in size shall include an appropriate amount of off-street parking, as determined by the land use authority.

B. Schools

All public and private schools shall have a minimum site size of 10,000 square feet, and provide and maintain at least 100 square feet of outdoor play area per child.

C. **Multi-Family Dwelling(s)**

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

1. The maximum number of dwelling units permitted by the applicable zone shall be based on the total surface area measured horizontally within the lot lines of the lot. The maximum density may be increased as follows:
 - a. If dedicated open space which is developed and landscaped equals 50% or more of the total area of the site, a maximum of 10% increase in the number of units may be granted.
 - b. If in addition to open space as provided in (a) above, a maintained playground area with approved equipment such as goal posts, swings, slides, etc., is provided, the number of units permitted may be increased an additional 5%.
 - c. If in addition to open space and playgrounds as provided in (a) and (b) above, an approved recreational community building is provided, an additional 10% increase of units may be granted.
2. The maximum total increase in dwelling units made possible by development of open space, playgrounds and recreational facilities shall be 25% of the number of units otherwise allowed.
3. In addition to the maximum density increases described above, a maximum of 20% increase in the number of units may be granted for projects that include at least 20% of the overall dwelling units in the development application as affordable housing units. In order to utilize this density increase, an applicant must demonstrate how the units are affordable. This may be through a Washington County or Oregon State program standard, a partnership with a non-profit or other affordable housing entity, or demonstration that the project meets the affordable housing criteria identified in the City's Housing Needs Analysis (2017 HNA Exhibit 49 or equivalent standard in subsequent updates). Documentation of a deed restriction or other method of assurance of affordable status is required for granting of a density bonus.
4. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the complex.
5. For a multi-family dwelling complex with five or more dwelling units, a minimum of at least 2,500 square feet plus 150 square feet per dwelling unit shall be provided for a recreational play area, group or community activities or common open space. Such area shall be improved with grass, plantings, surfaces,

equipment or buildings suitable for recreational use. No play area is required if more than 70% of the open space area is preserved as open space and is improved and landscaped for recreational enjoyment.

6. All roadways and parking areas shall be paved and roadways shall conform to City Public Works Standards.
7. Building Orientation. Except as provided below, dwelling units shall orient toward a street, have a primary entrance opening toward the street, and be connected to the right-of-way with an approved walkway or residential front yard that provides direct, convenient and safe pedestrian access.
 - a. A dwelling may have its primary entrance oriented to a yard other than the front or street yard where the only permitted access to the property is from a shared driveway or flag lot drive and orienting the dwelling entrance to the street is not practical due to the layout of the lot and driveway.
 - b. Where there is no adjacent street to which a dwelling may be oriented, or it is not practical to orient a dwelling to an adjacent street due to lot layout, topographic, or other characteristics of the site or development plan, the dwelling may orient to a walkway, courtyard, open space, common area, amenity, lobby, or breezeway (i.e., for multiple family buildings).
8. Multi-family buildings should not have an overall horizontal distance exceeding 150 linear ft as measured from end wall to end wall.
9. All multi-family structures shall be set back 20 feet from the property line of an abutting single family residential lot or use unless approved otherwise by the Planning Commission.
10. Sidewalks. ADA-compliant sidewalks or pedestrian walkways shall be provided within the complex.
11. Vehicle and bicycle parking shall be provided consistent with the requirements of §155.671-676.
12. Public Park. The developer shall set aside and dedicate to the public for park and recreational purposes not less than 8% of the gross area of said development, if the land to be dedicated is suitable and adaptable for such purposes and is generally located in an area planned for parks.

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

In the event there is no suitable park or recreation area or site in the proposed area to be developed or adjacent thereto, then the developer shall, in lieu of setting aside land, pay into a park acquisition and development fund a sum of

money equal to the fair market value of the land that would have been donated under the above conditions.

D. Cottage Clusters

Where permitted, cottage cluster projects are subject to the following provisions:

1. **Unit Size.** The dwelling unit footprint of an individual cottage dwelling shall not exceed 1,200 square feet and the height shall not exceed 25 feet. Up to 400 square feet may be excluded from the calculation of dwelling unit footprint for an attached garage or carport. Detached garages, carports, or accessory structures shall not be included in the calculation of dwelling unit footprint.
2. **Number of Units.** A minimum of three cottage dwellings is required per cottage cluster. A maximum of eight cottage dwellings is permitted per cluster. More than one cottage cluster may be permitted as part of a cottage cluster project.
3. **Cottage Orientation.** Cottages shall be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path. Alternative configurations may be approved by the Planning Commission.
5. **Community Buildings.** Cottage cluster projects may include one community building for the shared use of residents that provides space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. A community building shall meet the maximum 1,200 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.
6. **Pedestrian Access.** Accessible, hard-surfaced pedestrian pathways a minimum of four (4) feet in width must be provided connecting the main entrance of each cottage to the following:
 - a. Common open spaces;
 - b. Shared parking areas;
 - c. Community buildings; and
 - d. Sidewalks in public rights-of-way abutting the site.
7. **Parking.** Off-street parking shall be provided. Off-street parking shall be either adjacent to each individual unit or in parking areas. A minimum five (5) foot wide landscape buffer is required between off-street parking areas serving multiple units and public streets or neighboring properties.
8. **Garages.** Individual detached garages must not exceed 400 square feet in floor area. Garage doors of individual garages must not exceed 20 feet in width.

9. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.
10. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single-family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area. The existing dwelling may be nonconforming with respect to the maximum building footprint and height standards. The existing dwelling may be expanded up to the maximum height of 25 feet or the maximum building footprint of 1,200 square feet; however, existing dwellings that exceed the maximum height and/or footprint may not be expanded.

E. Recreational Vehicle Park

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

9. Use Standards.

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

10. Design Standards

- a. The maximum density of an RV park shall be 15 units per acre.
- b. The pad provided for each recreational vehicle shall be not less than 700 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles and landscaped areas.
- c. Roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or not less than 20 feet in width if parking is not permitted on the edge of the roadway and shall be paved with asphalt, concrete or similar impervious surface and designed to permit easy access to each recreational vehicle space.
- d. A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide for the control of runoff or surface water. The part of the space which is not occupied by the recreational vehicle and not intended as an access way to the recreational vehicle or part of an outdoor patio need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.

- e. A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service, and proper back-flow prevention devices are installed per City Public Works Standards.
- f. A recreational vehicle space shall be provided with electrical service.
- g. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.
- h. No recreational vehicle shall remain in the park for more than 3 months in any 6 month period.
- i. No recreational vehicle or any other camping unit shall be used as a permanent place of abode, dwelling, or business or for indefinite periods of time. Occupancy and/or placement extending beyond three months in any six months shall be presumed to be permanent occupancy. Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair is hereby prohibited. Camping units other than recreational vehicles shall be limited to 30 days in any 60 day.
- j. The total number of parking spaces in the park, except for the parking provided for the exclusive use of the manager or employees of the park, shall be equal to one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
- k. Entrance driveways shall be located not closer than 150 feet from the intersection of public streets.
- l. The park shall provide toilets, lavatories and showers for each sex as required by the State Building Agency Administrative Rules, Chapter 918. Such facilities shall be lighted at all times of night and day, shall be ventilated, and shall be provided with adequate floor drains to permit easy cleaning.
- m. 12. Recreational vehicles or other camping units shall be separated from each other and from other structures by at least 10 feet. Any accessory structure such as attached awnings, carports, or individual storage facilities hall, for purposes of this separation requirement, be considered to be part of the recreational vehicle.
- n. The recreational vehicle park shall be enclosed by a fence, wall, landscape screening, earth mounds, or by other designs approved by the Planning Commission which will complement the landscape and assure compatibility with the adjacent environment.

- o. Each recreational vehicle park shall set aside along the perimeter of the recreational vehicle park a minimum 10' strip which shall be site obscuring landscaping and used for no other purpose. Additional area for landscaping may be required through the design review process.

F. Bed and Breakfast Inn

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

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

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

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

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

H. Amusement Enterprise

An amusement enterprise may be authorized after consideration of the following factors:

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

I. Radio, Television Tower, Utility Station or Substation

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

§155.057 Violation

Failure to comply with an approved Design Review and Site Plan and any conditions of approval shall be a zoning violation, subject to the requirements of this chapter.

ZONING DISTRICTS

§155.140 Districts

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

| | |
|------------------------------|------|
| Low Density Residential | R7.5 |
| Medium Density Residential | R5 |
| High Density Residential | R2.5 |
| Community Commercial | C1 |
| General Commercial | C2 |
| Light Industrial | M1 |
| Heavy/General Industrial | M2 |
| Flood Plain | FP |
| Institutional and Public Use | IPU |
| Neighborhood Community | NC |

§155.141 Boundaries

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

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

§155.142 Zoning in Newly Annexed Areas

Upon annexation, land shall be zoned according to the adopted Concept Plan for the land that identifies the general location of land uses and an overall average density.

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

Chapter 155.143

USE TABLE

Below is a table summarizing permitted uses in residential, commercial, industrial and institutional zoning districts. Refer to this table in conjunction to the corresponding chapters of this Ordinance.

| | R-7.5 | R-5 | R-2.5 | NC | C-1 | C-2 | M-1 | M-2 | IPU |
|--|-------|-----|-------|-------------------------------|-----|-----|-----|-----|-----|
| COMMERCIAL, OFFICE AND RETAIL | | | | | | | | | |
| Accessory Structures/uses to Commercial, Office, & Retail ¹ | - | - | - | See §§155.255 through 155.261 | P | P | - | - | |
| Alcoholic Beverage Establishment | - | - | - | | P | P | C | C | |
| Amusement Enterprise, Indoor | - | - | - | | P | P | C | C | |
| Amusement Enterprise, Outdoor | - | - | - | | C | C | C | C | |
| Animal Care Facility | - | - | - | | C | P | - | - | |
| Art Studio/Gallery | - | - | - | | P | P | - | - | |
| Bus Depot/Terminal | - | - | - | | - | C | P | P | |
| Catering Establishment | - | - | - | | P | P | - | - | |
| Child Care, Certified Center ² | C | C | C | | C | C | - | - | C |
| Child Care, Certified Family Home ² | P | P | P | | P | P | - | - | |
| Child Care, Registered Home ² | P | P | P | | P | P | - | - | |
| Clinic, Medical & Dental | - | - | - | | P | P | C | C | |
| Conference / Convention Center | - | - | - | | C | P | C | C | |

| | R-7.5 | R-5 | R-2.5 | NC | C-1 | C-2 | M-1 | M-2 | IPU |
|---|-------|-----|-------|--|-----|-----|-----|-----|-----|
| COMMERCIAL, OFFICE, & RETAIL (Continued) | | | | | | | | | |
| Drive-in / thru window | - | - | - | See §§155.255 through 155.261 | C | P | C | C | |
| Dry Cleaners & Laundry | - | - | - | | P | P | C | C | |
| Farm/logging/lumber supply/equipment sales & service | - | - | - | | C | C | P | P | |
| Fraternal Lodge, Fraternity or Sorority | C | C | C | | C | C | - | - | |
| Fuel Sales and Automobile Service Station ³ | - | - | - | | - | P8 | C | C | |
| Funeral Homes, Mortuaries, & Taxidermist | - | - | - | | C | P | C | C | C |
| Franchise disposal service vehicle storage and repair, established as of September 2011 | - | - | - | | - | P | - | - | |
| Garden/Greenhouse, Commercial | - | - | - | | - | P | P | P | |
| Hotels & Motels | - | - | - | | P | P | C | C | |
| RV/Travel Trailer Park | - | - | - | | - | - | - | C | |
| Office, Business | - | - | - | | P | P | P | P | |
| Parking as a Primary Use | - | - | - | | P | P | C | C | |
| Radio / TV Station / Studios | - | - | - | | C | C | C | C | |
| Recycling Drop-Off Center | - | - | - | | - | P | - | - | |
| Restaurant, including fast food | - | - | - | | P | P | C | C | |
| Retail Sales & Service | - | - | - | | P | P | P | P | |
| Retail Sales & Service-Single Tenantover 30,000 SF | - | - | - | | C | C | C | C | |
| Retail Sales, Manufactured Homes | - | - | - | | - | - | C | C | |
| Storage, Self Service | - | - | - | | - | C | P | P | |
| Vehicle Wash | - | - | - | | - | C | C | C | |
| Medical Marijuana Dispensary ⁴ | - | - | - | | - | C | - | - | - |
| Marijuana Retail Facility ⁴ | - | - | - | | - | C | - | - | - |

| | R-7.5 | R-5 | R-2.5 | NC | C-1 | C-2 | M-1 | M-2 | IPU |
|--|-------|-----|----------------|--|-----|-----|-----|-----|-----|
| RESIDENTIAL | | | | | | | | | |
| Accessory Dwellings ¹ | P | P | P | See §§155.255 through 155.261 | - | - | - | - | |
| Accessory Structures/Uses related to residential uses ¹ | P | P | P | | - | - | - | - | - |
| Bed & Breakfast Inn | - | C | C | | P | C | - | - | |
| Duplex Dwelling | - | P | P | | - | - | - | - | |
| Extended Care Facility / Convalescent /Nursing Home | C | C | C | | C | C | - | - | |
| Home Occupations ⁶ | P | P | P | | P | P | - | - | |
| Live/work townhome ⁷ | - | - | - | | P | - | - | - | |
| Manufactured Home ⁸ | P | P | - | | - | - | - | - | |
| Manufactured Home Park ⁸ | - | C | C | | - | - | - | - | |
| Mixed Use Development ⁷ | - | - | - | | P/C | - | - | - | |
| Multi-Family Dwelling ⁹ | - | - | P | | - | - | - | - | |
| Planned Unit Development ¹⁰ | P | P | P | | P | P | P | P | |
| Residential Facility | - | - | P ⁶ | | - | - | - | - | |
| Residential Home | P | P | P | | - | - | - | - | |
| Single-Family Attached Dwelling/Townhouse ¹¹ | - | P | P | | - | - | - | - | |
| Single-Family Detached Dwelling ¹² | P | P | - | | - | - | - | - | |
| Triplex Dwelling | - | - | P | | - | - | - | - | |
| Cottage Cluster ⁹ | - | - | P | | | | | | |

NOTES TO TABLE:

P = Permitted; subject to design review, if applicable

- = Not Permitted

C = Conditional Use, subject to design review and requires a conditional use permit

¹ Subject to §§155.500 through 155.502

² Permitted if Child Care Home is part of a single-family residential use

³ Subject to §§155.445 through 155.452

⁴ Subject to siting standards identified in the underlying zoning district

⁵ Subject to §155.451

⁶ Subject to §§155.430 through 155.432

⁷ Permitted in C-1 with no residential on ground floor street-facing building elevation; conditional in C-1 with residential on ground floor street-facing building elevation

⁸ Subject to §§155.515 through 155.518; Permitted on lots in R-2.5 only if received a building permit prior to February 28, 2022, otherwise prohibited

⁹ Subject to §155.056

¹⁰ Subject to §§155.610 through 155.614

¹¹ Subject to §§155.485 through 155.488

¹² Permitted in R-2.5 only if received a building permit prior to February 28, 2022, otherwise prohibited

R-7.5 ZONING DISTRICT

§155.155 Purpose

The purpose of the R-7.5 District is to provide for the development of residential uses, and to implement housing policies of the Comprehensive Plan.

§155.156 Permitted Uses

Permitted uses subject to the requirements of §§155.045 through 155.057 of this chapter, if applicable. Refer to Zoning Code Use Table:

- A. Single family detached dwellings;
- B. Accessory dwellings and accessory structures, subject to §§155.500 through 155.502 of this chapter;
- C. Home occupations, administrative, subject to §§155.430 through 155.432 of this chapter;
- D. Certified family child care home;
- E. Residential home; and
- F. Manufactured Homes on individual Lots, subject to §§155.515 through 155.518 of this chapter; and
- G. Planned Unit Development, subject to §§155.610 through 155.614 of this chapter.

§155.157 Conditional Uses

(A) Subject to the requirements of §§155.045 through 155.057 of this chapter, if applicable, and §§155.160 of this chapter. Refer to §155.143 of this chapter.

(B) The following uses and their accessory structures may be permitted in the R-7.5 District when authorized by the Planning Commission pursuant to this section:

- 1) Civic /Governmental use;
 - 2) Educational Facility;
 - 3) Extended Care Facility / Convalescent / Nursing Home;
 - 4) Home Occupations, exceeding administrative as defined and subject to Chapter 16.085, Home Occupations;
 - 5) Fraternal Lodge;
-

- 6) Places of Worship; and
- 7) Utility Facilities.

§155.158 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R-7.5 District, except for modifications permitted under §§155.530 through 155.533 and 155.610 through 155.614 of this chapter.

A. Density

- 1. The density of new developments within the R-7.5 zoning district shall be between 4.3 and 5.8 dwelling units per net acre, with a target density of 5.5 dwelling units per net acre.

B. Lot/Parcel Size

- 1. All uses: 7,500 square feet minimum lot size (lots in a subdivision may average a minimum lot size of 7,500 square feet).

C. Lot/Parcel Depth and Width

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

D. Minimum Setback Requirements

Principle structures, accessory dwellings, and accessory structures with a floor area greater than 200 square feet shall maintain the following minimum yard setbacks.

- 1. Front Yard
 - a. Principle structure: 15 feet
 - b. Garage: 20 feet

A porch, garage, carport, accessory dwelling or accessory structure shall not exceed the front building elevation of the principle structure by more than six (6) feet.

- 2. Rear Yard:
 - a. Street-access lots: ten feet;
 - b. Alley-access lots: two feet; and
 - c. Accessory structures and accessory dwellings: five feet.
-

3. Side Yard:

- a. Interior: five feet;
- b. Adjacent to street: ten feet, plus additional necessary to comply with the standards of §155.656 of this chapter; and
- c. Accessory structures and accessory dwellings: ten-foot side yard (adjacent to street) setback, except as provided for in §§155.500 through 155.502 of this chapter.

E. Height of Buildings

Buildings shall not exceed a height, measured from grade, of 35 feet. Accessory dwellings and accessory structures shall not exceed 25 feet.

F. Lot/Parcel Coverage

The maximum impervious surface coverage shall not exceed 65% of the total area of any lot.

G. Flag Lots

Flag lots are subject to the standards set forth in §§155.545 through 155.552 of this chapter.

§155.159 Parking Requirements

Parking requirements for all uses are specified in §§155.670 through 155.676 of this chapter.

§155.160 Development Standards

The following standards will be applied to all single-family dwellings (site-built, modular and manufactured homes) to be constructed or located in the city:

- A. (1) All single-family units shall utilize at least two of the following design features to provide visual relief along the street-side frontage of the home:
 - a) dormers;
 - b) gables;
 - c) recessed entries;
 - d) covered porch entries;
 - e) cupolas;
-

- f) pillars or posts;
- g) bay or bow windows;
- h) eaves (minimum 6" projection);
- i) offsets on building face or roof (minimum 16")

If alternative design features are proposed by an applicant not included in the options above, the applicant may apply to the Planning Commission for approval of the alternative design features.

B. Different home designs in developments (minimums) (as measured by different roof lines, window size and placement and/or entrance placement) (reverse designs are encouraged but don't count):

- 1) 2 for developments less than 5
- 2) 3 for developments less than 12
- 3) 4 for developments of 12 or greater.
- 4) 25% or more single level homes for developments greater than 3

C. All manufactured homes shall also comply with the requirements of §§ 155.515 through 155.518 of this chapter.

R-5 ZONING DISTRICT

§155.175 Purpose

The purpose of the R-5 District is to provide for the development of detached single-family dwellings and limited townhouses, duplexes and triplexes, and to implement the housing policies of the Comprehensive Plan.

§155.176 Permitted Uses

Permitted Uses subject to the requirements of §§155.045 through 155.057 of this chapter. Refer to Zoning Code Use Table:

- A. Single-family detached dwelling;
- B. Duplex dwellings;
- C. Triplex dwellings;
- D. Townhouse dwellings, subject to §§155.485 through 155.487 of this chapter;
- E. Accessory dwellings and accessory structures, subject to §§155.500 through 155.502 of this chapter;
- F. Home occupations, administrative, subject to §§155.430 through 155.432 of this chapter;
- G. Certified family child care home;
- H. Residential Home; and
- I. Manufactured Homes on Individual Lots, subject to §§155.515 through 155.518 of this chapter.
- J. Planned Unit Development, subject to §§155.601 through 155.614 of this chapter;

§155.177 Conditional Uses

(A) Subject to the requirements of §§155.045 through 155.057 of this chapter, if applicable, and §155.180 of this chapter. Refer to §155.143 of this chapter.

(B) The following uses and their accessory structures may be permitted in the R-5 District when authorized by the Planning Commission pursuant to §§155.070 through 155.077 of this chapter:

- 1) Bed & Breakfast
- 2) Civic /Governmental Use
- 3) Educational Facility
- 4) Extended Care Facility / Convalescent / Nursing Home
- 5) Home Occupations exceeding administrative, subject to §§155.430 through 155.432 of this chapter;
- 6) Manufactured Home Parks, subject to §§155.515 through 155.518 of this chapter;
- 7) Fraternal Lodge;
- 8) Places of Worship; and
- 9) Utility Facilities.

§155.178 Dimensional Standards

The following dimensional standards are the minimum requirements for all development in the R-5 District, except for modifications permitted under §§155.530 through 155.533 and 155.610 through 155.614 of this chapter.

A. Density

1. The density of new single-family detached, duplex or triplex developments within the R-5 zoning district shall be between 6.7 and 9.6 dwelling units per net acre, with a target density of 8.0 dwelling units per net acre.
2. The density of duplexes and triplexes shall be calculated based on the underlying lot, such that a duplex or a triplex counts as one dwelling unit for density calculation purposes.
3. Townhouse (attached single-family) developments shall have a maximum density of 14.5 dwelling units per net acre.
4. Mixed Density. If a residential development includes more than one housing type, the maximum density of each housing type shall be calculated separately, in compliance with subsections 1-3, above.

B. Lot/Parcel Size

1. Single-family detached dwelling - 5,000 square feet minimum per lot;
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2. Duplex dwelling - 5,000 square feet minimum per lot;
3. Triplex dwelling – 5,000 square feet minimum per lot;
4. Townhouse dwelling 3,000 square feet minimum per lot
5. All other uses - 5,000 square feet minimum per lot; and
6. Lots for single-family detached dwellings created by subdivision plats shall have a maximum lot size of 7,500 square feet and all new subdivisions shall meet the minimum density of the R-5 zoning district.

C. Lot/Parcel Depth and Width

1. The minimum average lot width for single-family detached dwellings, duplexes and triplexes shall be 40 feet.
2. The minimum average lot depth for single-family detached dwellings, duplexes and triplexes shall be 80 feet.

D. Minimum Setback Requirements

Principle structures, accessory dwellings and accessory structures with a floor area greater than 200 square feet shall maintain the following minimum yard setbacks.

1. Front Yard

A porch, garage, carport, accessory dwelling or accessory structure shall not exceed the front building elevation of the principle structure by more than six feet.

- a) Garage - 20 feet; and
- b) All other structures - 15 feet.

2. Rear Yard

- a) Street-access lots: ten feet;
- b) Alley-access lots: two feet; and
- c) Accessory Structures and Accessory Dwellings: five feet.

3. Side Yard

- a) Interior: five feet, except that townhouse dwellings shall have no required interior side yard where attached to another unit; and
-

- b) Adjacent to street - ten feet, plus additional necessary to comply with the standards of §155.656 of this chapter.

4. Flag Lots

Flag lots are subject to the standards set forth in §§155.545 through 155.552 of this chapter.

5. Height of Buildings

Buildings shall not exceed a height, measured from grade, of 35 feet. Accessory dwellings and accessory structures shall not exceed 25 feet.

6. Maximum Lot/Parcel Coverage

- a) Single-family detached- 65%;
- b) Duplex and triplex- 75%;
- c) Townhouse- 80%; and
- d) All other uses- 65%.

§155.179 Parking Requirements

Parking requirements for all uses specified in §§155.670 through 155.676 of this chapter.

§155.180 Development Standards

All single-family detached dwellings (site-built, modular and manufactured homes), townhouse dwellings, duplex dwellings and triplex dwellings shall utilize at least two of the following design features to provide visual relief along the street-side frontage of the home:

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

If alternative design features are proposed by an applicant not included in the options above, the applicant may apply to the Planning Commission for approval of the alternative design features.

B. Different home designs in developments (minimums) (as measured by different roof lines window size and placement and/or entrance placement) (reverse designs don't count):

- 2 for developments less than 5
- 3 for developments less than 12
- 4 for developments of 12 or greater.
- 25% or more single level homes for developments greater than 3

C. All manufactured homes shall also comply with the requirements of §§155.430 through 155.432 of this chapter.

R-2.5 ZONING DISTRICT

§155.195 Purpose

The purpose of the R-2.5 District is to provide for the development of attached single-family (townhouse) and multifamily housing and to implement the housing policies of the Comprehensive Plan.

§155.196 Permitted Uses

Permitted uses are subject to the requirements of §§ 155.045 through 155.057 of this chapter, if applicable. Refer to §.155.143 of this chapter:

- A. Multi-Family Dwellings, subject to §§ 155.045 through 155.057 of this chapter;
- B. Townhouse Dwellings, subject to §§ 155.485 through 155.487 of this chapter;
- C. Duplex Dwellings;
- D. Triplex Dwellings;
- E. Single Family Detached Dwellings that received a building permit prior to February 28, 2022;
- F. Cottage Clusters, subject to §155.055;
- G. Accessory Dwellings and Accessory Structures, subject to §§ 155.500 through 155.502 of this chapter;
- H. Home occupations, administrative, subject to §§ 155.430 through 155.432 of this chapter;
- I. Certified Family Child Care Home;
- J. Residential Homes;
- K. Residential Facility; and
- L. Manufactured Homes on Individual Lots, subject to §§ 155.515 through 155.581 of this chapter.
- M. Planned Unit Development, subject to §§155.610 through §§155.614 and §§155.485 of this chapter;

§155.197 Conditional Uses

(A) Subject to the requirements of §§155.045 through 155.057 of this chapter, if applicable, and §155.200 of this chapter. Refer to §155.143 of this chapter.

(B) The following uses and their accessory structures may be permitted in the R-2.5 District when authorized by the Planning Commission pursuant to Conditional Use Permit.

- 1) Single Family Detached Dwellings on properties that were within the City limits prior to February 28, 2022;
- 2) Bed & Breakfast;
- 3) Civic /Governmental Use;
- 4) Educational Facility;
- 5) Extended Care Facility / Convalescent / Nursing Home;
- 6) Home Occupations exceeding administrative, subject to §§155.430 through 155.432 of this chapter;
- 7) Manufactured Home Parks, subject to §§155.515 through 155.518 of this chapter;
- 8) Fraternal Lodge;
- 9) Places of Worship; and
- 10) Utility Facilities.

§155.198 Dimensional Standards

The following dimensional standards are the minimum requirements for all development in the R-2.5 District except for modifications permitted under §§155.530 through 155.533 or §§155.610 through 155.614 of this chapter.

B. Density

1. The density of new townhouse, multifamily and cottage cluster developments within the R-2.5 zoning district shall be between 15.3 and 21.8 dwelling units per net acre, with a target density of 17.4 dwelling units per net acre.
 2. The density of duplexes and triplexes shall be based on the minimum required lot size of 3,000 square feet.
 3. Density bonus. Residential developments that include a minimum of 20%
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affordable dwelling units may increase the maximum density of the development by 20%. Affordable units are housing units that are reserved for households with a maximum household income of 80 percent of a city's mean household income. The affordable units must be reserved as affordable units for a minimum of 25 years.

4. Mixed Density. If a residential development includes more than one housing type, the maximum density of each housing type shall be calculated separately, in compliance with subsections 1-3, above.

C. Lot/Parcel Size

1. New lots created by plat shall have a maximum lot size of 4,000 square feet per dwelling unit;
2. Existing Single-family dwelling shall have a 4,000 square feet minimum per lot;
2. Townhouse dwellings: 2,000 square feet minimum per dwelling unit;
3. Duplex dwellings and triplex dwellings: 3,000 square feet minimum per lot
4. Multi-family dwellings (greater than three units) and cottage cluster projects: 2,000 square feet minimum per dwelling unit; and
5. All other uses 4,000 square feet minimum.

C. Lot/Parcel Depth and Width

- No minimum lot width or depth.

D. Setback Requirements

Principle structures, accessory dwellings and accessory structures with a floor area greater than 200 square feet shall maintain the following minimum yard setbacks.

1) Front Yard

- a) For all structures: ten feet; and
- b) Garage: 20 feet.

1. Garages, carports and accessory structures shall be accessed from the rear of the building via an alley where appropriate and feasible. If front access garages are proposed, the applicant must provide justification as to why rear
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access garages are not appropriate or feasible.

2. A porch, garage, carport, accessory dwelling or accessory structure shall not exceed the front building elevation of the principle structure by more than six feet.

2) **Rear Yard:**

- a) street-access lots - ten feet;
- b) alley-access lots – two feet; and
- c) Accessory Structures and Accessory Dwellings - five feet.

3) **Side Yard:**

- a) Side yards should be established to create separation between structures and meet fire codes and provide space for pervious surface area;
- b) All multi-family structures shall be set back 20 feet from the property line of an abutting single family residential lot or use unless approved otherwise by the Planning Commission.
- c) Adjacent to street - ten feet plus additional space necessary to comply with the standards of §155.656 of this chapter;
- d) Accessory Structures and Accessory Dwellings – five feet adjacent to street setback, except as provided for in §§155.500 through 155.502 of this chapter; and
- e) Attached dwellings do not require side yard setbacks along the side the dwelling units are attached.

4) **Flag lots approved:**

Flag lots are subject to §§155.545 through 155.552 of this chapter.

5) **Height of Buildings**

Buildings shall not exceed a height, measured from grade, of 35 feet. Cottage_ cluster dwellings, accessory dwellings and accessory structures shall not exceed 25 feet.

6) **Maximum Lot/Parcel Coverage**

- a) Single-family detached- 65%;
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- b) Duplex and triplex- 75%;
- c) Townhouse- 80%;
- d) Multifamily- 80%; and
- e) All other uses- 65%.

16.030.020 Parking Requirements

Parking requirements are specified in §§155.670 and 155.676 of this chapter.

16.30.25 Development Standards

The following standards will be applied to alldwellings:

- A. (1) All units shall utilize at least two of the following design features to provide visual relief along the front of the home:
 - a) dormers;
 - b) gables;
 - c) recessed entries;
 - d) covered porch entries;
 - e) cupolas;
 - f) pillars or posts;
 - g) bay or bow windows;
 - h) eaves (minimum 6" projection); and
 - i) offsets on building face or roof (minimum 16 inches);
 - (2) If alternative design features are proposed by an applicant not included in the options above, the applicant may apply to the Planning Commission for approval of the alternative design features.
 - B. All manufactured homes shall also comply with the requirements of §§155.515 through 155.518 of this chapter.
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NC NEIGHBORHOOD COMMUNITY ZONE

§ 155.255 PURPOSE.

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

(Prior Code, § 16.045.000) (Ord. 430, passed 10-3-2016; Ord. 451, passed 6-4-2018; Ord. 467, passed 1-21-2020)

§ 155.256 OBJECTIVES.

The following objectives shall be considered in reviewing an application for a Master Plan:

(A) To provide for a Master Planned neighborhood(s) that provide a mix of uses and densities as illustrated on the density/land use plans prepared for the north and east non-exception expansion areas and adopted by reference in the Comprehensive Plan;

(B) To encourage complete, pedestrian-oriented neighborhoods with a variety of housing types, neighborhood-scale commercial uses, open spaces and parks and appropriate institutional uses; and

(C) To encourage development of the urban growth boundary expansion areas consistent with Ch. 15 of the Comprehensive Plan.

(Prior Code, § 16.045.005) (Ord. 430, passed 10-3-2016; Ord. 451, passed 6-4-2018; Ord. 467, passed 1-21-2020)

§ 155.257 PERMITTED USES.

The following uses are permitted outright within the NC Zone when associated with an approved Master Plan:

- (A) Single-family detached housing;
- (B) Single-family attached housing;
- (C) Duplexes or triplexes;
- (D) Rowhouses/townhomes;
- (E) Multi-family dwellings;
- (F) Accessory dwellings and accessory structures, subject to §§ 155.500 through 155.502 of this chapter;

- (G) Mixed-use (including residential, commercial and/or institutional uses with no residential uses on ground floor street-facing building elevation);
- (H) Parks and permanent open space;
- (I) Neighborhood commercial uses;
- (J) Certified family child care home;
- (K) Residential homes;
- (L) Residential facility; and
- (M) Manufactured homes on individual lots, subject to §§ 155.515 through 155.518 of this chapter.

(Prior Code, § 16.045.010) (Ord. 430, passed 10-3-2016; Ord. 451, passed 6-4-2018; Ord. 467, passed 1-21-2020)

§ 155.258 CONDITIONAL USES.

The following uses and their accessory structures may be permitted in the NC Zone when authorized by the Planning Commission pursuant to this chapter:

- (A) Church/religious institution;
- (B) Governmental structure or use, including a fire station, library or museum;
- (C) School: nursery, elementary, junior high, senior high, college or university;
- (D) Geriatric care or assisted living facility;
- (E) Community service facility;
- (F) Uses permitted outright in the Light industrial (M-1) Zoning District, as identified in § 155.276 of this chapter; and
- (G) Mixed-use (including residential, commercial and/or institutional uses with residential uses on ground floor street-facing building elevation);

(Prior Code, § 16.045.015) (Ord. 430, passed 10-3-2016; Ord. 451, passed 6-4-2018; Ord. 467, passed 1-21-2020)

§ 155.259 DEVELOPMENT STANDARDS.

(A) No development may occur within the NC Zone prior to Master Plan approval. Master plans in these areas shall include a mix of uses that may include residential, commercial, institutional and light industrial. The land use mix shall generally reflect the concept plan adopted when an area is brought into the urban growth boundary, or as modified through Master Plan approval. The following standards apply to all development in the NC Zoning District.

(1) Municipal parks shall be provided at a minimum rate of 400 square feet for every one dwelling unit. In addition, municipal parks shall be provided at a minimum rate of 5,000 square feet for every one acre of land that is not designated exclusively residential (such as commercial, industrial, institutional or mixed-use). Municipal parks are intended for active recreational use. Wetlands, water quality facilities (swale) and other types of passive open space may not count toward the minimum municipal park requirement. The Planning Commission will utilize the Master Plan review process to determine the location, size and functionality of proposed parks.

(2) In order to promote a variety of housing types and efficient land use, a minimum of 30% of the proposed residential development in a Master Plan shall be either attached single-family or multi-family housing. If a Master Plan includes a minimum of 20% of the total proposed housing as multi-family residential, a 20% increase in density will be permitted to the multi-family housing proposed.

(B) Development within the NC District shall comply with the standards for lot size and dimensional requirements, lot coverage, building height and setbacks as contained within Table NC-1: Development Standards, or as modified and approved during the Master Plan process. Builders and developers are encouraged to create dwellings that meet contemporary lifestyles.

(C) Development within the NC District shall provide off-street vehicular and bicycle parking per § 155.676 of this chapter, or as modified and approved during the Master Plan process.

(D) In the NC Zoning District, a minimum of two acres shall be reserved from exclusive residential development so that commercial, institutional and/or mixed-use development options are available. This reserved area shall be included in one of the development phases proposed with the Master Plan. If development has not occurred in this reserved area for a minimum of five years from the issuance of the final occupancy permit of the final residential unit in the same development phase as the reserved area, then the applicant may submit an application for subdivision or design review to the city for exclusive residential development, with the Planning Commission as the review and decision authority. The reserved area can be used as temporary open space in the interim.

TABLE NC-1 DEVELOPMENT STANDARDS

| TABLE NC-1 DEVELOPMENT STANDARDS | | | | | | | | | |
|---|--------------------|---------------------|---------------------|-----------------------|------------------------|--|---|------------------------|-------------------------------|
| Building Type | Min. Lot Size (sf) | Min. Lot Width (sf) | Min. Lot Depth (sf) | Max. Lot Coverage (%) | Max. Bldg. Height (ft) | Min. Front Setback (ft) front/alley Loaded | Min. Rear Setback (ft) front/alley Loaded | Min. Side Setback (ft) | Min. Street Side Setback (ft) |
| Commercial/ Institutional | 7,000 | 60 | 85 | 80 | 45 | 0 | 0 | 0 | 0 |
| Duplex | 3,800 | 45 | 85 | 65 | 35 | 12/10 | 10/0 | 4 | 7 |
| Mixed Use Building | 6,000 | 55 | 85 | 80 | 45 | 15/12 | 0 | 0 | 0 |
| Multi-family | 4,800 | 50 | 85 | 80 | 45 | 15/12 | 10/0 | 5 | 10 |
| Single-Family ¹ | 1,850 | 28 | 66 | 80 | 35 | 10 | 0 | 3 ³ | 7 |
| Single-Family ² | 3,800 | 38 | 80 | 70 | 35 | 15 | 10 | 3 ³ | 7 |
| Single Family Medium Lot | 4,800 | 45 | 85 | 60 | 35 | 15/12 | 15/0 | 3 ³ | 7 |
| Single Family | 7,000 | 55 | 90 | 60 | 35 | 15/12 | 15/0 | 5 | 10 |
| Townhomes | N/A | 15 | 50 | 80 | 45 | 12/10 | 0 | 0 | 7 |

NOTES TO TABLE:

- 1 Single-family detached homes - minimum standards for alley-loaded
- 2 Single-family detached homes - minimum standards for front-loaded
- 3 Three-foot setback required on 1 side, 0-foot setback on the other side
- 4 The garage setback from an alley shall be between 3 and 5 feet, or if providing an off-street parking space between the garage and alley the garage must be setback from the alley a minimum of 20 feet
- 5 Street-loaded garages shall have a minimum 20-foot setback to the face of garage and the garage face shall not extend beyond the front building elevation of the principle structure by more than 6 feet
- 6 Porches, stoops, decks, balconies and other similar building projections may extend 4 feet beyond a front setback
- 7 Accessory structures not attached to the principal structure shall maintain a 3-foot rear and side yard setback and shall not be located within the front yard setback
- 8 Commercial/institutional/mixed-use structures adjacent to a residential use shall have a minimum setback of 10 feet along the adjoining yard
- 9 Lot sizes, widths and/or depths may be reduced to 90% of the standard; provided, the overall lot average meets the corresponding lot size requirement
- 10 Townhomes shall not exceed 3 stories in height

(Prior Code, § 16.045.020) (Ord. 430, passed 10-3-2016; Ord. 451, passed 6-4-2018; Ord. 467, passed 1-21-2020)

§ 155.260 MASTER PLANS; STANDARDS AND REQUIREMENTS.

The following standards and requirements shall govern the application for Master Plan approval within the NC Zone.

(A) The land uses in a Master Plan shall generally reflect the concept plan adopted when an area is brought into the urban growth boundary, or as modified through Master Plan approval. Flexibility in arrangement of uses and densities is permitted provided that the overall Master Plan is in substantial compliance with the area totals and density ranges as identified in the adopted Concept Plan.

(B) A Master Plan application may address the entirety of any expansion area individually or may combine expansion areas within the urban growth boundary (UGB).

(C) A phasing plan shall be included with the submitted Master Plan for any expansion area. The phasing plan shall indicate the acreage of each proposed phase to be developed, the number of housing units and square footage of other development projected within the phase and the approximate timing of the construction of each phase. The phasing plan shall provide a reasonable sequence of development for the expansion area with regards to the transportation system, utilities and topography of the area as well as market conditions and development within the city as a whole. The Planning Commission shall approve the phasing plan as part of the Master Plan. Revisions to the phasing plan after Master Plan approval are permitted as reviewed and approved by the Planning Commission.

(D) Master plans shall have public spaces, such as a plaza, park, school or community square.

(E) Garages, carports and accessory structures shall be accessed from the rear of the building via an alley where appropriate and feasible. If front access garages are proposed, the applicant must provide justification as to why rear access garages are not appropriate or feasible. A garage, carport, accessory dwelling or accessory structure shall not extend beyond the front building elevation of the principle structure by more than six feet.

(F) A minimum of 10% of the single-family detached housing units proposed with a Master Plan shall be single-level construction, or as modified through the Master Plan review process.

(G) Commercial buildings shall be designed to front on pedestrian-friendly streets rather than parking lots or arterial roadways.

(Prior Code, § 16.045.030) (Ord. 430, passed 10-3-2016; Ord. 451, passed 6-4-2018; Ord. 467, passed 1-21-2020)

§ 155.261 PROCEDURE.

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

(A) The applicant shall submit one copy of a Master Plan application with all exhibits and one electronic copy of all submittal materials to the city for review. The Master Plan submittal shall include the following information in graphic and written form:

- (1) Proposed land uses and housing unit densities;
- (2) Tables detailing the dimensional, area and setback requirements for each of the proposed use categories;
- (3) Proposed access and circulation;
- (4) Proposed open space uses;
- (5) Preliminary grading and drainage pattern;
- (6) Preliminary utility plan for sanitary sewer and water;
- (7) Relation of the proposed Master Plan to the surrounding area and the Comprehensive Plan; and
- (8) Phasing schedule identifying anticipated sequence and timing of each phase or phases.

(B) Public notice of the proposed Master Plan shall be provided in accordance with the public notice provision of this chapter.

(C) In considering the Master Plan, the Commission shall determine whether:

- (1) The minimum residential density of the north and east non-exception expansion areas, as included within the city limits prior to 12-31-2017, shall be 8.4 units per net acre. The density of the north expansion area is calculated independently of the east expansion area, and vice versa. If an applicant is seeking Master Plan approval for either the east or north expansion area, the applicant must demonstrate that the single Master Plan achieves a minimum 8.4 residential units per net acre in that entire expansion area. The residential portion of any mixed-use development shall be included in the overall density calculation of the expansion area;

(2) (a) In all expansion areas brought into the city limits, the residential development shall be split as follows, or as modified through Master Plan approval:

1. Single-family detached: 70%; and
2. Mix of single-family attached and multi-family: 30%.

(b) The following deviation to this residential split standard is permitted to accommodate flexibility in land development:

1. A Master Plan proposing 50 or more dwelling units: 2% deviation; and
2. A Master Plan proposing 49 or fewer dwelling units: 10% deviation.

(3) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed; or

(4) The proposed circulation system (including proposed street sections) is adequate to support the anticipated traffic and the development will not exceed the adopted functional/performance standard of the streets outside the boundaries of the Master Plan. No roadway straight line tangent shall exceed 600 feet in length, except where deemed necessary by the Planning Commission due to issues such as: topographic constraints; existing developed conditions; existing property boundaries; or Master Plan design features. Where such an exception is allowed, roundabouts or curb extensions at intersections and other traffic-calming measures shall be evaluated.

(D) If, the Planning Commission finds that the provisions of §§ 155.610 through 155.614 of this chapter are satisfied, the proposal shall be approved. If the Commission finds the provisions are not satisfied, it may deny the application or return the plan to the applicant for revision. In addition to the requirements of this section, the Commission may attach conditions it finds are necessary to carry out the purposes of this chapter.

(E) Applications for individual phases within the Master Plan, such as subdivision or design review applications, may be applied for concurrently with or subsequent to Master Plan approval. If applications for individual phases are applied for concurrently with the Master Plan, the applicant shall extend, in writing, the state-mandated 120-day review period by 30 days for the individual phase application. The Planning Commission will review the Master Plan first and will review the individual phase application at a subsequent Planning Commission meeting. If the Planning Commission requires a second meeting to complete review of the Master Plan, the applicant agrees to an additional 30-day extension to the review period. Applications for individual phases within the Master Plan shall be reviewed under the provisions and requirements of this chapter.

(F) In the process of reviewing applications for individual phases within an approved Master Plan, the Commission may approve the refinements to the Master Plan. Refinements to the Master Plan are defined as:

(1) Changes to the street network or functional classification of streets that do not significantly reduce circulation system function or connectivity for vehicles, bicycles or pedestrians;

(2) Changes to the nature or location of park type, trails or open space that do not significantly reduce land area, function, livability, usability, connectivity or overall distribution or availability of these uses in the Master Plan area; and

(3) Changes to the location or mix of land uses or configuration of individual lots or site plan elements, that do not significantly alter the overall distribution or availability of uses or density in the Master Plan area.

(G) (1) Refinements meeting the above definition may be approved by the Commission upon finding that:

(a) The refinement(s) will equally or better meet the conditions of the approved Master Plan; and

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

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

(Prior Code, § 16.045.040) (Ord. 430, passed 10-3-2016; Ord. 451, passed 6-4-2018; Ord. 467, passed 1-21-2020)

M-1 LIGHT INDUSTRIAL DISTRICT

§ 155.275 PURPOSE.

The purpose of the M-1 District is to provide for light industrial uses that are compatible with adjacent urban development.

(Prior Code, § 16.50.000)

§ 155.276 PERMITTED USES.

Permitted uses are subject to the requirements of §§ 155.045 through 155.057 of this chapter, if applicable. Refer to § 155.143 of this chapter:

(A) Accessory structures/uses related to industrial and manufacturing uses, subject to §§ 155.500 through 155.502 of this chapter;

(B) Bus depot/terminal;

(C) Farm/logging/lumber supply/equipment sales and service;

(D) Garden/greenhouse, commercial;

(E) Industrial, light;

(F) Office, business;

(G) Planned unit development, subject to §§ 155.610 through 155.614 of this chapter;

(H) Retail sales and service;

(I) Storage, self-service;

(J) Scientific testing/research laboratory;

(K) Storage, self-service/RV;

(L) Truck stop/freight/trucking terminal and truck repair;

(M) Utility facility;

(N) Vehicular sales, rental, repair and service;

(O) Warehousing;

(P) Waste/recycling services;

(Q) Wholesale/services; and

(R) Wireless telecommunication tower.

(Prior Code, § 16.50.005)

§ 155.277 CONDITIONAL USES.

(A) Conditional uses are subject to the requirements of §§ 155.045 through 155.057 of this chapter, if applicable. Refer to § 155.143 of this chapter.

(B) The following uses and their accessory structures may be permitted in the M-1 District when authorized by the Planning Commission pursuant to §§ 155.070 through 155.077 of this chapter:

(1) Alcoholic beverage establishment;

(2) Restaurant, with or without drive-thru or walk-up window;

(3) Mixed-use buildings, such as a brewery with tasting room or restaurant;

- (4) Amusement enterprise, indoor or outdoor;
- (5) Bulk storage tanks/cold storage facility;
- (6) Civic/governmental use;
- (7) Clinic, medial and dental;
- (8) Conference/convention center;
- (9) Dry cleaners and laundry;
- (10) Educational facility;
- (11) Fuel sales;
- (12) Funeral homes, mortuaries and taxidermist;
- (13) Hotels and motels;
- (14) Parking as primary use;
- (15) Radio/television station/studios;
- (16) Retail sales, manufactured homes;
- (17) Retail sales and service-single tenant over 30,000 square feet;
- (18) Storage, outdoor, subject to §§ 155.445 through 155.452 of this chapter;
- (19) Vehicle wash; and
- (20) Wireless telecommunication facilities.

(Prior Code, § 16.50.010)

§ 155.278 LIMITATION ON USE.

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

(A) Vehicular access.

(1) Access points to an industrial site shall be located to minimize traffic congestion and, to the extent possible, to avoid directing traffic into residential areas.

(2) Where possible within industrial districts, access shall be designed to serve more than one industrial site.

(B) Landscaping.

(1) Properties abutting a residential zone shall provide and maintain a dense evergreen landscape buffer that attains a mature height of at least seven feet or such other screening measures as may be prescribed by the Commission in the event differences in elevation should defeat the purpose of this requirement.

(2) Yards adjacent to streets shall be planted and continuously maintained with lawn, shrubs or trees suited to the site and climate.

(3) Other yards and unused property shall be maintained in grass or other suitable ground cover.

(Prior Code, § 16.50.015)

§ 155.279 DIMENSIONAL STANDARDS.

The following dimensional standards are the minimum requirement for all development in the M-1 District, except for modifications permitted under §§ 155.530 through 155.533 of this chapter.

(A) Lot size.

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

(B) Setback requirements.

- (1) Front yard.

| | |
|--------------------------------|---------------|
| Adjacent to a residential zone | 20 feet |
| Adjacent to any other zone | None required |

- (2) Side yard.

| | |
|--------------------------------|---------------|
| Adjacent to a residential zone | 15 feet |
| Adjacent to any other zone | None required |
| Adjacent to street | 20 feet |

- (3) Rear yard.

| | |
|--------------------------------|---------------|
| Adjacent to a residential zone | 15 feet |
| Adjacent to any other zone | None required |
| Adjacent to street | 20 feet |

(C) Height of buildings. Buildings in the M-1 District shall not exceed a height of 80 feet.

(Prior Code, § 16.50.020)

§ 155.280 PARKING REQUIREMENTS.

Off-street parking and loading requirements for industrial uses are specified in §§ 155.670 through 155.676 of this chapter.

(Prior Code, § 16.50.025)

M-2 GENERAL/HEAVY INDUSTRIAL DISTRICT

§ 155.295 PURPOSE.

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

(Prior Code, § 16.055.000) (Ord. 431, passed 10-3-2016)

§ 155.296 PERMITTED USES.

Permitted uses are subject to the requirements of §§ 155.045 through 155.057 of this chapter, if applicable. Refer to § 155.143 of this chapter:

- (A) Accessory uses related to industrial and manufacturing, subject to §§ 155.500 through 155.502 of this chapter;
- (B) Auction yard, excluding livestock;
- (C) Bulk storage tanks/cold storage plant;
- (D) Bus depot/terminal;
- (E) Farm/logging/lumber supply/equipment sales and service;
- (F) Garden/greenhouse, commercial, excluding marijuana-related uses;
- (G) Industrial, heavy;
- (H) Industrial, light;
- (I) Office, business;
- (J) Planned unit development, subject to §§ 155.610 through 155.614 of this chapter;
- (K) Retail sales and service, excluding marijuana-related uses;
- (L) Storage, self-service;
- (M) Scientific testing/research laboratory;
- (N) Storage, self-service/RV;
- (O) Truck stop/freight/trucking terminal and truck repair;
- (P) Utility facility;
- (Q) Vehicular sales, rental, repair and service;
- (R) Warehousing;
- (S) Waste/recycling services;
- (T) Wholesales/services, excluding marijuana-related uses; and
- (U) Wireless telecommunication tower.

(Prior Code, § 16.055.005) (Ord. 431, passed 10-3-2016)

§ 155.297 CONDITIONAL USES.

(A) Conditional uses are subject to the requirements of §§ 155.045 through 155.057 of this chapter, if applicable. Refer to § 155.143 of this chapter.

(B) The following uses and their accessory structures may be permitted in the M-2 District when authorized by the Planning Commission pursuant to §§ 155.070 through 155.077 of this chapter:

- (1) Civic/governmental;

- (2) Alcoholic beverage establishment;
 - (3) Restaurant, with or without drive-thru or walk-up window
 - (4) Mixed-use buildings, such as a brewery with tasting room or restaurant;
 - (5) Educational facility;
 - (6) Amusement enterprise, indoor or outdoor;
 - (7) Clinic, medical and dental;
 - (8) Conference/convention center;
 - (9) Dry cleaners and laundry;
 - (10) Fuel sales;
 - (11) Funeral homes, mortuaries and taxidermist;
 - (12) Hotels and motels;
 - (13) RV park and travel trailer park;
 - (14) Parking as primary use;
 - (15) Radio/television station/studios;
 - (16) Retail sales and service-single tenant over 30,000 square feet;
 - (17) Retail sales, manufactured homes;
 - (18) Vehicle wash;
 - (19) Auction yard, livestock;
 - (20) Storage, outdoor, subject to §§ 155.445 through 155.452 of this chapter;
 - (21) Wireless telecommunication facilities;
 - (22) Marijuana production or processing site located within a permanent hard-sided structure; structure/building shall not be located within 1,000 feet of any public school or Jessie Mays Community Center, within 500 feet of any public park or within 100 feet of any residential zone; and
 - (23) Marijuana wholesaler; structure/building shall not be located within 1,000 feet of any public school or Jessie Mays Community Center, within 500 feet of any public park or within 100 feet of any residential zone.
- (Prior Code, § 16.055.010) (Ord. 431, passed 10-3-2016)

§ 155.298 LIMITATIONS ON USE.

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

(A) Vehicular access.

(1) Access points to an industrial site shall be located to minimize traffic congestion and, to the extent possible, to avoid directing traffic into residential areas.

(2) Where possible within industrial districts, access shall be designed to serve more than one industrial site.

(B) Landscaping.

(1) Properties abutting a residential zone shall provide and maintain a dense evergreen landscape buffer that will attain a mature height of at least seven feet or such other screening measures as may be prescribed by the Commission in the event differences in elevation should defeat the purpose of this requirement.

(2) Yards adjacent to streets shall be planted and continuously maintained with lawn, shrubs or trees suited to the site and climate.

(3) Other yards and unused property shall be maintained in grass or other suitable ground cover.

(Prior Code, § 16.055.015) (Ord. 431, passed 10-3-2016)

§ 155.299 DIMENSIONAL STANDARDS.

The following dimensional standards shall be the minimum requirement for all development in the M-2 District, except for modifications permitted under §§ 155.530 through 155.533 and §§ 155.610 through 155.614 of this chapter.

(A) Lot size.

(1) The minimum lot size shall be 5,000 square feet.

(2) The minimum lot width shall be 50 feet at the front building line.

(B) Setback requirements.

(1) Front yard.

| | |
|--------------------------------|---------|
| Adjacent to a residential zone | 20 feet |
|--------------------------------|---------|

| | |
|----------------------------|---------------|
| Adjacent to any other zone | None required |
|----------------------------|---------------|

(2) Side yard.

| | |
|--------------------------------|---------|
| Adjacent to a residential zone | 20 feet |
|--------------------------------|---------|

| | |
|----------------------------|---------------|
| Adjacent to any other zone | None required |
|----------------------------|---------------|

| | |
|--------------------|---------|
| Adjacent to street | 20 feet |
|--------------------|---------|

(3) Rear yard.

| | |
|--------------------------------|---------|
| Adjacent to a residential zone | 20 feet |
|--------------------------------|---------|

| | |
|----------------------------|---------------|
| Adjacent to any other zone | None required |
|----------------------------|---------------|

| | |
|--------------------|---------|
| Adjacent to street | 20 feet |
|--------------------|---------|

(C) Height of buildings. Buildings in the M-2 District shall not exceed a height of 80 feet.

(Prior Code, § 16.055.020) (Ord. 431, passed 10-3-2016)

§ 155.300 PARKING REQUIREMENTS.

Off-street parking and loading requirements for industrial uses are specified in §§ 155.670 through 155.676 of this chapter.

(Prior Code, § 16.055.025) (Ord. 431, passed 10-3-2016)

Townhouses

§155.485 Standards

(A) Townhouses are unique in that the attached nature of the dwelling units can result in a bulkier housing product than single-family detached, duplex or triplex dwellings. These standards may differ from the development standards established for other uses in the same Zoning District.

(B) When a dimensional standard in this Chapter differs from that of the underlying district, the standard in this Chapter shall apply.

§155.486 Purpose

The purpose for allowing townhouses in certain residential zones is to permit greater flexibility of design (including lot sizes and setbacks) and to permit greater opportunity for variety and compatibility of housing types.

§155.487 Standards and Requirements

The following standards and requirements shall govern the development of townhouses:

A. Design Standards

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

1. Building Mass Supplemental Standard. The maximum number and width of attached townhouses (i.e., with attached walls at property line) shall not exceed 6 units.
2. Alley Access. Where a dwelling abuts a rear or side alley, or a shared driveway, the garage or carport opening(s) for that dwelling shall orient to the alley or shared drive, as applicable, and not a street.
3. As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhouse lots (e.g., between building breaks) to provide for pedestrian connectivity.
4. Street Access Developments. Townhouses receiving access directly from a street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, provide more on-street parking area, and minimize paved surfaces for better storm water management.
 - a. When garages face the street, they shall be flush with, or recessed behind the front elevation (i.e., living area or covered frontporch).
 - b. The maximum allowable curb cut and driveway apron width is 18 feet

per dwelling unit. The remainder of the driveway facing the street may not exceed the width of the garage door plus an additional four feet. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot wide unit may have one 12-foot wide recessed garage facing the street.

- c. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

5. Common Areas. "Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

B. Approval Standards

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

§ 155.545 LOT LINE ADJUSTMENTS.

(A) Definition. A LOT LINE ADJUSTMENT is the relocation or elimination of a common boundary between two legal lots, provided no new lots are created as a result of the relocation of the common boundary. The elimination of lot boundaries is permitted only for a maximum of three common boundaries.

(Prior Code, § 16.120.000)

(B) Application and fee. An application for a lot line adjustment shall be filed with the city and accompanied by the appropriate fee. It is the applicant's responsibility to submit a complete application that addresses the review criteria of this section. An application for a lot line adjustment shall be reviewed administratively by the city per §§ 155.025 through 155.033 of this chapter. The city may specify conditions or modifications in the application as necessary to assure compliance with the review criteria of this section.

(Prior Code, § 16.120.005)

(C) Review criteria. A lot line adjustment may be authorized; provided, the applicant demonstrates that the adjustment satisfies the following criteria:

- (1) No new lots or parcels are created as a result of the lot line adjustment;
- (2) The adjusted lot lines result in lots that comply with all standards of the underlying zone, access provisions and other applicable provisions of this chapter;
- (3) Existing structures on both properties will comply with the setback standards of the underlying zone(s) after approval of the adjustment;
- (4) The lot line adjustment does not conflict with any existing City land use approval, public easement, or previous conditions of approval applied to the subject property;
- (5) All critical facilities and services have, or can be improved to have, adequate capacity to serve the reconfigured lots;
- (6) The proposal will not eliminate pedestrian or vehicle access to the affected properties;
- (7) The proposal does not create a parcel that will have more than one (1) zoning designation; and
- (8) If any resulting lot is eligible for additional development under existing zoning, the proposed adjustment will not:
 - (a) Preclude the opportunity for such additional development; or
 - (b) Reconfigure the properties in a pattern which might avoid or reduce the need to install public improvements typically required as a condition of such additional development.

(Prior Code, § 16.120.010)

(D) Marking a property line adjustment. Pursuant to ORS 92.060, the initial point, also known as the "point of beginning", of a property line adjustment must be on the external boundary of the parcel and must be marked with a monument. The location of the monument shall be referenced by survey pursuant to state statute, unless the County Surveyor determines otherwise.

(Prior Code, § 16.120.015)

(E) Recording. The applicant shall be responsible for filing the approved lot line adjustment's plat survey and record deed with the County Clerk's office and/or Surveyor's office within one year of approval, unless an extension is granted by the city in accordance herewith.

(Prior Code, § 16.120.020)

PLANNED UNIT DEVELOPMENT

§ 155.610 STANDARDS.

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

§ 155.611 PURPOSE.

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

§ 155.612 OBJECTIVES.

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

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

§ 155.613 STANDARDS AND REQUIREMENTS.

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

- (A) Minimum size for a planned unit development. No application shall be made for an area of less than one acre in any zone or combination of zones.
- (B) Limitation on application. No application shall be accepted for a use which will require a change of zone unless accompanied by an application for a zoning amendment. Planned unit developments that include more than one zone may distribute the permitted uses in each of the underlying zones throughout the site in a way that best meets the objectives of the development.
- (C) Standards for approval. Such uses may be permitted as a special use upon the following findings:

- (1) The proposal conforms with the Comprehensive Plan;
- (2) The project will satisfactorily accommodate the traffic it generates by means of adequate off-street parking, access points and additional street right-of-way and improvements and any other traffic facilities required. All such improvements shall be developed to city public works standards;
- (3) Streets and roads in planned unit developments which are to be dedicated shall be public and developed to city public works standards;
- (4) Pedestrian walkways shall be provided for adequate pedestrian and bicycle traffic and these shall be constructed to city public works standards, except as varied by the Planning Commission;
- (5) All utility facilities shall be installed underground and in accordance with city public works standards;
- (6) The design of a planned unit development shall provide direct access for all units and lots to open space areas and facilities;
- (7) The project will be compatible with adjacent development and will not adversely affect the character of the area;
- (8) All public utilities will be developed consistent with urban growth boundary policies, plans and standards;
- (9) The planned unit development shall not have adverse impacts on public facilities such as schools, roads, water and sewage systems, fire protection and the like;
- (10) A planned unit development shall not be approved in any zone if the housing density of the proposed development will result in an intensity of land use greater than permitted by the Comprehensive Plan;
- (11) Developments which either provide for or contemplate private streets and common areas which will be or are proposed to be maintained by the owners of units or lots within a development must organize and maintain an owner's association. The owners association shall consist of all the owners of units or lots within the development and membership in the association must be required of all owners who must adopt and record bylaws as provided by ORS 100.410. The owners association shall adopt bylaws that contain the provisions required by ORS 100.415 and specifically the power to create a lien upon the unit or lot for services, labor or material lawfully chargeable as common expenses as provided in ORS 100.450. The owners associations power to create such a lien shall exist whether or not the property is submitted to the state's Unit Ownership Law (ORS 100.005 to 100.620);
- (12) All other subdivision restrictions contained in §§ 155.585 through 155.599 of this chapter shall be met;
- (13) The system of ownership of the units and open space, and the means of developing, preserving and maintaining open space is adequate;
- (14) Sufficient financing exists to assure the proposed development will be substantially completed within four years of approval; and
- (15) A minimum of twenty-five percent of the land is to be maintained in open space.

§ 155.614 PROCEDURE.

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

- (A) The applicant shall submit a preliminary development plan which includes:
 - (1) Proposed land uses, building locations and housing unit densities;
 - (2) Proposed access and circulation, including the status of street ownership;
 - (3) Proposed open space uses;
 - (4) Proposed grading and drainage pattern;
 - (5) Proposed method of water supply and sewage disposal; and
 - (6) Relation of the proposed development to the surrounding area and the Comprehensive Plan.
- (B) Public notice of the proposed planned unit development shall be provided in accordance with the public notice provisions of this chapter.
- (C) In considering the plan, the Commission shall determine whether:
 - (1) There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure from the standard ordinance requirements;
 - (2) Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area;
 - (3) The area around the development can be planned and used in substantial harmony with the proposed plan;
 - (4) The plan can be completed within a reasonable period of time;
 - (5) The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area; and/or
 - (6) Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.
- (D) If, in the opinion of the Commission, the provisions of division (C) above are satisfied, the proposal shall be approved. If the Commission finds the provisions are not satisfied, it may deny the application or return the plan to the applicant for revision.
- (E) In addition to the requirements of this section, the Commission may attach conditions it finds are necessary to carry out the purposes of this subchapter.
- (F) Building permits in a planned development shall only be issued on the basis of the approved plan. Any changes in the approved plan shall be submitted to the Commission for processing as an amendment to the approved conditional use permit for a planned unit development.
- (G) An approved planned unit development shall be identified on the zoning map as an overlay to the existing zoning district.

Off Street Parking and Loading

§155.670 Purpose

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

§155.671 General Provisions

- A. The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance.
 - B. Parking requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.
 - C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, except as specified in subsection D. below.
 - D. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the building inspector in the form of deed, leases or contracts to establish the joint use. Of the total number of required off-street parking spaces, when the two or more joint uses include a mix of residential and commercial, one parking space per business shall be designated as a short-term parking space for use by patrons.
 - E. Off-street parking spaces for dwellings shall be located on the same tax lot with the structure, and within 250 feet of the dwelling unit for which the parking space is required. Garages and/or carports may be used to satisfy the off-street parking requirements for dwellings, however, one required parking space may be uncovered. Parking spaces required for other uses may be located on a separate tax lot and shall be located not farther than 500 feet from the building or use they are to serve.
 - F. Parking and loading spaces shall not be located in a required side or rear yard, except that off street parking spaces may be located in a required side or rear yard adjacent to a street on commercial or
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industrial zoned land provided that the parking spaces are developed consistent with the development standards of this chapter.

- G. Required parking spaces shall be available for parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
 - H. Required parking spaces shall be improved and available for use before the final inspection is completed by the building inspector. An extension of time may be granted by the building inspector providing an irrevocable letter of credit, assignment of bank account, performance bond, or its equivalent, is posted equaling the cost to complete the improvements.
 - I. On-Street Parking Credit. The amount of off-street parking required may be reduced by one-half off-street parking space for every one on-street parking space adjacent to the development (where curbs and sidewalks are present and parking is allowed). On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City standards. The following constitutes an on- street parking space:
 - a. Parallel parking, each 24 feet of uninterrupted curb;
 - b. 45 degree diagonal, each 14 feet of curb;
 - c. 60 degree diagonal, each 11.5 feet of curb;
 - d. 90 degree (perpendicular) parking, each 10 feet of curb;
 - e. Curb space must be connected to the lot which contains the use;
 - f. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
 - g. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street parking spaces are permitted.
 - J. When the calculation of the minimum number of parking spaces required results in a fraction of a space, the applicant must round up to the nearest whole space.
 - K. When 50 or more parking spaces are either required or proposed with a development application, a minimum of five percent (5%) of the total number of parking spaces shall be available for future installation of electric vehicle charging stations, as defined by Oregon Administrative Rule (OAR) 918-020-038. Fractional numbers derived from this calculation must be rounded up to the nearest whole number.
 - L. All new developments may be required to provide for joint-use access to
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all adjacent undeveloped or underdeveloped parcels.

- M. Attached or detached garages may count toward the minimum parking requirement, provided the interior dimension of the garage contains a minimum width of 12 feet and depth of 22 feet for each vehicle.

§155.672 Commercial District Modifications

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

§155.673 Automotive Parking Requirements

(A) Residential.

- (1) Detached single-family*: two spaces per dwelling unit;
- (2) Duplexes and triplexes*: one and one-half spaces per dwelling unit;
- (3) Multi-family dwellings and attached single-family dwellings*:
 - (a) Studio units or one-bedroom units: one space per dwelling unit;
 - (b) Two-bedroom units: 1.75 spaces per dwelling unit;
 - (c) Three-bedroom units: two spaces per dwelling unit; and
 - (d) Senior housing: 1.25 spaces per dwelling unit.
- (4) Residential hotel; rooming/boarding house: two spaces per three guest rooms plus one additional space per two employees; and
- (5) Mobile home park: one space per mobile home, plus one guest parking space for every two homes.

(B) Commercial residential.

- (1) Hotel: one space per two guest rooms or suites, plus one space per two employees; and
- (2) Motel: one space per guest room or suite, plus one space per two employees.

(C) Community services, institutional and semi-public uses.

- (1) General office/government office: three spaces per 1,000 square feet of gross floor area;
 - (2) Community recreation buildings: one space per 250 square feet or one space per six patrons to the maximum capacity, plus one space per employee on the largest shift;
 - (3) Church, chapel, auditorium, lodge, fraternal/civic assembly with or without eating/drinking facilities: one space per six fixed seats or, where there are no fixed seats, one space per ten patrons to the maximum capacity;
 - (4) Library or museum: two spaces per 1,000 square feet of gross floor area;
 - (5) Hospitals/medical centers: one space per 1,000 square feet of gross floor area;
 - (6) Medical/dental offices/clinics: four spaces per 1,000 square feet of gross
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floor area;

(7) Day care/small school: one space per employee and one space per five students;

(8) Preschool/kindergarten: two and one-half spaces per 1,000 square feet of gross floor area;

(9) School - elementary or middle/junior high: one and one-half spaces per classroom, plus recreation facilities, if applicable;

(10) School - senior high school, vocational or college: two spaces per 1,000 square feet of gross floor area, plus recreation facilities, if applicable;

(11) Park, private or public less than one acre: none; and

(12) Park, private or public greater than one acre: as determined at time of land use review.

(D) *Commercial amusement.*

(1) Stadium/arena/theater: one space per four seats or eight feet of bench length;

(2) Bowling alley: four spaces per alley, plus one space per two employees; and

(3) Dance hall/skating rink: one space per 100 square feet of floor area, plus one space per two employees.

(E) *Commercial.*

(1) Retail store: one space per 200 square feet of gross floor area;

(2) Service or repair shop: one space per 400 square feet of gross floor area, plus one space per two employees;

(3) Retail store (handling exclusively bulky merchandise such as automobiles or furniture): one space per 500 square feet of gross floor area;

(4) Bank/professional office: one space per 800 square feet of gross floor area;

(5) Clinic or office for doctor, dentist or other practitioners of the healing arts: one space per 300 square feet of gross floor area, plus one space per two employees; and

(6) Eating and drinking establishment: one space per 100 square feet of gross floor area.

(F) *Industrial.*

(1) Storage warehouse/manufacturing establishment/rail or trucking freight terminal: one space per employee on largest shift;

(2) Wholesale establishment: one space per employee, plus one space per 800 square feet of patron serving area; and

(3) Public utility (gas/water/telephone/and the like): one space per two employees on largest shift, plus one space per company vehicle.

§155.674 Off-Street Loading Requirements

All commercial and industrial buildings shall provide a minimum of one loading space. Each loading space shall be a minimum size of 12 feet wide, 20 feet long and 14 feet high. The Planning Commission may require additional loading spaces or larger dimensions of individual

spaces at time of land use review and approval.

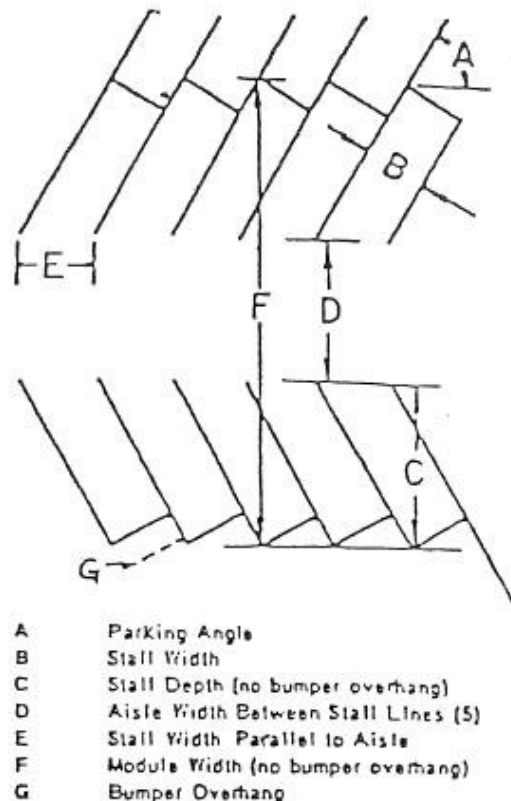
§155.675 Parking and Loading Area Development Requirements

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

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

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

| | a | b | c | d | e | f | g |
|-----|------|-------|-------|-------|-------|------|---|
| 45° | 8.5' | 17.5' | 13.0' | 12.0' | 48.0' | 2.0' | |
| | 9.0 | 17.5 | 12.0 | 12.7 | 47.2 | 2.0 | |
| | 9.5 | 17.5 | 11.0 | 13.4 | 46.0 | 2.0 | |
| | 10.0 | 17.5 | 11.0 | 14.1 | 46.0 | 2.0 | |
| 60° | 8.5' | 19.0' | 18.0' | 9.8 | 56.0' | 2.5' | |
| | 9.0 | 19.0 | 16.0 | 10.4 | 54.0 | 2.5 | |
| | 9.5 | 19.0 | 15.0 | 11.0 | 53.0 | 2.5 | |
| | 10.0 | 19.0 | 14.0 | 11.6 | 52.0 | 2.5 | |
| 75° | 8.5' | 19.5' | 25.5' | 8.8' | 64.0' | 2.5' | |
| | 9.0 | 19.5 | 23.0 | 9.3 | 62.0 | 2.5 | |
| | 9.5 | 19.5 | 22.0 | 9.8 | 61.0 | 2.5 | |
| | 10.0 | 19.5 | 21.0 | 10.3 | 60.0 | 2.5 | |
| 90° | 8.5' | 18.5' | 28.0' | 8.5' | 65.0' | 3.0 | |
| | 9.0 | 18.5 | 26.0' | 9.0 | 63.0 | 3.0 | |
| | 9.5 | 18.5 | 25.0 | 9.5 | 62.0 | 3.0 | |
| | 10.0 | 18.5 | 24.0 | 10.0 | 61.0 | 3.0 | |



Parking Table Notes:

1. For one (1) row of stalls use "C" plus "D" as minimum baywidth.
2. Public alley width may be included as part of dimension "D," but all parking stalls must be on private property, off the publicright-of-way.
3. For estimating available parking area, use 350 square feet per vehicle for stall, aisle and access areas.
4. The stall width for self-parking of long duration is 8.5'; for higher turnover self-parking is 9.0'; and for supermarkets and similar facilities is 9.5; - 10.0'.
5. The minimum aisle width for two-way traffic and for emergency vehicle operations area is 24'. The minimum aisle width for emergency vehicle access (open way traffic is 20'.
6. Where appropriate bumper overhang area is provided (extruded curbs), "G" can be subtracted from "C" to determine stall depth.
7. Dimensions of required recreational vehicle spaces are 10' x25'.

16.155.030 Bicycle Parking Facilities

1. General Provisions

a. Applicability. Bicycle parking spaces shall be provided for new development, changes of use, and major renovations, defined as construction valued at twenty-five (25) percent or more of the assessed value of the existing structure.

b. Bicycle parking shall be provided for all multi-family, commercial, institutional and industrial uses.

c. Types of Spaces. Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for at least several hours a weather-protected place to park bicycles.

d. Minimum Number of Spaces.

1. A minimum of two (2) bicycle parking spaces shall be provided.

2. If greater than 40 vehicle parking spaces are required, bicycle parking shall be provided at a rate of one (1) bicycle parking space for every 20 required vehicle parking spaces and a bicycle repair station shall be provided.

3. Public and private schools shall provide a minimum of two bicycle parking spaces per classroom.

4. Parks shall provide a minimum of two bicycle parking spaces per acre and a minimum of one bicycle repair station.

e. Multiple Uses. When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses. Bicycle parking for multiple uses on one site may be concentrated in one area.

2. Location and Design.

a. Lighting. Bicycle parking shall be at least as well-lit as vehicle parking for

security.

b. Reserved Areas. Areas set aside for bicycle parking shall be reserved for bicycle parking only.

c. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

d. Location. Bicycle parking shall be located inside or outside the building within thirty (30) feet of the main entrance to the building or at least as close as the nearest vehicle parking space, whichever is closer.

Residential: In order to address the City's housing needs identified in the housing needs analysis, the City will provide opportunity for development through zoning sufficient to allow: 70% of new housing will be single-family detached, 30% will be single-family attached and multi-family.

Low Density Residential: Areas suited primarily for development of single family dwellings at a density not to exceed 5.8 dwelling units per net acre (a minimum lot size of 7,500 square feet per single family dwelling). Corresponds to R7.5 on the zoning map.

Medium Density Residential: Areas suited for development of single dwellings, duplexes, attached two family and manufactured home parks and subdivisions at a density not to exceed 9.6 single-family detached, duplex or triplex dwelling units per net acre (a minimum lot size of 5,000 square feet per lot). The density of townhomes is not to exceed 14.5 dwelling units per net acre (a minimum lot size of 3,000 square feet per lot). Corresponds to R5 on the zoning map.

High Density Residential: Areas suitable primarily for multi-family dwellings and manufactured home parks and subdivisions including townhouses (single-family attached dwellings). In this category, residential densities are not to exceed dwellings units per net acre for new townhouse, multifamily and cottage cluster developments (a minimum lot size of 2,000 square feet per dwelling unit). The density of duplexes and triplexes shall be based on the minimum required lot size of 3,000 square feet for this type of dwelling. Corresponds to R2.5 on the zoning map.

Neighborhood Community: This comprehensive plan designation is designed for the non-exception expansion areas brought into the City's urban growth boundary (UGB) in 2003 or after. This designation recognizes that a concept planning effort will be conducted prior to annexation into the city limits. The Concept Plan ensures a mix of residential and non-residential uses that meet the needs of the City.

Once land is annexed, a Master Plan is required prior to development of any portions of those areas. The master planning process should recognize the land needs identified in the Concept Plan. More information on growth management can be found in the section on Urbanization. Corresponds to Neighborhood Community (NC) on the zoning map.

Commercial: Encourages development of commercial uses supportive of the surrounding community and visitors. Includes areas to accommodate retail trade, service, banking, office and related cultural and governmental uses. Corresponds to C1 (General Commercial) and C2 (Highway Commercial) on the zoning map.

Industrial: Areas appropriate for wholesale trade and manufacturing activities. Corresponds to Light Industrial (M1) and General Industrial (M2) on the zoning map.

Public Facilities: Areas for necessary institutional uses such as schools and churches, and public and semipublic uses such as parks, a local government center and other governmental and public service uses. Corresponds to Institutional and Public Use Zone (IPU) on the zoning map.

In addition, three overlay zones have been created:

Flood Plain: Denotes areas lying within the 100-year flood plains of McKay Creek and Ghost Creek as shown in the comprehensive plan chapter on Goal 7.

Historic Resource: Identifies significant historic sites and structures and establishes a public review process for proposed alterations and demolitions.

Significant Natural Resources: Identifies significant natural resources, including significant wetlands and riparian corridors as identified in comprehensive plan chapters on Goal 5 and Goal 7.

Before the City Council of the City of North Plains

In the matter of an application for adoption of
a Zoning and Development Code and
Comprehensive Plan Text Amendment
City of North Plains, APPLICANT)

**NOTICE OF DECISION-
22-001 Zoning and Development Code and
Comprehensive Plan Text Amendment**

CC Hearing Date: February 22, 2022

CC Adoption Date: March 21, 2022

Effective Date: April 20, 2022

The City of North Plains ("City") initiated an update to the following Chapters of the Zoning and Development Code:

- 155.012 Definitions
- 155.045-155.057 Design Review
- 155.140-155.142 Zoning Districts
- 155.143 Zoning Use Table
- 155.155-155.160 R-7.5 Zone
- 155.175-155.0180 R-5 Zone
- 155.195-155.200 R-2.5 Zone
- 155.255-155.261 NC Zone
- 155.275-155.280 M-1 Zone
- 155.295-155.298 M-2 Zone
- 155.485-155.488 Duplex, Triplex and Attached Two-Family (now Townhomes)
- 155.545 Lot Line Adjustment
- 155.610-155.614 Planned Unit Development
- 155.670-155.676
- 155.670-155.676 Off-Street Parking and Loading; and

At the same time, the City also initiated an update to Page 8 of the Comprehensive Plan. The City submitted the proposed amendments to the Oregon Department of Land Conservation and Development ("DLCD") on January 5, 2022.

The North Plains Planning Commission conducted a duly-noticed public hearing and reviewed the proposed text amendments and staff report at its meeting on February 9, 2022 and recommended approval of proposed Zoning and Development Code and Comprehensive Plan amendments. The North Plains City Council conducted a duly-noticed public hearing and reviewed the proposed text amendments, Planning Commission recommendation and staff report at its meeting on February 22, 2022.

The City Council considered the application, the evidence in the record and applicable criteria for the amendments proposed in Application File No. 22-001 (Zoning Code and Comprehensive Plan Update) to amend several sections of the Zoning and Development Code and one page of the Comprehensive Plan. Having considered the application and the evidence in the record, the City Council duly approved File No. 22-001 Zoning and Development Code and Comprehensive Plan Text Amendment as modified at the public hearing on February 22, 2022, conducted a first reading on February 22, 2022, conducted a second reading and adopted Ordinance 477 on March 21, 2022 with an effective date April 20, 2022.

In support of its decision, the City Council adopted the findings and conclusions contained in the Planning Commission recommendation dated February 9, 2022 (signed February 10, 2022) as its findings, determining them to be reasonable and to constitute substantial evidence in support of the proposed amendments.

Accordingly, these updated Zoning and Development Code and Comprehensive Plan Text Amendments shall take effect pursuant to Ordinance No. 477 as signed by the Mayor of North Plains. The decision, with associated findings, is available anytime for review at cityofnp.org or at City Hall, 31360 NW Commercial Street, during business hours.

The decision described herein may be appealed to the Oregon Land Use Board of Appeals within twenty-one (21) days of the date of signature of this notice. Any party with legal standing may file an appeal. Appeals may be filed by submitting a Notice of Intent to Appeal consistent with applicable legal requirements. If you have questions about this decision, or the appeal process, please contact City Manager Andy Varner at 503-647-5555 or visit North Plains City Hall at 31360 NW Commercial Street.



Teri Lenahan
Mayor

Date: March 21, 2022