

ORDINANCE NO. 487

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, IMPLEMENTING AN AMENDMENT TO TEXT OF THE ZONING AND DEVELOPMENT CODE REGARDING SHORT-TERM RENTAL REGULATIONS

WHEREAS, the City of North Plains ("City") initiated an amendment to the text of the Zoning and Development Code regarding Short-Term Rentals (STRs); and

WHEREAS, the City submitted the proposed amendments to DLCD on September 7, 2022; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing, and reviewed the proposed zoning code text amendments, public testimony and staff report at its meeting on October 12, 2022; and

WHEREAS, the City Council conducted a duly-noticed public hearing, and reviewed the proposed zoning code text amendments, Planning Commission recommendation, public testimony and staff report at its meeting on November 7, 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. 22-116 (Zoning Code Text Amendment).

Now, therefore:

THE CITY OF NORTH PLAINS ORDAINS AS FOLLOWS:

Section 1. The City hereby adopts the proposed Zoning and Development Code Text Amendments related to short-term rentals proposed in File 22-116, attached hereto as Exhibit "A" and incorporates them into the 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. 22-116, dated October 12, 2022, and signed October 13, 2022, attached hereto as Exhibit "B".

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

INTRODUCED on the 7th day of November 2022, **ADOPTED** on the 21st day of November, 2022 and **EFFECTIVE** on the 21st day of December, 2022.

CITY OF NORTH PLAINS, OREGON



By: _____
Teri Lenahan, Mayor

ATTEST:



By: _____
Lori Lesmeister, City Recorder

§ 155.012 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

100-YEAR FLOODPLAIN. Land subject to 1% 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 chapter, 100-YEAR FLOODPLAIN 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 motor fuel, 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, 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 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 this chapter.

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 AND 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.

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 Ch. 100. CONDOMINIUMS are multi-family dwellings.

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.

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 and the like 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. MULTIFAMILY 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, THREE-FAMILY (TRIPLEX). Three dwelling units, located on one legal lot.

DWELLING, TOWNHOUSE. (See DWELLING, SINGLE-FAMILY, ATTACHED)

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, collegiate 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:

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

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.

FRATERNITY or SORORITY. An organization formed chiefly to promote friendship and welfare among the members.

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.

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.

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.

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.

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.

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 one and one-half 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 §§ 90.01 through 90.05 of this code of ordinances.

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 (such as, a “lot of record”), a unit of land created by land division.

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. The 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 lot line.

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 lot line.

LOT LINE, SIDE. Any property line that is not a front or rear lot line.

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 WIDTH. The average horizontal distance between the side lot lines; ordinarily measured parallel to the front lot line.

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. §§ 5401 et seq.), as amended on 8-22-1981; 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 state's Health Authority to process marijuana.

MARIJUANA PROCESSOR. An entity licensed by the state's Liquor Control Commission to process marijuana.

MARIJUANA PRODUCER. An entity licensed by the state's Liquor Control Commission to manufacture, plant, cultivate, grow or harvest marijuana.

MARIJUANA RETAILER. An entity licensed by the state's Liquor Control Commission to sell marijuana items to a consumer in the state.

MARIJUANA WHOLESALER. An entity licensed by the state's Liquor Control Commission to purchase items in the state for resale to a person other than a consumer.

MEDICAL MARIJUANA DISPENSARY. An entity registered with the state's 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.

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.

NON-CONFORMING STRUCTURE OR USE. A lawfully existing structure or use, at the time this chapter or any amendment thereto becomes effective, which does not conform, or becomes non-conforming, to the requirements of the zone in which it is located as a result of amendments or other changes to this chapter.

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 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.

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.

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 15 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, cafés, tea rooms and outdoor cafés.

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 AND 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 television 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 parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the state's 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.

SHORT-TERM RENTAL (STR). A short term rental is any lodging arrangement on private property in a Residential zone (R-7.5, R-5, R-2.5 or NC) with a duration of 30 days

or less, for which monetary or other compensation is received. STRs are subject to the standards of §155.056(F).

SIGN. An identification, description, illustration or device 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 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 24 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 non-conforming property.

TAX LOT. A reference number on a tax map (Assessor's Map) to identify a tax account for the purpose of taxing/assessing by the County Assessor's 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 chapter. 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 AND 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 of this chapter.

WAREHOUSING. The storage of goods or merchandise at a facility such as a storehouse.

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 an 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 chapter.

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.

(Prior Code, Ch. 16.005) (Ord. 427, passed 5-16-2016; Ord. 430, passed 10-3-2016; Ord. 451, passed 6-4-2018; Ord. 454, passed 10-1-2018; Ord. 477, passed 2-22-2022)

DESIGN REVIEW

§ 155.045 PURPOSE.

(A) The purpose of design review approval is to ensure compliance with the objectives and provisions of this chapter 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 subchapter 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.

(Prior Code, §16.175.000) (Ord. 445, passed 5-15-2017; Ord. 450, passed 12-18-2017; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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.

(Prior Code, §16.175.005) (Ord. 445, passed 5-15-2017; Ord. 450, passed 12-18-2017; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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 (such as roof, siding, awnings, and the like), 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; and
- (g) Having a condition for major public improvements where a specific plan was not considered (such as 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 chapter;
- (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 division (A) above and the standards of this chapter.

(Prior Code, §16.175.010) (Ord. 445, passed 5-15-2017; Ord. 450, passed 12-18-2017; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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.

(Prior Code, §16.175.015) (Ord. 445, passed 5-15-2017; Ord. 450, passed 12-18-2017; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 155.049 PRE-APPLICATION CONFERENCE.

If required, the applicant shall schedule a pre-application conference prior to filing a design review application.

(Prior Code, §16.175.020) (Ord. 445, passed 5-15-2017; Ord. 450, passed 12-18-2017; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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.

(Prior Code, §16.175.025) (Ord. 445, passed 5-15-2017; Ord. 450, passed 12-18-2017; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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, and the like;

(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 chapter; and

(I) The removal of a substantial portion of mature trees existing on-site.

(Prior Code, §16.175.030) (Ord. 445, passed 5-15-2017; Ord. 450, passed 12-18-2017; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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; and

(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; and

(5) Natural features, including trees and structures on adjoining property having a visual or other significant relationship with the site.

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

(D) Site development plan. This element of the design review plan shall indicate the following:

- (1) Legal description of the lot;
- (2) Boundary dimensions and area of the site;
- (3) Location of all new structures and existing structures proposed to be retained, including their distances from the property line;
- (4) Area of the site covered by the structures described in division (D)(3) above 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; and

(20) A written summary showing the following:

(a) For commercial and nonresidential development:

1. The square footage contained in the area proposed to be developed;
2. The percentage of the lot covered by structures;
3. The percentage of the lot covered by parking areas and the total number of parking spaces; and
4. 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:

1. The total square footage in the development;
2. 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, and the like);
3. Percentage of the lot covered by:
 - a. Structures;
 - b. Parking areas;
 - c. Recreation areas; and
 - d. Landscaping.

(E) 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

(F) Architectural drawings. This element of the design review plan shall indicate the following:

(1) A plot plan specifying the building footprint and dimensions, including all points of access. Floor plans of interior spaces to the extent required to clarify access functions. Such floor plans shall be provided for all building floors and shall include appropriate dimensions;

(2) Exterior elevations showing finish materials, windows, doors, light fixtures, stairways, balconies, decks and architectural details. These elevations shall be provided for every exterior wall surface, including those which are completely or partially concealed from view by overlapping portions of the structure. Existing and finished grades at the center of all walls shall be shown with elevations of floors indicated and a dimension showing compliance with height limitations;

(3) The color and texture of finish materials shall be described on the drawings and samples shall be submitted of the materials and color ranges of siding, roofing and trim;

(4) Location and type of exterior light fixtures including the lamp types and levels of illumination that they provide; and

(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 this chapter. At the applicant's option, this plan may be submitted for approval at any time prior to the issuance of occupancy permits.

(G) Property survey. 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.

(Prior Code, §16.175.035) (Ord. 445, passed 5-15-2017; Ord. 450, passed 12-18-2017; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 155.053 ENGINEER'S ASSESSMENT.

Prior to the development of lots containing unstable soils as defined by this chapter, 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.

(Prior Code, §16.175.040) (Ord. 445, passed 5-15-2017; Ord. 450, passed 12-18-2017; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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.

(Prior Code, §16.175.045) (Ord. 445, passed 5-15-2017; Ord. 450, passed 12-18-2017; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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 five 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 eight 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 chapter, 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 and 155.674.

(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 chapter and the Comprehensive Plan.

(Prior Code, §16.175.050) (Ord. 445, passed 5-15-2017; Ord. 450, passed 12-18-2017; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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; and
- (4) Parks greater than one 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 dwellings. 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 division (C)(1)(a) above, a maintained playground area with approved equipment such as goal posts, swings, slides, and the like, is provided, the number of units permitted may be increased an additional 5%; and

(c) If in addition to open space and playgrounds as provided in divisions (C)(1)(a) and (C)(1)(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 nonprofit 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 feet 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 through 155.676.

(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.

(a) 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.

(b) 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.

(4) 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.

(5) Pedestrian access. Accessible, hard-surfaced pedestrian pathways a minimum of four 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.

(6) 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 foot wide landscape buffer is required between off-street parking areas serving multiple units and public streets or neighboring properties.

(7) 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.

(8) Accessory structures. Accessory structures must not exceed 400 square feet in floor area.

(9) 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:

(1) 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.

(2) 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 three months in any six-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 days.

(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) Recreational vehicles or other camping units shall be separated from each other and from other structures by at least ten 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 ten-foot 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) Short-term rental (STR). A short-term rental is any lodging arrangement on private property in a Residential zone (R-7.5, R-5, R-2.5 or NC) with a duration of 30 days or less, for which monetary or other compensation is received. To be approved as a short-term

rental, the Owner or Occupant must satisfy the following requirements:

- 1) A Type II Design Review Land Use Permit is required for all STRs.
- 2) Each STR operation must provide the name of a designated Operator, who is a resident, person or entity that is designated by the property owner to manage the STR. The application shall include a name, local contact number and email for the Operator in the event that there are questions or complaints.
- 3) If the property is rented/leased, the Operator must supply a copy of a rental/lease agreement valid for at least six months from the date of application, plus an original, signed letter from the property owner indicating the tenant (Operator) has permission to use the property as a Short-Term Rental.
- 4) One guest room is permitted for every 400 square feet of gross finished floor living area. Total number of guest rooms may not exceed five. A structure with living area includes any structure on the lot lawfully used for residential purposes. The living area does not include: garages, utility shops, unfinished basements, storage sheds and other similar rooms/structures.
- 5) No more than two (2) non-resident employees are permitted on site. There is no limit on residential employees.
- 6) Food service may be provided only to overnight guests.
- 7) Property shall have the address number clearly marked and visible to guests from the street at all hours.
- 8) One off-street parking space for each guest room is required, in addition to the off-street parking required for the primary use. On-street parking along the subject property frontage may not count toward the additional off-street parking requirements.
- 9) All signage must conform to the standards in Sections 155.407 or 155.409 of this Code.
- 10) Non-residential structures, such as institutional buildings, warehouses, recreational vehicles, and churches are not eligible for an STR Permit.
- 11) Tents, RV/trailers, or other camping arrangements located outside a structure with living area are not eligible for an STR Permit.
- 12) The short-term rental structure shall be of residential character.
- 13) An accurate and up-to-date guest register recording the name, address and dates of stay for each short-term lodging guest must be maintained and available for review within seven days of a written request by the city.
- 14) Operator shall maintain compliance with the Building Code, Fire Code and standards of the state and local health departments as amended, including installation of smoke and carbon monoxide detectors.
- 15) Operator will prominently post rental rules and regulations in the interior of the dwelling unit where they can be seen by guests.
- 16) Operator agrees to allow city staff to inspect the structure with living area upon receipt of a short-term rental application and prior to STR Permit issuance, and at any time after approval upon 24-hours written notice to the Operator.

17) Operator must obtain and maintain an annual City of North Plains Business License or equivalent STR License.

18) Operator, or hosting platform/booking agent/intermediary, will collect Transient Room Tax and remit to Washington County.

19) Approval of a STR Permit is specific to the Operator at the subject site. Approvals are not transferrable to another Operator or site. An STR Permit is void upon Operator relocation or sale of the property. A new owner/Operator must apply for and receive a new STR Permit to continue the use.

20) STR Permit issuance requires payment of all applicable fees, and review by the city.

21) In the event a property operates in violation of this Article, the property owner shall be responsible for all applicable fines under the North Plains Municipal Code. Enforcement may include, but is not limited to, STR Permit revocation, an order for guests to vacate the premises and cancellation of current and future reservations.

~~Bed and breakfast inn. A bed and breakfast inn shall comply with all applicable state laws and the following conditions:~~

~~No more than three sleeping rooms should be available for the accommodation of inn visitors.~~

~~No more than six guests should be accommodated at any one time.~~

~~One daily meal shall be provided to inn guests.~~

~~The exterior of the building shall maintain a residential appearance.~~

~~No materials or commodities shall be delivered to or from the residence in a bulk or quantity that will create congestion.~~

~~The bed and breakfast inn shall be operated in a way that will prevent unreasonable disturbance to area residents.~~

~~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:

(1) 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.

(2) 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.

(3) 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:

(1) Adequacy of access from principal streets together with the probable effect of traffic volumes on adjoining and nearby streets; and

(2) 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.

(1) In a residential zone, all equipment storage on the site may be required to be within an enclosed building.

(2) The use may be required to be fenced and landscaped.

(3) 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.

(4) Transmission towers, posts, overhead wires, pumping stations, and similar installations shall be located, designed and installed to minimize conflicts with scenic values.

(Prior Code, §16.175.055) (Ord. 445, passed 5-15-2017; Ord. 450, passed 12-18-2017; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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.

(Prior Code, §16.175.06) (Ord. 445, passed 5-15-2017; Ord. 450, passed 12-18-2017; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 155.143 USE TABLE.

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

	<i>R-7.5</i>	<i>R-5</i>	<i>R-2.5</i>	<i>NC</i>	<i>C-1</i>	<i>C-2</i>	<i>M-1</i>	<i>M-2</i>	<i>IPU</i>
	<i>R-7.5</i>	<i>R-5</i>	<i>R-2.5</i>	<i>NC</i>	<i>C-1</i>	<i>C-2</i>	<i>M-1</i>	<i>M-2</i>	<i>IPU</i>
COMMERCIAL, OFFICE AND RETAIL									
Accessory structures/uses to commercial, office and 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 and dental	-	-	-		P	P	C	C	
Conference/convention center	-	-	-		C	P	C	C	
Drive-in/thru window	-	-	-		C	P	C	C	
Dry cleaners and laundry	-	-	-		P	P	C	C	
Farm/logging/lumber supply/equipment sales and 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 and 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 and motels	-	-	-		P	P	C	C	
Medical marijuana dispensary ⁴						C			
Marijuana retail facility ⁴						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 and service	-	-	-		P	P	P	P	
Retail sales and service-single tenant over 30,000 square feet	-	-	-		C	C	C	C	

Retail sales, manufactured homes	-	-	-		-	-	C	C	
RV/travel trailer park								C	
Storage, self service	-	-	-		-	C	P	P	
Vehicle wash	-	-	-		-	C	C	C	
INDUSTRIAL AND MANUFACTURING									
Accessory structures/uses to industrial and manufacturing1	-	-	-	See §§ 155.255 through 155.261	-	-	P	P	
Auction yard, excluding livestock	-	-	-		-	-	-	P	
Auction yard, livestock	-	-	-		-	-	-	C	
Bulk storage tanks/cold storage facility	-	-	-		-	-	C	P	
Industrial, heavy	-	-	-		-	-	-	P	
Industrial, light	-	-	-		-	C	P	P	
Marijuana production or processing site4								C	
Marijuana wholesaler 4								C	
Scientific testing/research laboratory	-	-	-		-	C	P	P	
Storage, outdoor5	-	-	-		-	-	C	C	
Storage, self service/RV, boats, vehicles	-	-	-		-	C	P	P	
Truck stop/freight/trucking terminal and truck repair	-	-	-		-	-	P	P	
Utility facility	C	C	C		C	C	P	P	P
Vehicular sales, rental, repair and service, including autos, trucks, RVs and trailers	-	-	-		-	P	P	P	
Warehousing	-	-	-		-	-	P	P	
Waste/recycling services or facilities	-	-	-		-	-	P	P	
Wholesale/services	-	-	-		C	C	P	P	
Wireless telecommunication facilities	-	-	-		C	C	C	C	C
Wireless telecommunication tower	-	-	-		-	-	C	P	C
PUBLIC, CIVIC AND INSTITUTIONAL									
Cemetery or mausoleum, when associated with another use such as a church or funeral home									C
Civic/governmental use	C	C	C	See §§ 155.255 through 155.261	P	P	C	C	P
Educational facility	C	C	C		C	C	C	C	P
Hospital/sanitarium	-	-	-		-	C	-	-	
Parks, open space and trails									P
Places of worship	C	C	C		C	C	-	-	P
RESIDENTIAL									
Accessory dwellings1	P	P	P		-	-	-	-	
Accessory structures/uses related to residential uses1	P	P	P		-	-	-	-	-
Bed and breakfast inn-Short-term rental (STR)	C	CP	CP		P	C	-	-	
Cottage cluster9	-	-	P						

Duplex dwelling	-	P	P	See §§ 155.255 through 155.261	-	-	-	-	
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		-	-	-	-	

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 of this chapter

2 = Permitted if child care home is part of a single-family residential use

3 = Subject to §§ 155.445 through 155.452 of this chapter

4 = Subject to the siting standards identified in the underlying zoning district

5 = Subject to § 155.451 of this chapter

6 = Subject to §§ 155.430 through 155.432 of this chapter

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

8 = Subject to §§ 155.515 through 155.518 of this chapter; 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 of this chapter

10= Subject to §§ 155.610 through 155.614 of this chapter

11= Subject to §§ 155.485 through 155.487 of this chapter

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

(Prior Code, Ch. 16.15) (Ord. 477, passed 2-22-2022)

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.

(Prior Code, §16.020.000) (Ord. 427, passed 5-16-2016; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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 in § 155.143 of this chapter:

- (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;
- (F) Short-term rentals subject to §155.056(F);
- (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.

(Prior Code, §16.020.005) (Ord. 427, passed 5-16-2016; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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 §§ 155.430 through 155.432, Home Occupations;
- (5) Fraternal lodge;
- (6) Places of worship; and
- (7) Utility facilities.

(Prior Code, §16.020.010) (Ord. 427, passed 5-16-2016; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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. 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. 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.

(c) 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.

(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.

(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.

(Prior Code, §16.020.015) (Ord. 427, passed 5-16-2016; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 155.159 PARKING REQUIREMENTS.

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

(Prior Code, §16.020.020) (Ord. 427, passed 5-16-2016; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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").

(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) 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) Developments less than five: two;
- (2) Developments less than 12: three;
- (3) Developments of 12 or greater: four; and
- (4) Single level homes for developments greater than three: 25% or more.

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

(Prior Code, §16.020.025) (Ord. 427, passed 5-16-2016; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

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.

(Prior Code, §16.025.000) (Ord. 427, passed 5-16-2016; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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 in § 155.143 of this chapter:

- (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;
- (I) Manufactured homes on individual lots, subject to §§ 155.515 through 155.518 of this chapter; ~~and~~
- (J) Short-term rentals subject to §155.056(F); and
- (K) Planned Unit Development, subject to §§ 155.601 through 155.614 of this chapter. (Prior Code, §16.025.005) (Ord. 427, passed 5-16-2016; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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 and breakfast;~~

Note: Renumber following section

(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.

(Prior Code, §16.025.010) (Ord. 427, passed 5-16-2016; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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 division (A)(1) through (A)(3) above.

(B) Lot/parcel size.

(1) Single-family detached dwelling: 5,000 square feet minimum per lot;

(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%.

(Prior Code, §16.025.015) (Ord. 427, passed 5-16-2016; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 155.179 PARKING REQUIREMENTS.

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

(Prior Code, §16.025.020) (Ord. 427, passed 5-16-2016; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 155.180 DEVELOPMENT STANDARDS.

(A) (1) 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:

(a) Dormers;

(b) Gables;

(c) Recessed entries;

(d) Covered porch entries;

(e) Cupolas;

- (f) Pillars or posts;
- (g) Bay or bow windows;
- (h) Eaves (minimum 6" projection);
- (i) Offsets on building face or roof (minimums 16");

(2) 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):

- (1) Developments less than five: two;
- (2) Developments less than 12: three;
- (3) Developments of 12 or greater: four; and
- (4) Single level homes for developments greater than three: 25% or more.

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

(Prior Code, §16.025.025) (Ord. 427, passed 5-16-2016; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

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.

(Prior Code, §16.030.000) (Ord. 427, passed 5-16-2016; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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;
- (L) Manufactured homes on individual lots, subject to §§ 155.515 through 155.518 of this chapter; ~~and~~
- (M) Short-term rentals subject to §155.056(F); and

(N) Planned Unit Development, subject to §§ 155.610 through §§ 155.614 and § 155.485 of this chapter.

(Prior Code, §16.030.005) (Ord. 427, passed 5-16-2016; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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 and breakfast;~~

***Note: Renumber list below...**

(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.

(Prior Code, §16.030.010) (Ord. 427, passed 5-16-2016; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 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.

(A) 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% 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% 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 divisions (A)(1) through (A)(3) above.

(B) 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.

(3) Townhouse dwellings: 2,000 square feet minimum per dwelling unit.

(4) Duplex dwellings and triplex dwellings: 3,000 square feet minimum per lot.

(5) Multi-family dwellings (greater than three units) and cottage cluster projects: 2,000 square feet minimum per dwelling unit.

(6) 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.

(c) 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.

(d) 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%;
- (b) Duplex and triplex: 75%;
- (c) Townhouse: 80%;
- (d) Multifamily: 80%; and
- (e) All other uses: 65%.

(Prior Code, §16.030.015) (Ord. 427, passed 5-16-2016; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 155.199 PARKING REQUIREMENTS.

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

(Prior Code, §16.030.020) (Ord. 427, passed 5-16-2016; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 155.200 DEVELOPMENT STANDARDS.

The following standards will be applied to all dwellings:

(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.

(Prior Code, §16.030.025) (Ord. 427, passed 5-16-2016; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

C-2 GENERAL COMMERCIAL DISTRICT

§ 155.235 PURPOSE.

The purpose of the C-2 District is to provide areas for the broad range of retail and service operations, as well as mixed-use developments and live/work townhomes, which are dependent upon highway accessibility and visibility.

(Prior Code, § 16.040.000) (Ord. 431, passed 10-3-2016)

§ 155.236 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/structures related to commercial, office and retail, subject to §§ 155.500 through 155.502 of this chapter;
- (B) Alcoholic beverage establishment;
- (C) Amusement enterprise, indoor;
- (D) Animal care facility;
- (E) Art studio/gallery;
- (F) Catering establishment;
- (G) Child care, certified home, if part of a single-family residential use;
- (H) Child care, registered home, if part of a single-family residential use;
- (I) Civic/governmental use;
- (J) Clinic, medical and dental, excluding marijuana-related uses;
- (K) Conference/convention center;
- (L) Drive-in/thru window;
- (M) Dry cleaners and laundry;
- (N) Franchise-disposal-service vehicle storage and repair, established as of September 2011;
- (O) Fuel sales, subject to §§ 155.445 through 155.452 of this chapter;
- (P) Funeral homes, mortuaries and taxidermist;

- (Q) Garden/greenhouse, commercial, excluding marijuana-related uses;
 - (R) Home occupations, subject to §§ 155.430 through 155.432 of this chapter;
 - (S) Hotels and motels;
 - (T) Office, business;
 - (U) Parking as primary use;
 - (V) Planned unit development, subject to §§ 155.610 through 155.614 of this chapter;
 - (W) Recycling drop-off center;
 - (X) Restaurants;
 - (Y) Retail sales and service, excluding marijuana-related uses; and
 - (Z) Vehicular sales, rental, repair and service.
- (Prior Code, § 16.040.005) (Ord. 431, passed 10-3-2016)

§ 155.237 CONDITIONAL USES; PERMITS.

(A) Conditional uses 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 C-2 District when authorized by the Planning Commission pursuant hereto:

- (1) Amusement enterprise, outdoor;
- ~~(2) Bed and breakfast;~~

*Note: Renumber list below...

- (3) Bus depot;
- (4) Child care, certified center;
- (5) Educational facility;
- (6) Extended care facility/convalescent/nursing home;
- (7) Farm/logging/lumber supply/equipment sales and service;
- (8) Fraternal lodge;
- (9) Hospital/sanitarium;
- (10) Industrial, light;

(11) Live/work townhomes shall not occupy more than 25% of front building elevation on the ground floor;

(12) Mixed-use developments shall not occupy more than 25% of front building elevation on the ground floor;

(13) Places of worship;

(14) Radio/television station/studios;

(15) Retail sales and service-single tenant over 30,000 square feet;

(16) Scientific testing/research laboratory;

(17) Storage, self-service;

(18) Storage, self-service/RV;

(19) Utility facilities;

(20) Vehicle wash;

(21) Wholesales/services;

(22) Wireless telecommunication facilities;

(23) Medical marijuana dispensary; 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

(24) Marijuana retail facility; 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, § 16.040.010) (Ord. 431, passed 10-3-2016)

§ 155.238 LIMITATIONS ON USE.

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

(B) The Commission may impose the following conditions before a building permit will be issued for the proposed development:

(1) Limit or prohibit access to streets not designated as major streets on an officially adopted plan where the principal uses along the street in the block are residential;

(2) Require sight or sound barriers; and

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

(Prior Code, § 16.040.020) (Ord. 431, passed 10-3-2016)

§ 155.239 DIMENSIONAL STANDARDS.

The following dimensional standards shall be the minimum requirements for all development in the C-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 area shall be 5,000 square feet.
- (2) The minimum lot width shall be 50 feet at the street line.

(B) Setback requirements.

- (1) Front yard: 20 feet;
- (2) Side yard:

Adjacent to a residential zone	10 feet
Adjacent to any other zone	None required
Adjacent to street	20 feet

(3) Rear yard:

Adjacent to a residential zone	10 feet
Adjacent to any other zone	None required
Adjacent to street	20 feet

(C) Height of buildings. Buildings in the C-2 District shall not exceed a height of 45 feet.

(Prior Code, § 16.040.025) (Ord. 431, passed 10-3-2016)

§ 155.240 PARKING REQUIREMENTS.

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

(Prior Code, § 16.040.030) (Ord. 431, passed 10-3-2016)

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; Ord. 477, passed 2-22-2022)

§ 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 Chapter 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; Ord. 477, passed 2-22-2022)

§ 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;
 - (M) [Short-term rentals subject to §155.056\(F\)](#); and
 - (N) 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; Ord. 477, passed 2-22-2022)

§ 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; Ord. 477, passed 2-22-2022)

§ 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 (square feet)	Min. Lot Width (square feet)	Min. Lot Depth (square feet)	Max. Lot Coverage (%)	Max. Bldg. Height (feet)	Min. Front Setback (feet) Front/Alley Loaded	Min. Rear Setback (feet) Front/Alley Loaded	Min. Side Setback (feet)	Min. Street Side Setback (feet)
TABLE NC-1 DEVELOPMENT STANDARDS									
Building Type	Min. Lot Size (square feet)	Min. Lot Width (square feet)	Min. Lot Depth (square feet)	Max. Lot Coverage (%)	Max. Bldg. Height (feet)	Min. Front Setback (feet) Front/Alley Loaded	Min. Rear Setback (feet) Front/Alley Loaded	Min. Side Setback (feet)	Min. Street Side Setback (feet)
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 large lot	7,000	55	90	60	35	15/12	15/0	5	10
Townhomes	N/A	15	50	80	45	12/10	0	0	7

- 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; Ord. 477, passed 2-22-2022)

§ 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; Ord. 477, passed 2-22-2022)

§ 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; Ord. 477, passed 2-22-2022)

Before the Planning Commission of the City of North Plains

In the matter of an application for an
updated Zoning and Development Code
City of North Plains, APPLICANT

) **RECOMMENDATION TO CITY COUNCIL**
) **22-116- Short-Term Rentals (STRs)**
) **Zoning Code Text Amendment**
) **PC Hearing Date: October 12, 2022**

Whereas, the City of North Plains initiated an update to the following Chapters of the Zoning and Development Code:

-
- 155.012 Definitions
- 155.045-155.057 Design review
- 155.143 Zoning Use Table
- 155.155-155.160 R-7.5 Low-Density Residential
- 155.175-155.180 R-5 Medium Density Residential
- 155.195-155.200 R-2.5 High Density Residential
- 155.235-155.240 C-2 General Commercial District
- 155.255-155.261 NC Neighborhood Community; and

Whereas, the Planning Commission conducted a duly-noticed public hearing, and reviewed the proposed zoning code changes and staff report at its meeting on October 12, 2022; and

Whereas, the Planning Commission considered the submitted staff report and reviewed the proposed text amendments for compliance with the North Plains Comprehensive Plan, which incorporates the Statewide Planning Goals, and

Whereas, having considered the application and the evidence in the record, the Planning Commission adopted a motion to recommend approval to the City Council of file **22-116** Zoning and Development Code Update and instructed staff to prepare findings and conclusions in a written recommendation.

Now therefore, it is hereby recommended by the North Plains Planning Commission:

The Planning Commission recommends approval to the City Council of the proposed Zoning and Development Code Amendments, based on the findings and conclusions contained in Exhibit A (attached) which the Planning Commission hereby adopts as its findings, and determines to be reasonable.



Stewart King
Chairperson

10/13/2022

Date

Zoning and Development Code Update
File# 22-116
Planning Commission Recommendation to City Council
Exhibit A FINDINGS

General Findings

1. Finding: Applications for zoning code and comprehensive plan text amendments and/or zoning map amendments require Type IV legislative reviews and decisions. The Planning Commission conducts a public hearing on the matter and forwards a recommendation to the City Council. The City Council is the City's decision-making body.
2. Finding: The proposed Zoning Code Update is applicable citywide. As such, public notice was published in a newspaper of general circulation on October 22, 2022 and was included in the City Newsletter.
3. Finding: The Zoning Code Update complies with Section 155.127 of the North Plains Zoning Ordinance, specifically subsection (A) Comprehensive Plan & Zoning Amendments Review Criteria, Text Amendment, as addressed in the staff report to Planning Commission dated October 5, 2022. The proposed code changes comply with the North Plains Comprehensive Plan and Statewide Planning Goals.
4. Finding: Procedures: In accordance with ZDO Chapter 155.032 Application Review and Procedures, on October 12, 2022, the Planning Commission conducted a public hearing to discuss and make a recommendation regarding this application.

Specific Findings based on North Plains Municipal Code (NPMC)

(Code text is **Bold**. All findings are from the Staff Report to Planning Commission)

COMPLIANCE WITH CITY OF NORTH PLAINS MUNICIPAL CODE

COMPREHENSIVE PLAN & ZONING AMENDMENTS

§155.127 Review Criteria

(A) Text Amendment

An amendment to the text of the Comprehensive Plan or this Ordinance shall be based upon a need for such an amendment identified by the City Council or the Planning Commission. Such an amendment shall be consistent with the following review criteria:

- (1) Impact of the proposed amendment on land use and development patterns within the city, as measured by:**
 - (a) Traffic generation and circulation patterns in compliance with the Transportation System Plan (TSP);**

- (b) Demand for public facilities and services, in compliance with the City utility master plans;
- (c) Level of park and recreation facilities;
- (d) Economic activities;
- (e) Protection and use of natural resources;
- (f) Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.

Finding: *The adoption of the proposed Zoning Code text amendment is a necessary factual basis for the City to review proposed land use developments. The proposed text amendments do not affect the traffic generation and circulation patterns, level of park and recreation facilities, economic activities, protection and use of natural resources or compliance with special purpose plans or programs. This standard is met.*

(2) The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.

Finding: *Oregon's 19 Statewide Planning Goals are addressed below. Though several of the goals are not applicable to the proposed zoning code text amendments, those that are applicable are responded to in detail.*

Goal 1 Citizen Involvement

The proposed changes to the Zoning and Development Code do not specifically address citizen involvement.

This land use application is subject to a City of North Plains Type IV land use review, which includes a significant citizen involvement component. This process has been established by the city and determined to be consistent with this goal. The mandatory public notice of the action and decision, and the hearings on this case before the Planning Commission and City Council are all avenues of citizen participation.

Goal 2 Land Use Planning

This statewide goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan.

The process identified above was utilized in the drafting of this proposed Zoning Code Amendment. Alternatives have been considered throughout the drafting of the proposed code language updates, including several publicly-noticed work sessions with the Planning Commission and City Council. The proposed changes are consistent with and adequate to carry out the Comprehensive Plan.

Goal 3 Agricultural Lands

This goal does not apply because the City does not include area designated for agricultural use.

Goal 4 Forest Lands

This goal does not apply because the City does not include area designated for forest use.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources

There are no proposed changes to text regarding Goal 5 open spaces, scenic and historic areas and natural resources. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 6 Air, Water and Land Resources Quality

There are no proposed changes to text regarding air, water, or land resources. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 7 Areas Subject to Natural Hazards

There are no proposed changes to text regarding areas subject to natural hazards. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 8 Recreational Needs

There are no proposed changes to text regarding recreational needs. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 9 Economic Development

There are no proposed changes to text specifically regarding economic development. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 10 Housing

The inclusion of short-term rental standards in the Zoning and Development Code legitimizes the use within the city. In some cities, short-term rentals (STRs) are so abundant so they affect the supply of workforce housing for residents. This concern was discussed by the Planning Commission and City Council. North Plains does draw some visitors and the city is currently receiving some transient lodging tax funds as administered by Washington County on the city's behalf. The number of short-term rentals that exist today and that are expected over the next few years does not have an appreciable impact on the city's housing supply. The proposed Zoning and Development Code revisions allow the city the ability to regulate STRs, including a permitting system that will help the city track the overall number of units. If at any time city staff feel that STRs in the city are having an appreciable impact on housing availability, the city will reconsider the STR standards and specifically implement limits to address the issue. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 11 Public Facilities and Services

There are no proposed changes to text regarding public facilities and services. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 12 Transportation

The Transportation Planning Rule (TPR), OAR 600-012.0060, requires that, where an amendment to a comprehensive plan or zoning regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures that assure that allowed land uses are consistent with the function, capacity, and performance standards of the facility. The proposed zoning code text amendment does not propose any changes to an existing or planned transportation facility and, as such, the proposed zoning code text amendment does not affect the transportation system of the City.

Goal 13 Energy Conservation

There are no identifiable energy consequences of this land use action. The proposed text amendments will not result in any appreciable difference in waste production or recycling compared with development under the existing zoning.

Goal 14 Urbanization

There are no proposed changes to text regarding urbanization. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 15 Willamette River Greenway

Goal 16 Estuarine Resources

Goal 17 Coastal Shorelands

Goal 18 Beaches and Dunes

Goal 19 Ocean Resources

The City is not within the plan boundary for the Willamette River Greenway, does not have any estuarine resources, and is not on the Oregon Coast, so goals 15 through 19 do not apply.

As discussed above, the proposed text amendments are generally consistent with the Statewide Planning Goals.

(3) The amendment is appropriate as measured by at least one of the following criteria:

- (a) It corrects identified error(s) in the provisions of the plan.**
- (b) It represents a logical implementation of the plan.**
- (c) It is mandated by changes in federal, state, or local law.**
- (d) It is otherwise deemed by the City Council to be desirable, appropriate, and proper.**

Finding: *The proposed text amendments generally represent a logical implementation of the Comprehensive Plan. The proposed amendment is appropriate and this standard is met.*

(4) Compliance with the statewide Transportation Planning Rule. When a development application includes a Comprehensive Plan, Zone Map or Text

Amendment, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule. "Significant" means the proposal would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a street classification, requiring traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street as identified by the City's Transportation System Plan (TSP); or
- (b) Change the standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the North Plains TSP or Comprehensive Plan; or
- (d) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance identified in the North Plains TSP or Comprehensive Plan; or
- (e) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the North Plains TSP or Comprehensive Plan.

(5) Amendments that affect Transportation Plans. Except as provided in subsection 6 Exceptions, amendments to the Comprehensive Plan or land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity and level of service of the facility identified in the North Plains TSP. This shall be accomplished by one of the following:

- (a) Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or
- (b) Amending the North Plains TSP or Comprehensive Plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or
- (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
- (d) Amending the planned function, capacity or performance standards of the transportation facility; or
- (e) Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.

(6) Exceptions. Amendments to the Comprehensive Plan or land use regulation with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the North Plains TSP or Comprehensive Plan, may be approved when all of the following criteria are met:

- (a) The amendment does not include property located in an interchange

area, as defined under applicable law;

(b) The currently planned facilities, improvements or services are not adequate to achieve the standard;

(c) The currently planned facilities, improvements or services at a minimum mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and

(d) The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid degradation to the facility.

Finding: *The proposed text amendments do not include changes to the Transportation System Plan or significantly affect a transportation facility. The proposed text amendments are in compliance with the Transportation Planning Rule.*

§155.129 Findings

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

Finding: *The City Council's final decision will include written findings. As the City is the applicant, they will have the findings.*

§155.129 Conditions

The granting of an approval of any land use action under Chapter 16.200 may be subject to such conditions as are reasonably necessary to protect the public health, safety or general welfare from potentially damaging effects resulting from approval of the permit, or to fulfill the public need for service demands created by approval of the request.

Finding: *Staff does not find it necessary to subject this decision to any conditions of approval.*

Before the City Council of the City of North Plains

In the matter of an application for adoption of)
an update to the text of the Zoning and)
Development Code regarding Short-Term)
Rentals (STRs))
City of North Plains, APPLICANT)

NOTICE OF DECISION-
22-116 Zoning and Development Code Text
Amendment
CC Hearing Date: November 7, 2022
CC Adoption Date: November 21, 2022
Effective Date: December 21, 2022

The City of North Plains ("City") initiated an amendment to the Zoning and Development Code to implement updates regarding regulations pertaining to Short-Term Rentals (STRs). The City submitted the proposed amendments to the Oregon Department of Land Conservation and Development ("DLCD") on September 7, 2022.

The North Plains Planning Commission conducted a duly-noticed public hearing and reviewed the Zoning and Development Code amendments and staff report at its meeting on October 12, 2022 and recommended approval of the proposed amendments. The North Plains City Council conducted a duly-noticed public hearing and reviewed the proposed text amendments, Planning Commission recommendation, public testimony and staff report at its meeting on November 7, 2022.

The City Council considered the application, the evidence in the record and applicable criteria for the amendments proposed in Application File No. 22-116 (Short-Term Rentals Zoning and Development Code Text Amendment). Having considered the application and the evidence in the record, the City Council duly approved File No. 22-116, conducted a first reading on November 7, 2022, conducted a second reading and adopted Ordinance 487 on November 21, 2022 with an effective date of December 21, 2022.

In support of its decision, the City Council adopted the findings and conclusions contained in the Planning Commission recommendation dated October 12, 2022 (signed October 13, 2022) as its findings, determining them to be reasonable and to constitute substantial evidence in support of the proposed amendments.

Accordingly, the Zoning and Development Code Text Amendments shall take effect pursuant to Ordinance No. 487 as signed by the Mayor of North Plains. The decision, with associated findings, is available anytime for review at northplains.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 Planning Manager Steve Miller at 503-647-5555 or visit North Plains City Hall at 31360 NW Commercial Street.

Teri Lenahan
Mayor

Date

for inspection by calling or emailing City Manager Andy Varner. Copies can be provided at a reasonable cost. The City's staff report and recommendation to the Planning Commission will be available for review no later than one week prior to the public hearing.

Failure to raise an issue in sufficient detail during the comment period or at the public hearing may preclude an appeal to the Land Use Board of Appeals or Appeals/Circuit Court on that issue. Only comments on the applicable criteria are considered relevant evidence. The hearing will be opened for presentation by the city and the applicant and then opened to the public. The hearing can be closed or continued at the discretion of the Planning Commission. If the hearing is closed, the Commission has the right to extend the time for additional information to be submitted by the public or the applicant. After the comment period closes on the final public hearing, the City shall issue a decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

File: File # 115 File # 116
 Name: Emil Chiu
 Address: 9986 NW 307th Ave, North Plains, OR 97133
 Email Address: clchiu59@gmail.com
 Date: October 12, 2022

COMMENTS (PLEASE INCLUDE AN ADDITIONAL SHEET IF NEEDED, OR SUBMIT VIA EMAIL):

file # 115
 I am the homeowner and I do not want marijuana & Psylocybin business move into our North Plains community that will provide quick & easy access to adversely harm our neighborhood and decrease the value of our homes. I am against file #115

file # 116
 I am against file #116 for the following reasons:
 - It harms and destroys small business "Bed & Breakfast Inn" and consumers lose the opportunity to enjoy this type of service.
 - short term renters are difficult to track their criminal background.
 It opens the flood gate of high crime rate, drug and human trafficking.

Submit written or verbal comments at the public hearings on October 12, 2022 at 6:00 PM; OR:

MAIL: 31360 NW Commercial Street, North Plains, OR 97133

E-MAIL: andy.varner@northplains.org

Please contact City Manager Andy Varner at (503) 647-5555 with any questions. Thank you!

Notice to mortgagee, lien holder, vendor or seller: if you receive this notice it shall be promptly forwarded to the purchaser.