

# Model Development Code & User's Guide for Small Cities, Edition 3.1

## *Volume II – Model Code*

Oregon Transportation and Growth Management Program

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This document is also available on the internet at:  
<http://www.oregon.gov/LCD/TGM/publications.shtml>

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*The contents of this document do not necessarily reflect views or policies of the State of Oregon.*

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## Introduction

### Planning in Oregon's Small Cities

Oregon is a state of small cities. In 2012, more than 80 percent of the state's 242 cities had populations of less than 10,000. A wide range of professionals and volunteers are responsible for planning and development review in these communities. The larger jurisdictions may have one or more planners on staff, while smaller towns may have only a part-time planner. In some communities, the city manager or city recorder fills the role of land use administrator/coordinator while being responsible for the many other functions of a local government. Volunteer planning commissioners in small cities often pick up much of the work that paid staff would do in larger cities. Because of limited resources, many small communities will forego needed planning unless good tools are available to them at a reasonable cost or, better yet, for free.

### Oregon's Model Development Code for Small Cities

First published in 1999, *Oregon's Model Development Code and User's Guide for Small Cities* ("Model Code") has been used widely around Oregon. The State of Oregon's Transportation and Growth Management (TGM) Program developed the model in response to numerous requests for assistance from Oregon communities. Small cities wanted consistent guidance and technical expertise in zoning, development standards, review procedures, and implementation of state planning rules and statutes.

In developing the model code, now in its Third Edition (2012), the TGM Program worked with a statewide advisory committee consisting of city officials, planning commissioners, state and regional planning agency representatives, and land use advocates, and business representatives. All agreed that small communities, or those with populations under 10,000, were most in need of a technical code reference. The model code is intended to help these cities, primarily, and in the following ways:

- ***Integrate land use and transportation planning – or plan for smart development –*** Historically, many of Oregon's small cities developed slowly in a compact, pedestrian-friendly pattern with a balance of land uses, adequate transportation, and a distinct character or sense-of-place. Then in the 1990s, some cities began to grow rapidly due to strong in-migration. Concerned about the loss of community character, increased traffic, and other growth-related problems, the cities wanted assistance in updating their codes to better manage growth. Likewise, other communities that have not grown as rapidly, or that have declining populations, have requested assistance in removing regulatory obstacles to economic development.
- ***Meet new legal requirements*** – Many of Oregon's cities have zoning and subdivision codes that are 20- to-30-years old. These communities have requested guidance in meeting new requirements under state land use statutes, administrative rules, and case law. While the Model Code does not provide a safe harbor for complying with all of the legal requirements under Oregon's complex land use system, it does provide examples and guidance on how to address some common legal issues. It is also intended to avoid regulatory takings by recommending standards and procedures that make it easier to build some types of projects in every zoning district. The model code provisions also encourage high quality design in development, which can increase property values.

- ***Provide a user-friendly, flexible model code*** – The cities wanted a one-stop reference that could be adapted to fit local characteristics and values.

## **The Third Edition**

Many Oregon cities, including those on both sides of the Cascade Mountains, and with populations ranging from under 1,000 to over 50,000, have used earlier editions of the model code. Some have completely updated their regulations based on the model, while others have updated selected chapters or sections of existing regulations.

The First Edition, published in 1999, was widely distributed around the state and nationally. It won recognition for its unified format, graphically based standards, and encouragement of Smart Development. However, after five years of use, some deficiencies became evident. The first edition lacked a complete set of definitions; it was difficult to break apart for communities that wanted to use only selected provisions; and cities that adopted parts of the model code without updating and cross-referencing existing regulations inadvertently created code conflicts. Others found some of the model regulations overly restrictive. Most agreed that the original user's guide did not adequately explain how to customize the standards, and over time the legislature had changed some of the state's planning laws, causing legal conflicts within the model code. The Second Edition (2005) addressed the above concerns, incorporated new planning best practices, and made the document easier to use and adapt to meet local needs.

The Edition 3.0 (2012) builds on the earlier versions of the model code. It provides clearer section headings; updates to planning best practices, including those related to local economic development; legal updates and improved code structure and organization; new, editable graphics; and an updated user's guide. Unlike earlier versions, the graphics labels in this version can be customized.

Of note, there are some things that the model code does not do. It does not contain a model sign code or regulations required to implement the state's natural resource or coastal planning goals. It also does not contain a template for creating a form-based code, though it does advance key tenants of New Urbanism and Smart Growth. Code standards encourage the formation and preservation of neighborhoods and districts that are compact in form, have interconnected streets, are pedestrian friendly, and offer a variety of housing options, among other goals. Similarly, the model code is not intended to reflect the state of the practice for Green Building or Sustainability, though it contains standards and recommendations promoting efficient land use, development patterns and uses that support alternatives to the automobile, resource (water and energy) conservation, and generation of renewable energy, among other goals.

Finally, while the authors have tried to address all applicable state land use requirements (as of April 2012), city officials should consult legal counsel when amending local regulations.

Edition 3.1 (November 2015) includes minor edits and clean up, but almost no substantive changes to the code. With the exception of corrections, references to state law have not been updated from Edition 3.0.

## **Before Getting Started**

Before using the model code, city staff and citizen volunteers should have a firm understanding of the community's land use and development goals. A city that is in the process of updating its

comprehensive plan (or transportation system plan) should complete that process before drafting new implementing regulations. This will help ensure that new codes reflect the community's vision and are based on policy. State law requires that land use regulations be consistent with the city's acknowledged comprehensive plan.

The following steps are recommended for city officials in preparing for a code update. (The TGM Program follows a similar process in periodically reviewing and updating the model code.)

- **Interview code users.** Talk with city staff, local developers and builders, real estate professionals, surveyors, engineers, property owners (e.g., those who have been through local land use processes), and staff from other agencies and service providers who are involved in the city's development process. These individuals can provide important input and help in clarifying problems related to existing regulations. Contacting them early in the process can also help introduce the concept of revising the city's codes in a non-confrontational manner. This should be done in one-on-one or small group meetings to encourage candid discussion. Online surveys can also be an effective way to solicit input on specific questions.
- **Appoint an advisory committee.** An advisory committee can help in vetting issues and ideas, and in reviewing draft code amendments prior to soliciting input from the broader public. The committee should include some of the stakeholders interviewed at the outset, representatives from the planning commission, and at least one city councilor. A committee of approximately 8-15 members appointed or approved by the legislative body can effectively assist city officials and decision makers by ensuring that the codes address important community issues and include perspectives from a representative cross-section of the community; reviewing and commenting on preliminary drafts of the new code; and supporting public involvement and education efforts during the code adoption and implementation. Advisory committees are typically subject to public meeting laws.
- **Review the city's existing codes.** After talking with stakeholders and identifying general code-related issues, you should compare the city's existing regulations to the model code. This will help in determining whether to create a completely new code or amend the city's existing ordinances. Technical assistance with this process is also available through the TGM Program.
- **Work program.** A complete code update work program may include the following items, as appropriate to your community:
  - Public information and education about existing ordinances;
  - Information and graphics comparing the existing ordinances to proposed amendments;
  - Public meetings, workshops, open houses, and other opportunities for public input on proposed changes;
  - Coordination with other agencies (e.g., especially if the city contracts out plan review services);
  - Public notification for code adoption hearings, including required notices under state law;

- Updated fee schedules, application forms, and any informational handouts explaining the city’s new codes and procedures for property owners;
- Training (e.g., for city officials and planning commissioners);
- Changes to other related municipal codes (e.g., system development charges, nuisances, etc.); and
- Minor modifications to the city’s comprehensive plan (e.g., enabling policies and map revisions for new or renamed zoning districts).

## How to Use the Model Code

The Model Code contains five Articles:

- **Article 1 – Introduction.** Article 1 contains updated provisions for code interpretation provisions and non-conforming uses, which are relocated from Article 4. On request of cities, the definitions section has been simplified and relocated to Article 5.
- **Article 2 – Zoning Regulations.** Article 2 contains updated zoning regulations with additional land uses and more special use standards. The design standards for specific types of development are relocated to Article 3, consolidating all design standards in that article.
- **Article 3 – Community Design Standards.** The design standards have been updated and reorganized to make the document easier to use. Article 3 now has an “applicability table,” which should help explain when design standards apply to new development. Article 3 is supported by a new library of code graphics, editable in Adobe Acrobat Standard or Professional.
- **Article 4 – Application Review Procedures and Approval Criteria.** Article 4 is updated consistent with changes made to other articles and to address current statutes and administrative rules as of April 2012. The criteria for site design review are updated and those for variances have been simplified. This version of the model code also contains procedures for adjustments, an alternative to variances. The design standards for subdivisions, previously contained in Article 4, are relocated to Article 3.
- **Article 5 – Definitions.** The definitions have been relocated from Article 1, updated, and streamlined.

The code is organized into chapters under each article. Under each chapter are code sections with regulations. The regulations typically provide a purpose statement, applicability statement, and standards. Some sections also contain approval criteria, which the approval body uses in determining when a standard has been met.

### User’s Guide

In addition to the above updates, the model code contains new User’s Guide comments in easily identifiable text boxes. The User’s Guide is intended to guide the reader and assist in drafting or amending local regulations. These boxes can also be used to insert city staff’s comments, for example, to assist decision makers in reviewing draft code provisions. In addition, the Appendix (following this introduction) contains a list of technical resources, including a

#### Read These! Use Them!

**User’s Guide:** These boxes provide background on specific standards, point out key issues, requirements, or options, and offer other guidance.

Transportation Planning Rule checklist, for city officials to use in updating local codes. Because the Appendix and commentary are not part of the code, they must be removed before finalizing codes for adoption.

The *[italicized and bracketed text]* within the regulations indicates a range of options or places where city officials must customize the model code. For example, a reference to “[city official]” would need to be replaced with the appropriate city official title. Where the model code provides a range of numerical standards (e.g., setbacks, building heights, lot sizes), cities should tailor the standards based on existing conditions in the community. Where slashes (“/”) separate two or more options, cities are to choose an option or insert their own terminology (e.g., public hearing before the *[Planning Commission / City Council]*). The punctuation provided is meant to support each option, but it too must be reviewed and edited as cities prepare own their codes.

The model code options are limited only by space. Many other possibilities exist, and users of the document should carefully consider the needs of their community and applicable law in tailoring the regulations.

### Overview and Getting Started

Graphics for the Oregon Model Code are available for download as a zip file. Graphics are intended to supplement and clarify the Model Code text. Users can select which graphics they want to include in local code documents. The PDF graphics files are named according to chapter sections and subsections in the Oregon Model Code. Example:

3.2.040\_BuildingOrientation\_Commercial.pdf corresponds to Article 3, Chapter 2, Section 040.

Files are optimized for **Adobe Acrobat Professional** and **Adobe Acrobat Standard**. These versions allow a user to view, create, manipulate, print, and manage the graphics files in Portable Document Format (PDF). Adobe Acrobat Reader will allow users to view the graphics and fill in the form fields (e.g., edit standards); however, Professional or Standard is required to save the files and to manipulate the following features:

- Text Labels – adjust measurements, terminology, text appearance, and size
- Footer Text – enter name of city, code title, page #, and date
- Header Text – revise section numbers, chapter names, etc.

*Note: Page numbers may need to be edited to reflect correct chapter pagination. See suggested graphic pages placeholders in Model Code Word files.*

### Saving Customized PDFs

Once the text labels, footer, and header information have been edited, the file can be saved and renamed, as needed, to preserve updated information. Final versions of the PDFs *without* editable form fields (for inclusion within your finished code document) can be saved by printing the document to PDF as follows: Select PRINT>choose Adobe PDF as the printer device>SAVE PDF file in a new folder location.

Hint: Create a folder system to separate versions of the graphics files (i.e., “Working Editable Form PDFs” and “Final PDFs for Code Document”). This way it is easy to determine the file

location for both editing purposes and inserting final pages into the Model Code. Use a file naming system that keeps the graphics well ordered and easy to locate.

### How to Edit the Graphics Pages:

Advanced editing tools available in Adobe Acrobat Professional and Adobe Acrobat Standard allow you to adjust and customize some features on the OMC graphics pages. A more complete discussion of these tools can be found online on the Adobe Acrobat Professional or Standard homepages.

Below are some instructions you will likely need in working with the OMC graphics files:

#### **1. Editing and adjusting text in drop-down form fields:**

- Form field boxes with drop-down arrow buttons allow you to click in and type any text you choose. The default text is an example of appropriate text for the graphic. Place the cursor anywhere in the form field, click into it, and you should be able to adjust the text. You can select all or some of the default text, delete, and edit to your preference. Press Enter to escape from the form field.
- If the text you entered is too long to fit the default form field box, or if you want to reposition the location of the form field on the page, do the following:
  - In the FORMS menu, click on "Add or Edit Fields" (also, Shift+Ctrl+7). Now you are in active editing mode.
  - In active editing mode, you will see that the form fields are outlined in black. When your mouse hovers over the box, you should see side and corner handles.
  - With your mouse, click and pull on the side and/or corner handles to adjust the size of the form field box. Adjust the position as needed by selecting the form field, and either nudging it with the arrow keys or dragging it with the mouse.
  - If you want to make two or more form fields align, select the form fields with your mouse, right click, and select "Align." You can choose left, right, center, etc.
  - Make sure all your text is visible on screen within the form field. Keep in mind that although the field arrow button is visible on screen, it will not print on the page.
- If you come across a form field box that won't move or adjust when you are in active editing mode, it may be locked. To unlock it, see explanation below:
  - Once you have the form fields positioned and your text entered correctly, you can lock the field by either right or double-clicking on the form field to get to the Properties dialogue box. On the "General" tab, check the box labeled "Locked" in the lower left-hand corner.
  - Locking the form field "freezes" it in place. Unlocking a locked form field allows it to be repositioned, rotated, resized, deleted, etc.

- In addition to locking and unlocking form fields, there are other options in the Properties dialogue box that let you customize the text appearance (e.g., font, size, boldness, rotation, etc.). Explore and use these tools as needed.
- To exit active editing mode, click on FORMS>Close Form Editing (or Shift+Ctrl+7).

## **2. Editing and adjusting text using Acrobat's Advanced Editing Tools:**

- You may find you want to make minor adjustments to text in the header title that was generated in MS Word.
- Before you begin, make sure you are NOT in active editing mode. To exit active editing mode, click on FORMS>Close Form Editing (or Shift+Ctrl+7).
- Go to TOOLS>Advanced Editing>Touch Up Text Tool.
- Your cursor will appear and you should be able to click into the header text and select, delete, and edit as needed. Be aware that the Touch Up Text Tool works best for making minor edits to text within the same line. If you do make changes, aim to keep the word count the same or less when using this tool.
- Remember, this tool does not allow you to edit form field text. Refer to directions above to edit form field text.
- To exit out of the Touch Up Text Tool, go to TOOLS>Advanced Editing and click Select Object Tool. Now you can return to editing form fields or move onto the next graphic.

## **3. Adding new form fields:**

- You may find you want to add additional labels or text to the graphic. You can do this in active editing mode (Shift+Ctrl+7).
- Notice how each of the form fields has a name visible in white lettering (e.g., "Label 1," "Dim 2," etc.). If you want to create a new form field with unique text not already present on the graphic page, you will need to make sure that the name of the form field is also unique. Do the following:
  - Select an existing form field from the graphic and COPY (Ctrl+C) and PASTE (Ctrl+V) it onto the page. A form field identical to the one copied will appear.
  - Next, either right or double-click on the form field to get to the Properties dialogue box. In the General tab, you will see the name of the form field (e.g., "Label 3"). Change the name of the form field to something unique to the file (e.g., "Label 4," etc.).
  - Exit from active editing mode (Shift+Ctrl+7). Now you should be able to click into the new form field and change the text.
- There are other ways to create new form fields, but copying and pasting from existing form fields retains the properties of the text that you would otherwise have to select manually in the Properties dialogue box.

#### 4. Inserting graphics pages into your code document:

- Once the code text is finalized in MS Word, you will know the last page number for each chapter subsection. Placeholder graphics pages are already included at the end of each chapter subsection. These pages will be replaced with the PDF graphics pages.
- Delete any placeholder pages that you will **not** be replacing with graphics pages in MS Word so the page number count remains accurate.
- Update the page number form fields in the graphics pages based on where the chapter subsection ends in the text document. For example, if the last page in Chapter 3.2.030 is 3-12, your first graphics page for that subsection will be numbered 3-13, and so forth.
- Once the code text document is finalized in MS Word, print the document to a PDF:
  - Select PRINT>choose Adobe PDF as the printer device>SAVE PDF file in a folder location.
- From the code text PDF, delete the graphics placeholder pages:
  - From the Document menu, select Extract Pages>Delete pages after extracting. Specify the page numbers of placeholder pages you want to delete.
- Insert the final PDF graphics pages in their place.
  - From the Document menu, select Insert Pages>Insert from file. Navigate to the folder with the final graphics PDFs and select the appropriate graphics PDF page.
- Repeat these steps to insert all the graphics pages you want to include in your code document.

## Appendix

1. TGM Model Code Evaluation
2. References
3. Urban Land Use Statutes and Administrative Rules
4. Transportation Planning Rule Code Revisions Checklist



## Appendix 2 – References

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### References

[American Planning Association](#)  
[American Public Transportation Association](#)  
[Congress for New Urbanism](#)  
[Federal Highway Administration](#)  
[Federal Transit Administration](#)  
[League of Oregon Cities](#)  
[Local Government Commission](#)  
[Metro](#)  
[National Association of Realtors](#)  
[National Center for Bicycling and Walking](#)  
[National Transportation Enhancements Clearinghouse](#)  
[Oregon Bicycle/Pedestrian Program](#)  
[Oregon Department of Land Conservation & Development](#)  
[Oregon Department of Aviation \*Airport Land Use Compatibility Guidebook\*](#)  
[Oregon Department of Transportation](#)  
[ODOT Development & Planning](#)  
[Oregon Transportation Enhancements Program](#)  
[Oregon Transportation and Growth Management Program](#)  
[Oregon Transportation and Growth Management Program Publications](#)  
[Project for Public Spaces](#)  
[Rails to Trails Conservancy](#)  
[Reconnecting America](#)  
[Smart Growth America](#)  
[Smart Growth Network/U.S. EPA](#)  
[Surface Transportation Policy Project](#)  
[Transportation Research Board](#)  
[Urban Land Institute](#)  
[Walkable Communities, Inc.](#)  
[Walking in Washington - Washington State Department of Transportation \(\*Pedestrian Facilities Guidebook: Incorporating Pedestrians into Washington's Transportation System\*\)](#)

## Appendix 3 – Urban Land Use Statutes and Administrative Rules

### Statutes

ORS 92.830 - 92.845	Subdivision of manufactured dwelling or mobile home park
ORS 195.110 – 195.115	School Facility Planning
ORS 195.110(4)(b), (c)	Notice of plan or land use regulation amendments that significantly impacts school capacity.
ORS 195.110(11)	School capacity may not be sole basis for decision on residential development application.
ORS 197.195	Limited land use decision
ORS 197.200	Refinement plans
ORS 197.295 – 197.314	Needed Housing in Urban Growth Areas
ORS 197.303	Definition of needed housing
ORS 197.307	Clear and objective standards and conditions required; two-track process permitted.
ORS 197.314	Manufactured homes on individual lots
ORS 197.360 – 197.380	Expedited Land Divisions
ORS 197.475 – 197.490	Mobile home and manufactured dwelling park siting
ORS 197.610 – 197.650	Post-Acknowledgment Procedures
ORS 197.610(1), (2)	45-day notice to DLCD
ORS 197.615	Copies of local adopted text amendments and findings to DLCD
ORS 197.626	Copy of UGB expansion to LCDC.
ORS 197.646	Local implementation of new or amended goals, rules, or statutes.
ORS 197.660 – 197.670	Residential homes and facilities
ORS 197.752	Concurrency requirement
ORS 197.763	Conduct of quasi-judicial land use hearings
ORS 197.764	Application to remove land from UGB
ORS 197.772	Consent for designation of historic property
ORS 227.100, 227.110	Review and approval of subdivision and vacation plats
ORS 227.160 – 227.187	Planning and zoning hearings and review procedures and rules, including:
ORS 227.178	120-day rule
ORS 227.186	Measure 56 notice
ORS 227.215 –227.300	Development ordinances and their enforcement
ORS 227.500	Zoning of land used for religious activity (RLUIPA)

**Statutes (continued)**

ORS 443.400	Residential facilities and homes defined
ORS 443.705 – 443.715	Adult foster home defined
ORS 443.760	Application of single-family dwelling code requirements
ORS 446.003	Mobile Home and Manufactured Dwelling Parks – definitions
ORS 446.310	Tourist Facilities – definitions
ORS 446.440	Mobile home or manufactured dwelling park is not a condominium for local zoning and planning purposes

**Administrative Rules**

OAR 660-007	Metropolitan Housing
OAR 660-007-0005	Definitions
OAR 660-007-0015	Clear and Objective Approval Standards Required
OAR 660-008	Housing (Interpretation of Goal 10)
OAR 660-008-0005	Definitions
OAR 660-008-0015	Clear and Objective Approval Standards Required
OAR 660-012	Transportation Planning Rule
OAR 660-012-0005	Definitions
OAR 660-012-0045	Implementation of the TSP
OAR 660-012-0060	Plan and Land Use Regulation Amendments; Multi-Modal Mixed Use Centers
OAR 660-018	Plan amendments
OAR 660-018-0010	Definitions
OAR 660-018-0020	45-day notice to DLCD
OAR 660-018-0040, 0045	Submittal of adopted amendments to DLCD
OAR 660-018-0050	Notice to Other Parties
OAR 660-018-0060	Who May Appeal

## Appendix 4 – Transportation Planning Rule (TPR) Code Checklist

*(Not all provisions will apply to all jurisdictions. For specific requirements, please consult the relevant code implementation provisions of the Transportation Planning Rule in OAR 660-012-045 and 660-012-060.)*

1. Land Use Regulations to Protect Facilities, Corridors, and Sites
  - a. Access control consistent with functional classifications
  - b. Standards to protect future operation of roads, transit
  - c. Measures to protect public airports
  - d. Process for coordinated review of actions affecting facilities, corridors, sites
  - e. Process to apply conditions to development to minimize impacts and protect facilities, corridors, and sites
  - f. Notice to public agencies, Metropolitan Planning Organizations (MPOs), and ODOT
    - i. Land use applications requiring public hearings
    - ii. Land divisions
    - iii. Applications affecting access to roads
    - iv. Applications within airport noise corridors and imaginary surfaces
  - g. Changes to zoning, densities, design standards consistent with the Transportation System Plan (TSP)
  
2. Land Use Regulations for Pedestrian, Bike, and Vehicle Circulation
  - a. Bike parking with multifamily, retail, office, institutional, transit stations, and park & ride uses
  - b. On-site facilities for bike and pedestrian access
    - i. From within subdivisions, multifamily residential, planned unit developments (PUDs), shopping centers, commercial districts
    - ii. To adjacent residential areas, transit stops, and activity centers within 1/2 mile
    - iii. Activity centers: schools, shopping, transit stops, employment centers, etc.
    - iv. Sidewalks required along arterials, collectors, most local streets
    - v. Cul-de-sacs only where constraints make connections impracticable
  - c. Safe and convenient route for bikes/pedestrians means:
    - i. Reasonably free of hazards/conflicts with autos
    - ii. Reasonably direct route of travel
    - iii. Meets travel needs: optimal pedestrian trip within 1/4 mile or not more than 1/2 mile
  - d. Internal pedestrian circulation in office parks/commercial developments
  
3. Transit Supportive Development
  - a. >25,000 pop. with existing transit or where future system feasible
  - b. Support transit by enabling bus stops, pullouts, shelters, road geometry, etc.
  - c. Retail, office, institutional buildings provide convenient access to transit
    - i. Walkways connecting streets to buildings
    - ii. Connections except where impracticable: 045(3)(b)(E)
    - iii. At major transit stops
      1. Buildings within 20 feet or provide pedestrian plaza

2. Reasonably direct connection to buildings
3. Accessibility for disabled persons
  4. Easement or dedication for shelter if transit provider requests
  5. Lighting
- iv. Pedestrian districts (optional)
  - v. Employee parking must provide van/carpool preference
  - vi. Redevelopment for transit facilities shall be allowed
  - vii. Roads for new development shall provide for transit
4. Reduce Reliance on Automobiles – MPOs must:
  - a. Allow transit-oriented development (TOD) along transit routes
  - b. Implement demand management program
  - c. Implement parking plan
    - i. 10% reduction in spaces per capita over planning period
    - ii. Minimum and maximum standards
  - d. Work with industrial, institutional, retail, and office owners to provide transit stop or pedestrian connection to transit stop when requested
5. Local Street Standards
  - a. Minimize pavement width and total right of way
6. Multi-Modal Mixed Use Centers (OAR 660-12-0060)
  - a. Option for waiving ODOT mobility standards in areas that meet criteria

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**ARTICLE 1 — INTRODUCTION AND GENERAL PROVISIONS**

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# Article I — Introduction and General Provisions

## Chapters:

- 1.1 Introduction
- 1.2 Title, Purpose, and General Administration
- 1.3 Lot of Record and Legal Lot Determination
- 1.4 Non-Conforming Situations
- 1.5 Code Interpretations
- 1.6 Enforcement

**Users Guide:** Consult your city recorder and city attorney regarding codification requirements. Options include repealing existing zoning and subdivision ordinances and adopting one ordinance that is a chapter (or title) of your existing municipal code, or adopting a separate ordinance that is incorporated into the municipal code by reference but has its own numbering.

## Chapter 1.1 — Introduction

The City of [name] Development Code (“Code”) is administered by the [City Official] or his or her designee. The Code regulates land use and development within the City of [name] (“City”), and is organized as follows:

**Article 1.** Article 1 describes the title, purpose, authority, organization, and general administration of the Code. Article 1 also explains how City officials interpret and enforce code requirements.

**Article 2.** Article 2 contains the zoning regulations. Zones are designated by the City of [name] Zoning Map, consistent with the City of [name] Comprehensive Plan. The zoning regulations specify allowed land uses, and lot and development standards that are specific to particular land uses or zones. Before commencing a new use or development, changing an existing use or development, or applying for a building permit, the property owner [should verify the City’s zoning requirements. / shall complete a Zoning Checklist pursuant to Section 4.1.020.]

**Article 3.** Article 3 contains the City’s development design standards, including requirements for street access; pedestrian and vehicle circulation; parking; landscaping, screening, fences, and walls; outdoor lighting; adequate transportation, water, sanitary sewer, and storm drainage facilities; and utility requirements. Article 3 applies to all development, including land divisions and projects for which no land use application or review is required. Article 3 is supported by the more detailed engineering design standards in the City’s [Public Works Design Manual / Engineering Design Standards Manual].

**Article 4.** Article 4 contains the City’s application requirements and review procedures for land use and development decisions, including, but not limited to, procedures for land divisions, property line adjustments, conditional use permits, site design review, master planned developments, and variances.

**Article 5.** Article 5 contains definitions and other exhibits that the City uses in interpreting and administering the Code. For example, where Article 2 contains a general list of land uses allowed in each zone, Article 5 provides examples of uses that are consistent with each general category.

## Chapter I.2 — Title, Purpose, and Authority

### Sections:

Section I.2.010 Title

Section I.2.020 Purpose

Section I.2.030 Compliance and Scope

Section I.2.040 Rules of Code Construction

Section I.2.050 Development Code Consistency with Comprehensive Plan and Laws

Section I.2.060 Development Code and Zoning Map Implementation

Section I.2.070 [*Zoning Checklist and*] Coordination of Building Permits

Section I.2.080 Official Action

### **I.2.010 Title**

The official name of this [*Code / Title*] is “The City of [*name*] Development Code.” It may also be referred to as “Development Code” and “Code.”

### **I.2.020 Purpose**

This Code is enacted to promote the public health, safety, and welfare; and to encourage the orderly and efficient development and use of land within the City of [*name*], consistent with the City of [*name*] Comprehensive Plan and the following principles:

- A. Compact Development**, which promotes the efficient provision of public services and infrastructure;
- B. Mixed-Use**, which places homes, jobs, stores, parks, and services within walking distance of one another;
- C. Full Utilization of Urban Services** (e.g., water, sewer, storm drainage, parks, and transportation facilities), which maximizes the return on public investments in infrastructure;
- D. Transportation Efficiency**, or development of an interconnected street system supporting multiple modes of transportation, which yields more direct routes (shorter distances) between local destinations, conserves energy, reduces emergency response times, and provides alternatives to the automobile for those who are unable or choose not to drive a car;
- E. Human-Scale Design**, or development in which people feel safe and comfortable walking from place to place because buildings, streetscapes, parking areas, landscaping, lighting, and other components of the built environment are designed foremost with pedestrians in mind;
- F. Environmental Health**, which requires adequate light and air circulation, management of surface water runoff, and treatment and disposal of waste; and
- G. Efficient Administration of Code Requirements**, consistent with the needs of [*the City of (name), a small city with limited administrative capacity*].

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## 1.2 – Title, Purpose, and Authority | Compliance and Scope

### 1.2.030 Compliance and Scope

- A. Compliance with the Development Code.** No structure or lot shall hereinafter be used, developed, or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or otherwise altered except as permitted by this Code. Furthermore, *[annexations and]* amendments to the Zoning Map, and amendments Development Code shall conform to applicable provisions of this Code.
- B. Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons' successors in interest.
- C. Transfer of Development Standards Prohibited.** Except as otherwise specifically authorized by this Code, no lot area, yard, landscaping, or open space that is used to satisfy a requirement of this Code for one use shall be used to satisfy the same requirement for another use.

### 1.2.040 Rules of Code Construction

- A. Provisions of this Code Declared to be Minimum Requirements.** The provisions of this Code, in their interpretation and application, are minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. Highest standard or requirement applies.** Where as the requirement of this Code varies from another provision of this Code or with other applicable regulations, the highest standard or regulation shall govern. The *[City Planning Official or Planning Commission]*, as applicable, shall determine which Code provision sets the highest standard. Where the applicability of a Code provision is unclear, the *[Planning Official or Planning Commission, or upon referral the City Council,]* may issue a formal interpretation pursuant to Chapter 1.4 Interpretation.
- C. Tenses.** Words used in the present tense include the future; the singular form includes the plural; and the plural includes the singular.

**User's Guide:** With regard to optional subsections D and E, below, cities are required to provide clear and objective standards for needed housing under ORS 197.303 – 197.307. Where guidelines are used (e.g., commercial or historic design), the code should be tailored to the local context and the needs of community.

**[D. Requirements versus Guidelines.** *The use of the word “shall,” “must,” “required,” or similar directive terms, means the Code provision is a requirement. The use of the word “should,” “encouraged,” “recommended,” or similar terms, means the provision is a guideline, which may be imposed as a requirement but only where the applicable code criteria allow the (City decision-making body) to exercise such discretion.]*

**[E. Interpreting Illustrations.** *This Code contains illustrations and photographs, code “graphics,” which are intended to serve as examples of development design that either meet or do not meet particular Code standards. Except where a graphic contains a specific numerical standard or uses the word “shall,” “must,” “required,” or “prohibited,” strict adherence to the graphic is not required.]*

- F. Severability.** The provisions of this Code are severable. If any section, sentence, clause, or phrase is judged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Code.

### 1.2.050 Development Code Consistency with Comprehensive Plan and Laws

- A. City of [name] Comprehensive Plan.** This Code implements the City of [name] Comprehensive Plan. Except as otherwise required by applicable state or federal law, all provisions of this Code shall be construed in conformity with the Comprehensive Plan, including any Comprehensive Plan elements or public facility master plans, adopted pursuant to the Comprehensive Plan.
- B. Compliance with Other Laws Required.** In addition to the requirements of this Code, all uses and development must comply with all other applicable City, State of Oregon, and federal rules and regulations.
- C. References to Other Regulations.** All references to other City, state, and federal rules and regulations are for informational purposes only and do not constitute a complete list of such requirements. The references do not imply any responsibility by the City for enforcement of state or federal regulations. Where a proposal, permit, or approval is subject to both City of [name] requirements and state or federal requirements, the property owner is responsible for contacting the applicable agencies and complying with their rules and regulations.
- D. Current Versions and Citations.** All references to the regulations of other jurisdictions refer to the most current version and citation for those regulations, except where this Code, City Council policy, or applicable law require otherwise. Where a referenced regulation has been amended or repealed, the City Planning Official, Planning Commission or, upon referral, the City Council, shall interpret this Code and, based on adopted City policy, determine whether an equivalent standard applies. Such determinations, unless made through a legislative process, may be appealed to City Council.

### 1.2.060 Development Code and Zoning Map Implementation

- A. Zoning of Areas to be Annexed.** Concurrent with annexation of land to the City of [name], the City Council [*, upon considering the recommendation of the Planning Commission,*] shall enact an ordinance applying applicable zoning designation(s) to the subject land, pursuant to Chapter 4.6. The Comprehensive Plan shall guide the designation of zoning for annexed areas.
- B. Land Use Consistent With Development Code.** Land and structures in the City of [name] may be used or developed only in accordance with this Code, including all amendments thereto. A lawful use of land (“use”) is one that is permitted in accordance with this Code, or is allowed as a legal non-conforming use, pursuant to Chapter 1.4, provided state or federal law does not prohibit the use.
- C. Development Code and Zoning Map.** The City’s Official Zoning Map (“Zoning Map”), which may be published, amended, and filed separately from this Code, is part of this code. The zoning districts depicted on the Zoning Map correspond to the zoning districts in this code. In addition, this Code may contain zoning regulations for special areas (i.e., overlay zones), and for certain uses or structures that do not appear on

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## I.2 – Title, Purpose, and Authority | Development Code and Zoning Map Implementation

the Zoning Map.

- D. Interpreting the Zoning Map.** Except as otherwise specified by this Code, the City’s zoning boundaries are as designated on the Official Zoning Map, which is kept on file at City Hall. The City may adopt and publish supplemental zoning maps where it is impractical to illustrate all regulated features on one map. Examples of regulated features include, but are not limited to, historical landmarks, special street setbacks, base flood (flood plain) elevation, local wetland inventories, and specific area plans. In addition, the City may require field verification and mapping (e.g., survey) of a regulated feature as part of a development application, where the feature is thought to exist on or adjacent to the subject property but its exact location is unknown.
- E. Boundary Lines.** Zoning district boundaries are determined pursuant to Section 2.1.030.
- F. Changes to Official Zoning Map.** Proposed changes to the Official Zoning Map are subject to review and approval under Chapter 4.6 Amendments.

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## 1.2 – Title, Purpose, and Authority | *[Zoning Checklists and]* Coordination of Building Permits

### 1.2.070 *[Zoning Checklists and]* Coordination of Building Permits

- A. Land Use Approvals and Building Permits.** Land use and building approvals are processed by two City officials: The *[designated]* Building Official administers building codes *[including floodplain regulations,]* and issues building permits; and the *[Planning Official]* administers the Development Code, processes land use approvals, and coordinates with the *[designated]* Building Official on development and building projects to ensure compliance with the Development Code.
- B. Zoning Compliance Required for Building Permits.** A building permit shall not be issued until the *[Planning Official]* has confirmed that all applicable requirements of this Code are met, or appropriate conditions of approval are in place to ensure compliance.
- [C. Zoning Checklist.** *Where a Zoning Checklist is required prior to issuance of a building permit, pursuant to Section 4.1.020, the Planning Official through a Type I procedure shall review the project proposal. The Building Official shall not issue any building permit without an approved Zoning Checklist for the project. If in reviewing the project proposal the Planning Official determines that other permits or approvals are required before development may commence, or a building permit may be issued, the Planning Official shall advise the applicant in writing, accordingly. See Article 4 Application Requirements, Administrative Procedures, and Approval Criteria.]*

### 1.2.080 Official Action

- A. Official Action.** The City of *[name]* *[Planning Official, Planning Commission, (Hearings Officer,) and City Council]* are vested with authority to issue permits and grant approvals in conformance with this Code, pursuant to Article 4 Application Requirements, Administrative Procedures, and Approval Criteria. City officials shall issue no permit and grant no approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this Code.
- B. Void Future Actions.** Any permit or approval issued or granted in conflict with the provisions of this Code shall be void, unless the City modifies it in conformance with the Code. The *[Planning Official]* shall determine when an approval is void and, as applicable, he or she shall refer it back to the decision body for modification to ensure Code compliance.
- C. Referral to Planning Commission.** In addition to those actions that require Planning Commission approval, the *[Planning Official]* may refer any question or permit request to the Planning Commission, who then shall take action on the request pursuant to the applicable provisions of this Code. See also, Chapter 1.5 Code Interpretations and Article 4 Application Requirements, Administrative Procedures, and Approval Criteria.
- D. Notices, Filing, and Validity of Actions.** The failure of any person to receive mailed notice or failure to post or file a notice, staff report, or form shall not invalidate any actions pursuant to this Code, provided a good faith effort was made to notify all parties entitled to such notice report, or form. See Chapter 4.1 General Review Procedures.

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## 1.3 – Lot of Record and Legal Lot Determination

### Chapter 1.3 — Lot of Record and Legal Lot Determination

#### Sections:

- 1.3.010 Purpose and Intent
- 1.3.020 Criteria
- 1.3.030 Legal Lot Determination Procedure

**User's Guide:** The lot of record procedure is per state statute. Local jurisdictions may adopt local procedures for lot of record determinations, provided they are not in conflict with ORS 92.010 to 92.190.

#### **1.3.010 Purpose and Intent**

The purpose of Chapter 1.3 is to establish criteria and a process for determining when a lot of record exists for the purpose of allowing a use or development on a non-conforming lot (e.g., substandard lot that does not meet lot area, setback, or coverage regulations). The owner of a lot of record shall not be denied development of one single-family dwelling per lot of record, provided applicable building codes are met. The City shall accept a legal lot determination as sufficient evidence of a hardship for purposes of approving a variance under Chapter 4.7.

#### **1.3.020 Criteria**

A lot of record is a plot of land that meets one or more of the following criteria, pursuant to ORS 92.010 through 92.190:

- A.** The plot of land was lawfully created through a subdivision or partition plat in *[name]* County prior to annexation to the City of *[name]*.
- B.** The plot of land was created through a deed or land sales contract recorded with *[name]* County *[prior to (date) / before the City or County, as applicable, adopted planning, zoning, subdivision or partition regulations]*.
- C.** The plot of land was created through a deed or land sales contract recorded with *[name]* County prior to January 1, 2007 and the subject plot of land would have complied with the applicable planning, zoning, subdivision, or partition regulations in effect at the time it was created.

#### **1.3.030 Legal Lot Determination Procedure**

The *[Planning Official / Planning Commission]*, through a *[Type II / Type III]* procedure, shall process requests to validate a lot of record, pursuant to ORS 92.010 to 92.190.

## Chapter I.4 — Non-Conforming Situations

### Sections:

- I.4.010 Purpose and Applicability
- I.4.020 Non-conforming Use
- I.4.030 Non-conforming Development
- I.4.040 Non-conforming Lot

**User’s Guide:** Chapter I.4 should be customized to address the types of non-conforming uses and code violations that exist in a community. First, a city should consider whether its current land use standards are appropriate. If some code conflicts are so common that property owners routinely ask for and are granted variances, then that standard (e.g., setback, lot size, etc.) should be amended. Where non-conforming uses are common and predate current zoning regulations (e.g., single-family dwellings in a downtown zone), consider permitting those uses subject to a cutoff date, provided they were lawfully established when constructed.

The limitations on expanding non-conforming uses, and the requirement that “discontinued” uses after a certain period of time not be resurrected, should also be customized to community. A basic land use inventory and some spot measurements from representative neighborhoods or developments can be helpful in educating the community about non-conforming uses and in establishing numerical standards and thresholds for this chapter.

### **I.4.010 Purpose and Applicability**

Chapter I.4 provides standards and procedures for the continuation of uses and developments that are lawfully established but do not comply with current Code standards (“non-conforming situations”). The Code is intended to protect public health, safety, and general welfare, while allowing reasonable use of private property. The chapter contains three sections, as follows:

- A. Non-conforming uses** (e.g., industrial use in residential zone) are subject to Section I.4.020.
- B. Non-conforming developments** (e.g., structure does not meet setback or height standards) are subject to Section I.4.030.
- C. Non-conforming lots** (e.g., lot is smaller than minimum area standard) are subject to Section I.4.040.

### **I.4.020 Non-conforming Use**

Where a use of land exists that would not be permitted under the current Code, but was lawful at the time it was established, the use may continue, provided it conforms to the following requirements:

- A. Expansion of Non-conforming Use Limited.** Expansion of a non-conforming use shall not exceed [20-50] percent of the subject site or building, and not more than [500-5,000] square feet of building area (footprint or floor area), cumulatively, whichever is less, that existed as of [cutoff date]. [Expansion of a non-conforming use requires approval of a Conditional Use Permit under Chapter 4.3.]

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## 1.4 – Non-Conforming Situations | Non-conforming Uses

- B. Location of Non-conforming Use.** A non-conforming use shall not be moved in whole or in part from one lot to another lot, except as to bring the use into conformance with this Code.
- C. Discontinuation or Abandonment of Non-conforming Use.** *[Except as provided by Section 1.4.020.E]*  
A non-conforming use that is discontinued for any reason other than fire or other catastrophe beyond the owner's control for a period of more than *[number text (12-18)]* months shall be deemed abandoned and shall no longer be an allowed use. For purposes of calculating the *[number text (12-18)]* month period, a use is discontinued when:
1. the use of land is physically vacated;
  2. the use ceases to be actively involved in the sale of merchandise or the provision of services; for example, as evidenced by the removal of signs, goods, stock, or office equipment, or the disconnection of telephone or utility service;
  3. any lease or contract under which the non-conforming use has occupied the land is terminated;
  4. a request for final reading of water and power meters is made to the applicable utility districts;
  5. the owner's utility bill or property tax bill account became delinquent; or
  6. an event occurs similar to those listed in subsections 1-5, above, as determined by the Planning Commission.
- D. Application of Code Criteria and Standards to Non-conforming Use.** Once the City deems a use abandoned pursuant to subsection 1.4.020.C, any subsequent use of the subject lot shall conform to the current standards and criteria of this Code. After the City has deemed a non-conforming use abandoned, the use shall not be allowed to resume, in whole or in part, under the same or different ownership or management; any such activity is a violation of this Code and subject to enforcement proceedings under Chapter 1.6.
- E. Extension of Non-Conforming Status for Discontinued Use.** Notwithstanding the provisions of subsection 1.4.020.C, a non-conforming use that is discontinued shall not be considered abandoned where, through a Type III procedure, the Planning Commission approves an extension for repair, including as applicable ongoing, active renovation and efforts to lease the subject property. The owner must request the extension within the six-month period of discontinuance.

### I.4.030 Non-conforming Development

**User's Guide:** Section I.4.030 provides flexibility where existing developments do not conform to current code standards. For example, historic areas often have small lot sizes, mixed land uses, less parking, and smaller setbacks than areas developed under current standards. Where existing development predates modern zoning, cities should allow greater flexibility for new construction and alterations to existing development.

Section I.4.030 regulates non-conforming development. Non-conforming development includes situations where a development exists on the effective date of adoption or amendment of this Code that could not be built under the terms of the Code today, for example, by reason of restrictions on lot area, lot coverage, location on a lot, setbacks, height, yard, equipment, access, parking, landscaping, or other physical restriction or requirement. If the development was lawful when constructed, it may remain on the site so long as it remains otherwise lawful and complies with the following regulations:

- A. Alterations.** Any expansion of a non-conforming development shall not exceed *[number text (20-50)]* percent of the subject building area or development area, as applicable; for example, such area may include floor area or other surface area, paving, parking spaces, landscaping, outdoor storage, signage, lighting, or other developed areas that existed as of *[effective date of new code]*. *[Expansion of a non-conforming use requires approval of a Conditional Use Permit under Chapter 4.3.]* A non-conforming development shall not be enlarged or altered in a way that increases its non-conformity *[by more than (20-50) percent]*. *Approval of a variance is required to increase a development's non-conformity, and not more than one such variance shall be approved to expand the same development]*. A development or portion thereof may be enlarged or altered in a way that satisfies the current requirements of this Code or moves in the direction of conformity.
- B. Destruction.** Should a non-conforming development or non-conforming portion of a development be destroyed by any means to an extent more than *[number text (20-50)]* percent of its current value as assessed by the *[name]* County Assessor, it shall be reconstructed only in full conformity with this Code. This does not preclude the reestablishment of a non-conforming use after fire or other catastrophe as allowed under Section I.4.020.
- C. Roadway Access.** The owner of a non-conforming driveway approach or access to a public street or highway, upon receiving land use or development approval, may be required as a condition of approval to bring the non-conforming access into conformance with the standards of the applicable roadway authority.
- D. Relocation or Removal.** Once a non-conforming structure or a portion of a non-conforming structure or development is moved it shall thereafter conform to current Code standards.

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## I.4 – Non-Conforming Situations | Non-conforming Uses

### I.4.040 Non-conforming Lot

**User's Guide:** Cities should review their minimum lot size requirements and determine whether amendments are needed. Where lots predate modern zoning and lot sizes are unusually small, it may be necessary to amend the development standards of Section 2.2.040.

A legal lot or lot of record, as provided by Chapter 1.3, with an area or dimensions that do not meet the standards of the zoning district in which the property is located, may be occupied by a use permitted in the zone, subject to other requirements of the zone. If there is a lot area deficiency, residential use shall be limited to a single-family dwelling.

### Chapter I.5 — Code Interpretations

#### Sections:

#### I.5.010 Code Interpretations

**User's Guide:** This chapter provides cities with a procedure for responding to requests for written code interpretations. Cities should keep written records of the code interpretations they make. Even informal interpretations made by staff in the course of answering questions from builders or business owners, should be noted, so that the city, through periodic code maintenance or housekeeping updates, can continually improve the code. Some cities do this annually, while others wait until they have accumulated a large number of needed changes. It is usually easier and takes less time overall to process the changes in smaller packages of code amendments every few years; however, the trade-off is that for every package of amendments, the city is required to provide public notice and conduct hearings. The important thing to remember is that the development code should be reviewed regularly and updated as conditions change and as the code is tested in ways that could not have been anticipated when first drafted.

#### I.5.010 Code Interpretations

Some terms or phrases within this Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

- A. Authorization of Similar Uses.** Where a proposed use is not specifically identified by this Code, or the Code is unclear as to whether the use is allowed in a particular zone, the *[Planning Official / Planning Commission]* may find the use is similar to another use that is permitted, allowed conditionally, or prohibited in the subject zone and apply the Code accordingly. However, uses and activities that this Code specifically prohibits in the subject zone, and uses and activities that the *[Planning Official / Planning Commission]* finds are similar to those that are prohibited, are not allowed. Similar use rulings that require discretion on the part of City officials shall be processed following the *[Type II / Type III]* procedure of Chapter 4.1.*[030 / 040]*. *[The Planning Official may refer a request for a similar use determination to the Planning Commission for its review and decision.]*
- B. Code Interpretation Procedure.** Requests for code interpretations, including, but not limited to, similar use determinations, shall be made in writing to the *[Planning Official]* and shall be processed as follows:
1. The *[Planning Official]*, within *[(text) 7-14]* days of the inquiry, shall advise the person making the inquiry in writing as to whether the City will make a formal interpretation.
  2. Where an interpretation does not involve the exercise of discretion, the *[Planning Official]* shall advise the person making the inquiry of his or her decision within a reasonable timeframe and without public notice.
  3. Where an interpretation requires discretion, the *[Planning Official]* shall inform the person making the request that an application for code interpretation is required and advise the applicant on how to make

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## I.5 – Code Interpretations

the request. At a minimum, an application for code interpretation shall include a letter citing the nature and reasons for the request, and, as required, a City fee. The *[Planning Official]* then shall review relevant background information, including, but not limited to, other relevant Code sections and previous City land use decisions, and follow the *[Type II / Type III]* review and *[public hearing]* decision-making procedures in Section 4.1.*[030 / 040]*.

- D. Written Interpretation.** Following the *[close of the public comment period on an application for a code interpretation, / Planning Commission's decision on a code interpretation application,]* the *[Planning Official]* shall mail or deliver the City's decision in writing to the person requesting it, to any other person who specifically requested a copy of the decision, and to those who provided public testimony on the application. The decision shall become effective when the appeal period for the decision expires.
- E. Referral to City Council.** Where a code interpretation may have significant citywide policy implications, the *[Planning Official]* may bypass the procedure in subsection I.5.010.B and refer the request directly to the City Council for its legislative review in a public hearing. Such public hearings shall be conducted following Type IV procedure of Chapter 4.1.050.
- F. Interpretations on File.** The City shall keep on file a record of its code interpretations.

## Chapter I.6 — Enforcement

### Sections:

- I.6.010 Violation
- I.6.020 Other Remedies

**User's Guide:** This chapter should not be inserted directly into city development codes. It is a placeholder. Cities should first review any enforcement procedures already existing in other city ordinances, and then either incorporate those provisions into the Development Code by reference, or work with the city attorney to draft provisions specific to the Development Code.

### I.6.010 Violations

Except as provided under Subsection I.6.020, any person violating or causing the violation of any of the provisions of this Code who fails to abate said violation has committed *[an infraction / a misdemeanor]*, which, upon conviction thereof, is punishable as prescribed in *[Section (#) of the (name) Municipal Code / Oregon Revised Statute (ORS) Chapter 161]*. Such person is guilty of a separate violation for each and every day during any portion of which a violation of this Code is committed or continued. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation.

**A. Classification of Violation.** Violations shall be identified by the *[Planning Official]* under one of the following classifications:

1. Type I - Violations which represent a serious threat to public health, safety, and welfare, or those unapproved actions deemed potentially to create serious adverse environmental or land use consequences as the result of continued development activity; or
2. Type II - Violations which do not pose a serious threat to public health, safety, and welfare, but do violate provisions of this code, including any conditions of approval.

### B. Notice of Violation

1. Type I - After receiving a report of an alleged Type I violation, the *[Planning Official]* determines whether the violation requires that a citation be issued immediately or whether to provide notice of the violation prior to the issuance of a citation. Notice shall be in writing and shall be provided to the owner of record for tax purposes or to the person in charge of the property. Such a notice shall indicate:
  - a. the location and nature of the violation;
  - b. the provision or provisions of this Code or conditions of approval which allegedly have been violated; and
  - c. whether immediate enforcement will be sought or if a specified time period will be allowed to correct or remove the violation.
2. Type II - After receiving a report of an alleged Type II violation from the *[Planning Official]*, the City Attorney shall, upon determining that *[probable cause]* exists, promptly give notice of the alleged violation by certified first-class mail, return receipt requested, or by personal service to the owner of

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## 1.6 – Enforcement

record for tax purposes and to the person in charge of the property; however, a defect in the notice of violation with respect to this notice delivery provision shall not prevent enforcement of this code. Such a notice shall indicate:

- a. the location and nature of the violation;
- b. the provision or provisions of this Code or conditions of approval, which allegedly have been violated;
- c. whether immediate enforcement shall be sought or if 15 days will be allowed to correct or remove the violation; and
- d. the date when the notice was personally served or, if the notice was sent by first-class mail, the date three days after mailing if the address to which it was mailed is within this state and seven days after mailing if the address to which it was mailed is outside this state.

**C. City Attorney to Pursue Enforcement.** When the compliance deadline expires, the City Attorney shall proceed with any action deemed appropriate, unless:

1. the City Attorney finds that the violation has been corrected, removed, or will not be committed; or
2. a court of competent jurisdiction has halted enforcement pending the outcome of a proceeding concerning the violation.

**D. Penalties.** Code violations may be subject to criminal, civil, or other sanctions authorized under ordinances of the City.

1. **Criminal Penalties** - Unless specified otherwise, every violation of the terms of this Code is a Class A infraction, punishable by a fine of up to [\$.]. Each day such violation continues, it shall be considered a separate offense.
2. **Civil Penalties and Remedies** - In addition to, or in lieu of, criminal actions, a violation of this code or a permit issued hereunder may be the subject of a civil action in the nature of a debt or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement.

**User's Guide:** Limits on fines are established in ORS 161.

### 1.6.020 Other Remedies

The City, in addition to finding a Code violation is *[an infraction / a misdemeanor]*, may use any of the other remedies available to it, including, but not limited to, the following:

**A. Stop Work Order.** The City may issue a stop work order.

**B. Public Nuisance.** The City may find a violation of this Code is a public nuisance and take enforcement action pursuant to City of *[name]* Ordinance No. *[#]*.

**C. Mediation.** The City and property owner may agree to engage in mediation.

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## ARTICLE 2 – ZONING REGULATIONS

### Chapters:

- 2.1 Establishment of Zoning Districts
- 2.2 Zoning District Regulations
- 2.3 Special Use Standards
- 2.4 Overlay Zones

**User's Guide:** Article 2 has been reorganized for this edition of the Model Code. The regulations are grouped by topic and optional provisions are identified more clearly. General requirements that most cities are likely to use have been consolidated in fewer pages.

- Chapter 2.2 contains provisions for allowed uses, lot dimensions, setbacks, and other lot development standards.
- Chapter 2.3 contains special use regulations.
- Chapter 2.4 is a placeholder for overlay zones, or combining zones, such as those for flood hazard areas, natural features, airports, and other areas of special concern.

The model code does not contain provisions specifically for airports; natural, scenic, and historic resources (Goal 5); adult-oriented businesses; or natural hazards (Goal 7). Sample ordinances for airports are available from the Oregon Department of Aviation, and the Oregon Department of Land Conservation and Development maintains a library with sample ordinances for uses regulated under Goal 5 and Goal 7. Much of this information is available online.

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## 2.1 – Establishment of Zoning Districts | Purpose and Classification of Zoning Districts

### Chapter 2.1 – Establishment of Zoning Districts

#### Sections:

- 2.1.010 Purpose
- 2.1.020 Classification of Zoning Districts
- 2.1.030 Determination of Zoning District Boundaries

**User's Guide:** The following should be adapted for consistency with local policies. Review your Comprehensive Plan and determine whether any plan updates or amendments are needed before adopting new zoning districts.

#### **2.1.010 Purpose and Classification of Zoning Districts**

Chapter 2.1 establishes zoning districts, consistent with the City of [name] Comprehensive Plan. Every unit of land (parcel, lot, tract, and right-of-way) within the City of [name] is designated with a zoning district or “zone,” and may also be designated with one or more overlay zones. The use of land is limited to the uses allowed by the applicable zone(s).

#### **2.1.020 Classification of Zoning Districts**

Zoning designations are as depicted on the City of [name] Zoning Map. The [City Official] maintains official copies of the Zoning Map and Comprehensive Plan. Where a conflict between documents arises, the Comprehensive Plan shall govern.

**User's Guide:** Allowed uses and density standards must be based on a city's comprehensive plan. Cities should make sure their codes allow needed housing, as defined by state statute, as state laws are very explicit about what local codes must allow. See ORS 197.303 through 197.307. Cities should also be careful not to over-zone for commercial uses on the outskirts of town, as this can undercut the economic vitality of downtowns, main streets, and other walkable centers. See also, related comments under Chapter 3.5 Parking and Loading.

**A. Residential Districts (RL, [RM / RH], [RC]).** Residential zoning districts are intended to accommodate a mix of residential uses at planned densities, consistent with the housing needs of the city; promote the orderly development and improvement of neighborhoods; facilitate compatibility between dissimilar land uses; allow residences in proximity, and with direct connections, to schools, parks, and community services; and to ensure efficient use of land and public facilities. The following summarizes the purpose of each residential district. See also, Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

1. The Residential Low Density (RL) district permits residential uses at densities between [#] and [#] dwelling units per [gross / net] acre. Permitted residential uses consist primarily of detached single-family housing [duplex housing subject to special use standards], and community service uses such as churches, schools, and parks.
2. The Residential [Medium / High] Density ([RM / RH]) district permits residential uses at densities between [#] and [#] dwelling units per [gross / net] acre. Permitted residential uses consist of detached (e.g., single-family and duplex) housing and attached (e.g., townhouse and multifamily) housing. The [RM / RH] district also allows, subject to special use standards, parks, schools, places of worship, and certain community service uses.

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## 2.1 – Establishment of Zoning Districts | Classification of Zoning Districts

3. *The Residential-Commercial (RC) district permits residential uses similar to those permitted in the [RM / RH] district. The RC district also allows, subject to special use standards, some commercial and employment uses.*

**B. Commercial Districts ([D / MS,] GC).** Commercial zoning districts accommodate a mix of commercial services, retail, and civic uses, with *[existing residences permitted to continue, and]* new residential uses permitted in the upper stories of some buildings. Two commercial zoning districts, one for *[Downtown/Main Street]* and one for General Commercial areas, provide for the full range of commercial land uses within the city. The zoning district regulations are intended to promote the orderly development and improvement of walkable commercial areas; facilitate compatibility between dissimilar land uses; provide employment opportunities in proximity, and with direct connections, to housing; and to ensure efficient use of land and public facilities. The two commercial districts allow many of the same uses, except that different development and design standards apply to specific types of development based on the physical context *[, desired urban form,]* and pedestrian-orientation of each district *[or subarea]*. See Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

**C. Industrial Districts ([LI / ME], GI).** Industrial zoning districts accommodate a mix of intensive and less intensive uses engaged in manufacturing, processing, warehousing, distribution, and similar activities. Two industrial zoning districts, one for *[Light Industry / Mixed-Employment]* and one for General Industry, provide for the full range of planned industrial land uses within the city. Both districts are intended to provide for efficient use of land and public services, provide a high quality environment for business, offer a range of parcel sizes and locations for industrial site selection, avoid encroachment by incompatible uses, provide transportation options for employees and customers, and facilitate compatibility between dissimilar uses. The General Industry district additionally provides suitable locations for intensive industrial uses, such as those with processing, manufacturing, assembly, packaging, distribution, or other activities. See Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

**User’s Guide:** The Public Facilities and Parks and Open Space districts are optional because not every city will need them. Public uses generally can fit into other zones. Though some public agencies prefer special zoning, particularly for larger holdings where residential or commercial zoning is not appropriate. The benefit of using subsection D is that it can streamline the permit process for projects serving the public interest. A potential disadvantage is where the public agency-owner wants to sell the property and its value is less than it would be with residential or commercial zoning. An alternative approach is to create a PF “overlay” zone that accomplishes the same purpose, and where an overlay is applied, a property would retain its base zoning.

**[D. Public Facilities and Parks and Open Space Districts (PF, P-OS).** See also, Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

1. *The Public Facilities (PF) district provides a zoning option for public and semi-public uses, including, but not limited to, schools, government offices, fire stations, police stations, libraries, public works yards, reservoirs, and other public facilities [, consistent with adopted public facility master plans].*
2. *The Parks and Open Space (P-OS) district provides for the use, protection, preservation, conservation, and enhancement of parks, natural areas, and similar areas in a manner that meets community needs for a wide range of passive or active recreational uses (, consistent with adopted park or open space master plans).]*

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## 2.1 – Establishment of Zoning Districts | Determination of Zoning District Boundaries

### 2.1.030 Determination of Zoning District Boundaries

**User's Guide:** Section 2.1.030 should be reviewed against your city's current zoning map. If the map contains parcels split by zoning, or the city routinely encounters problems in determining zoning boundaries, the following text may need to be adjusted.

Where due to the scale, lack of scale, lack of detail, or illegibility of the Zoning Map, or due to any other reason, there is uncertainty, contradiction, or conflict as to the intended location of a zoning district boundary, the [Planning Official] or, upon referral, the [Planning Commission / City Council], shall determine the boundary as follows:

- A. Right-of-way.** Boundaries that approximately follow the centerlines of a street, highway, alley, bridge, [railroad,] or other right-of-way shall be construed to follow such centerlines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning district designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a zoning district boundary, the vacated lands within the former right-of-way shall be allocated proportionately to the abutting zoning districts.
- B. Parcel, lot, tract.** Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries.
- C. Jurisdiction boundary.** Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary.
- D. Natural feature.** Boundaries indicated as approximately following a river, stream, topographic contour, or similar feature not corresponding to any feature listed in subsection A-C, above, shall be construed as following such feature.

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## 2.2 – Zoning District Regulations | Purpose

### Chapter 2.2 – Zoning District Regulations

#### Sections:

- 2.2.010 Purpose
- 2.2.020 Applicability
- 2.2.030 Allowed Uses
- 2.2.040 Lot and Development Standards
- 2.2.050 Setback Yards Exceptions
- 2.2.060 Residential Density Standards
- 2.2.070 Lot Coverage
- 2.2.080 Height Measurement, Exceptions, and Transition

**User's Guide:** This chapter is intended to provide a framework for designating allowed uses by zoning district. It is designed for cities with not more than 10 base zoning districts. The model provides a placeholder for additional zones, or overlay zones, under Chapter 2.4. Where a city requires more than 10 base zones or has adopted regulations for special planning areas (e.g., specific plan district or form-based code), the model can be modified to accommodate the additional zones.

Chapter 2.2 is meant to help cities comply with ORS 197.295-197.314 (Needed Housing) by providing clear and objective standards for housing. The model also addresses ORS 197.475-197.490, Manufactured Housing; ORS 197.660-197.670, Residential Homes and Facilities; and OAR 660-12-060, Transportation Planning Rule (TPR). In particular, the standards for downtowns and main street districts, including those provisions identified as optional, are consistent with TPR amendments for Multi-Modal Mixed Use Areas that went into effect January 1, 2012.

#### **2.2.010 Purpose**

Chapter 2.2 regulates allowed land uses (“uses”) and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development. The regulations of this chapter are intended to implement the City of [name] Comprehensive Plan and the purposes of this Code, per Section 1.2.020.

#### **2.2.020 Applicability**

All real property in the City of [name] is subject to the zoning regulations of Chapter 2.2. Certain types of land uses are also subject to the Special Use regulations in Chapter 2.3. In addition, some properties are subject to both the general (“base zone”) regulations of Chapter 2.2 and the Overlay Zone regulations of Chapter 2.4. Property owners, realtors, project proponents, and others are advised to verify the regulations that apply to a particular property before beginning a new project, purchasing real estate, or marketing a property for sale.

### 2.2.030 Allowed Uses

**User's Guide:** Three types of land use designations are provided: “P” means the use is permitted; “S” means the use is permitted with Special Use Standards (Chapter 2.3); “CU” means the use is allowed, subject to approval of a Conditional Use Permit (Chapter 4.4); and “N” means the use is not allowed. Uses that are not listed and that the city determines are not similar to an allowed use are prohibited. The designation of allowed uses in Table 2.2.110 should be tailored to local conditions. First, consider whether any existing land uses would become non-conforming before changing your code. (Chapter 1.4 addresses non-conforming uses.) The Model Code text should be adjusted, as needed, to minimize the number of non-conforming uses created.

- A. Uses Allowed in Base Zones.** Allowed uses include those that are permitted, those that are permitted subject to special use standards, and those that are allowed subject to approval of a conditional use permit, as identified by Table 2.2.030. Allowed uses fall into four general categories: Residential, Public and Institutional, Commercial, and Other. Where Table 2.2.030 does not list a specific use, and Article 5 Definitions does not identify the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of Section 1.5.020 Code Interpretations. Uses not listed in Table 2.2.030 and not found to be similar to an allowed use are prohibited.
- B. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as “Permitted (P)” are allowed provided they conform to Section 2.2.040 Lot and Development Standards. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to the Chapter 2.3 Special Use Standards and Section 2.2.040 Lot and Development Standards. Uses listed as “Not Allowed (S)” are prohibited. Uses not listed but similar to those allowed may be permitted pursuant to Section 1.5.010.
- C. Conditional Uses.** Uses listed as “Conditional Use Permit Required (CU)” are allowed subject to the requirements of Chapter 4.4 Conditional Use Permits.
- D. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of Chapter 2.2, additional standards may apply to uses within overlay zones. In addition, an overlay zone may allow exceptions to some standards of the underlying zone. See Chapter 2.4.
- E. Master Planned Developments.** Uses that are not otherwise allowed by the underlying zone may be permitted through the Master Planned Development procedure under Chapter 4.5.
- F. Accessory Uses.** Uses identified as “Permitted (P)” are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the Use Categories in Article 5 Definitions.
- G. Mixed-Use.** Uses allowed individually are also allowed in combination with one another, in the same structure, or on the same site, provided all applicable development standards and building code requirements are met.
- H. Outdoor Uses and Unenclosed Activities.** Notwithstanding the provisions of Table 2.2.030, any use,

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## 2.2 – Zoning District Regulations | Allowed Uses

except for an allowed accessory use, that occurs primarily outside (i.e., not within a permitted building) requires a Conditional Use Permit under Chapter 4.4. *[Examples of outdoor uses and unenclosed activities that may or may not be considered accessory uses, depending on their location and size relative to other uses on the same property, include, but are not limited to, automotive services, vehicle and equipment repair, fueling, drive-in restaurants, drive-up windows and similar drive-through facilities, automatic teller machines, kiosks, outdoor assembly and theaters, outdoor markets, and similar uses.]*

- I. **Temporary Uses.** Temporary uses occur *[only once in a calendar year and]* for not longer than *[(#) days]*, *[consecutively / cumulatively,]* in any calendar year. Uses may be permitted on a temporary basis, subject to review and approval under Chapter 4.3 Site Design Review.
- J. **Disclaimer.** Property owners are responsible for verifying whether a specific use is allowed on a particular site. *[Submittal of a Zoning Checklist for review and approval by the City (Planning Official) (is / may be) required in order to determine whether a use is allowed on a given site, and whether further land use review is required.]*

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**User’s Guide:** Land uses vary in scale and intensity from city to city. Therefore, concerns about land use impacts are not the same in all communities. While some small Oregon cities already have many of the uses listed, the market potential for some uses may be limited in other cities. The following table should be tailored to fit your community based on the comprehensive plan, which considers housing needs, economic opportunities, and local priorities. In general, the table is intended to encourage a wide range of housing choices while allowing flexibility for mixing compatible land uses. The optional Residential-Commercial (RC) zone, for example, is specifically designed to promote mixed-use, while serving as a transition between residential neighborhoods and more intensive commercial or employment areas. The model code also encourages small-scale retail operations in conjunction with allowed industrial uses, and light manufacturing or “artisanal uses” in conjunction with allowed commercial uses.

As you carry forward the regulations contained in your existing code and add new uses to Table 2.2.030, consider following the steps below:

- Where the current ordinance clearly describes a use as Permitted (P) or Permitted Conditionally (CU), carry those forward into the table, or make sure to discuss proposed policy changes with the planning commission and public.
  - Where the current ordinance is silent on whether a use is allowed but it clearly designates a similar use as Permitted or Permitted Conditionally, consider applying the same designation in the new code.
  - Where the current ordinance identifies a use as Permitted (P) but it prescribes specific standards for that use (e.g., hours of operation for home occupations, etc.), designate the use as a “Special Use (S),” and reference Chapter 2.3 Special Uses. Alternatively, if the standards are brief, consider including them into Table 2.2.030.
  - Where the current ordinance is unclear with respect to allowed uses, flag those uses for discussion with the planning commission. Remember not all uses in the model code will be appropriate to include in your city code.
-

## 2.2 – Zoning District Regulations | Allowed Uses

<b>Table 2.2.030 – Uses Allowed by Zoning District</b>											
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use][		[X]	Special Use Standards
	<u>RL</u>	<u>[RM/RH]</u>	<u>[RC]</u>	<u>[D/MS]</u>	<u>GC</u>	<u>[LI/ME]</u>	<u>GI</u>	<u>[PF]</u>	<u>[P-OS]</u>	[x]	
<b>A. Residential Uses<sup>1</sup></b>											
Single-Family Dwelling, Non-Attached	<b>P</b>	<b>P</b>	[P]	[S/N]	[S/N]	<b>N</b>	<b>N</b>	[N]	[N]		Sec 2.3.090
Single-Family Dwelling, Attached (Townhome)	[S/N]	<b>S</b>	[S]	[S/N]	[S/N]	<b>N</b>	<b>N</b>	[N]	[N]		Sec. 2.3.090; Sec 2.3.210
[Accessory Dwelling]	[S]	[S]	[S]	[S]	[N]	[N]	[N]	[N]	[N]		[Sec 2.3.170]
[Boarding or Rooming House]	[N]	[CU]	[CU]	[CU]	[N]	[N]	[N]	[N]	[N]		
[Cottage Housing Cluster]	[N]	[S]	[S]	[N]	[N]	[N]	[N]	[N]	[N]		[Sec 2.3.190]
Duplex Dwelling	<b>S</b>	<b>P</b>	[S]	[S/N]	[S/N]	<b>N</b>	<b>N</b>	[N]	[N]		Sec 2.3.060
Manufactured Home	<b>S</b>	<b>S</b>	[S]	[S/N]	[S/N]	<b>N</b>	<b>N</b>	[N]	[N]		Sec 2.3.090; Sec 2.3.130
Manufactured Home Park	<b>N</b>	[S/N]	[S/N]	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	[N]	[N]		Sec 2.3.140
Multifamily Dwelling	<b>N</b>	<b>S</b>	[S]	[S/N]	[S/N]	<b>N</b>	<b>N</b>	[N]	[N]		Sec 2.3.080; 2.3.090
Family Daycare	<b>S</b>	<b>S</b>	[S]	[S/N]	[S/N]	<b>N</b>	<b>N</b>	[N]	[N]		Sec 2.3.100
Residential Care Home	<b>S</b>	<b>S</b>	[S]	[S/N]	[S/N]	<b>N</b>	<b>N</b>	[N]	[N]		Sec. 2.3.090; Sec 2.3.110
Residential Care Facility	<b>N</b>	<b>S</b>	[S]	[S/N]	[S/N]	<b>N</b>	<b>N</b>	[N]	[N]		Sec. 2.3.090; Sec 2.3.110
Home Occupation	<b>S</b>	<b>S</b>	[S]	[S/N]	[S/N]	<b>N</b>	<b>N</b>	[N]	[N]		Sec 2.3.120
[Micro-Generation; wind, solar, or geothermal energy (household use)]	[S]	[S]	[S]	[S]	[S]	[S]	[S]	[S]	[S]		[Sec 2.3.200]
[Vacation Rental Dwellings]	[S]	[N]	[N]	[S/N]	[N]	[N]	[N]	[N]	[N]		[Sec 2.3.220]

**User's Guide:** The above residential uses represent the range of “needed housing” that cities are generally required to zone land for under Statewide Planning Goal 10 (Housing). Care Homes or Facilities are subject to ORS 197.665 and 197.670, and the federal Fair Housing Amendments Act of 1988 (42 U.S.C. § 3615). The model code provides clear and objective standards for housing, per state law, and allows residential uses in commercial districts, per OAR 660-012-060.

<sup>1</sup> **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

## 2.2 – Zoning District Regulations | Allowed Uses

**Table 2.2.030 – Uses Allowed by Zoning District**

Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use][		[X]	Special Use Standards
	RL	[RM/RH]	[RC]	[D/MS]	GC	[LI/ME]	GI	[PF]	[P-OS]	[x]	
<b>B. Public and Institutional Uses<sup>2</sup></b>											
[Airport, Public Use]	[N]	[N]	[N]	[N]	[N]	[S/N]	[N]	[S/N]	[N]		[per Airport Overlay Zone]
Automobile Parking, Public Off-street Parking	<b>N</b>	<b>N</b>	[P/CU]	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	[P]	[N]		
Cemetery, including Crematorium	[N/CU]	<b>N</b>	[N]	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	[CU]	[CU]		
Child Daycare Center	<b>N</b>	<b>N</b>	[P/CU]	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>N</b>	[CU]	[N]		
Club Lodge, Fraternal Organization	<b>N</b>	<b>N</b>	[P/CU]	<b>CU</b>	<b>CU</b>	<b>N</b>	<b>N</b>	[CU]	[N]		
Community Service; includes Governmental Offices	<b>N</b>	<b>N</b>	[P/CU]	<b>P</b>	<b>P</b>	<b>CU</b>	<b>N</b>	[P]	[CU]		
[Community Garden]	[P/CU]	[P/CU]	[P/CU]	[P/CU]	[N/CU]	<b>N</b>	<b>N</b>	[P]	[P]		
Clinic, Outpatient Only	<b>N</b>	<b>N</b>	[P/CU]	<b>P</b>	<b>P</b>	<b>CU</b>	<b>N</b>	[P]	[N]		
Emergency Services; includes Police, Fire, Ambulance	[N/CU]	[N/CU]	[CU]	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	[P]	[N]		
Hospital, including Acute Care Center	<b>N</b>	<b>N</b>	[N/CU]	[N/CU]	<b>CU</b>	<b>CU</b>	<b>N</b>	[CU]	[N]		
Mortuary	<b>N</b>	<b>N</b>	[N/CU]	[N/CU]	[N/CU]	[N/CU]	<b>N</b>	[CU]	[N/CU]		
Non-Profit Member Organization Offices	<b>N</b>	<b>N</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	<b>N</b>	[CU]	[N]		
Parks and Open Space, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, and similar uses	[S/CU]	[S/CU]	[S/CU]	[S/CU]	[S/CU]	[S/CU]	[S/CU]	[S/CU]	[P]		[Sec 2.3.210]
[Prison]	[N]	[N]	[N]	[N]	[N]	[CU/N]	[N]	[CU/N]	[N]		

**User's Guide:** Because parks and open spaces can generate noise and lighting concerns, some communities require conditional use permit approval for parks and some open space uses. Another alternative is to allow uses subject to special standards. For example, neighborhood parks (e.g., tot lots or informal play fields) and natural areas that are limited to daytime use typically do not raise compatibility concerns and therefore can be permitted with standards.

<sup>2</sup> **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

## 2.2 – Zoning District Regulations | Allowed Uses

<b>Table 2.2.030 – Uses Allowed by Zoning District</b>											
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]		[X]	Special Use Standards
	RL	[RM/RH]	[RC]	[D/MS]	GC	[LI/ME]	GI	[PF]	[P-OS]	[x]	
<b>B. Public and Institutional Uses<sup>3</sup> (continued)</b>											
Public Works Utilities Storage Yards; includes Vehicle and Equipment Storage, Maintenance, and Repair	N	N	N	N	[CU/N]	[CU/N]	P	[P]	[CU]		
<i>[Railroad Facilities]</i>	[N]	[N]	[N]	[N]	[N]	[N]	[P]	[CU]	[N]		
Religious Institutions and Houses of Worship	CU	CU	CU	CU	CU	N	N	[N]	[N]		
School, Preschool-Kindergarten	CU	CU	CU	CU	CU	N	N	[CU]	[N]		
School, Secondary	CU	CU	CU	CU	CU	N	N	[CU]	[N]		
<i>[School, College or Vocational]</i>	N	N	CU	CU	CU	CU	N	[CU]	[N]		
Solid Waste Disposal or Recycling, except as accessory to permitted use	N	N	N	N	N	N	N	[CU]	[N]		
Transportation Facilities; includes construction, operation, and maintenance of facilities located within right-of-way controlled by a public agency, consistent with <i>[Transportation System Plan / Comprehensive Plan]</i> .	The state Transportation Planning Rule (OAR 660, Division 12) requires that local codes permit transportation facilities. This is a placeholder.										
Utility Structures and Facilities, City Planned Projects; i.e., utilities identified by an adopted City master plan or development review approval	P	P	P	P	P	P	P	[P]	[P]		
Utility Structures and Facilities, Regional Projects; project is not part of an adopted City master plan or development review approval	[N/CU]	[N/CU]	[N/CU]	[N/CU]	[N/CU]	[N/CU]	[N/CU]	[CU]	[N/CU]		
<i>[Wireless Communication Facilities]</i>	[CU/N]	[CU/N]	[CU/N]	[CU/N]	[CU/N]	[P/CU]	[P/CU]	[P/CU]	[CU/N]		

<sup>3</sup> **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

## 2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District											
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]		[X]	Special Use Standards
	RL	[RM/RH]	[RC]	[D/MS]	GC	[LI/ME]	GI	[PF]	[P-OS]	[x]	
<b>C. Commercial Uses<sup>4</sup></b>											
Amusement, Entertainment, and Commercial Recreation; includes theaters, bowling alleys, miniature golf, concert venues, arcades, similar uses	N	N	CU	[P/ CU]	[P/ CU]	N	N	[CU]	[N]		
Artisanal and Light Manufacture Uses in Commercial zones – includes craftsman studios; and uses providing instruction and/or retail sales related to painting, sculpting, photography, picture framing, knitting, sewing, literature, theater, music, specialty foods or catering, or similar uses	-	-	S	S	S	-	-	-	-		Sec 2.3.040
Automobile Parking, Commercial Parking	N	N	CU	CU	CU	CU	CU	[N]	[N]		
Automotive Repair and Service, includes fueling station, car wash, tire sales and repair or replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	[N/C U+S]	[N/ CU +S]	S	CU	[P/ CU]	[N]	[N]		Sec 2.3.050
Automotive Sales and Rental; includes motorcycles, boats, recreational vehicles, and trucks	N	N	N	[N/ CU +S]	S	N	N	[N]	[N]		
[Bed and Breakfast Inn]	[N/ CU+S]	[N/ CU+S]	[C +S]	[N/ CU+S]	[N/ CU+S]	[N]	[N]	[N]	[N]		[Sec 2.3.180]
Commercial Retail Sales and Services	N	N	CU	P	P	N	N	[N]	[N]		
Commercial Retail Sales and Services, in Conjunction with a Permitted Industrial Use, and limited to [x] square feet gross leasable area	N	N	N	N	N	CU	N	[N]	[N]		

**User’s Guide:** The above provisions limiting automobile sales and service uses in downtowns and main street districts are consistent with the Multi-Modal Mixed Use provisions under OAR 660-012-060. See also, the drive-through service and general industrial use regulations in other parts of this table. The provision for “artisanal uses” is intended to encourage cottage industries that combine light manufacturing and retail uses in commercial zones.

<sup>4</sup> **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

## 2.2 – Zoning District Regulations | Allowed Uses

<b>Table 2.2.030 – Uses Allowed by Zoning District</b>											
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]		[X]	Special Use Standards
	<u>RL</u>	<u>[RM/RH]</u>	<u>[RC]</u>	<u>[D/MS]</u>	<u>GC</u>	<u>[LI/ME]</u>	<u>GI</u>	<u>[PF]</u>	<u>[P-OS]</u>	[x]	
<b>C. Commercial Uses (continued)<sup>5</sup></b>											
<i>[Data Center or Server Farm]</i>											
These uses can be mistaken for Office uses, though they typically employ few people and have large electrical demands.	<b>N</b>	<b>N</b>	[P/ CU]	[P/ CU]	P	P	P	[N]	[N]		
Customer Call Center	<b>N</b>	<b>N</b>	[P/ CU]	P	P	P	N	[N]	[N]		
Drive-Through Service	<b>N</b>	<b>N</b>	[CU+S]	[N/CU+S]	S	S	S	[S]	[S]		Sec 2.3.050
<i>[Golf Course or driving range, with pro shop, clubhouse, or restaurant]</i>	[N]	[N]	[N]	[N]	[CU]	[N]	[N]	[CU]	[N]		
<i>[Golf Course without pro shop, clubhouse, or restaurant]</i>	[N]	[N]	[N]	[N]	[CU]	[N]	[N]	[CU]	[CU]		
Hotels, Motels, and Similar Overnight Accommodations	<b>N</b>	<b>N</b>	[P/CU]	P	P	N	N	[N]	[N]		
Kennel (See also, “Veterinary Clinic”)	<b>N</b>	<b>N</b>	N	[CU/N ]	CU	CU	N	[CU]	[N]		
Lumber Yard and Similar Sales of Building or Contracting Supplies, or Heavy Equipment	<b>N</b>	<b>N</b>	[N/CU]	[N/ CU]	CU	P	P	[N]	[N]		
Medical Clinic, Outpatient	<b>N</b>	<b>N</b>	[CU/P]	[CU/ P]	P	[CU/ P]	N	[CU/P]	[N]		
Offices	<b>N</b>	<b>N</b>	[CU/P]	P	P	P	[CU/ P]	[CU/P]	[N/ CU]		
<i>[Recreational Vehicle Park]</i>	<b>N</b>	<b>N</b>	[N/CU]	<b>N</b>	[N/ CU]	<b>N</b>	<b>N</b>	[N/CU]	[N/ CU]		
Self-Service Storage, Commercial	<b>N</b>	<b>N</b>	[N/CU]	[N/ CU]	[CU/ P]	P	P	[N]	[N]		
Veterinary Clinic	<b>N</b>	<b>N</b>	[N/CU]	[CU]	P	P	[CU]	[N/CU]	[N]		

<sup>5</sup> **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

## 2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District												
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]		[Other Zones]		Special Use Standards
	RL	[RM or RH]	[RC]	[D or MS]	GC	[LI or ME]	GI	[PF]	[P-OS]	[x]	[y]	
<b>D. Industrial and Employment Uses<sup>6</sup></b>												
[Airport]	[This use is subject to the Airport Overlay Zone, where applicable.]											
Artisanal and Light Manufacture Uses in Industrial and Public Facility zones	-	-	-	-	-	P	P	[S/N]	[N]			Sec 2.3.040
Auction Yard	N	N	N	N	CU	CU	P	[CU/N]	[CU/N]			
Beverage and Bottling Facility, except as allowed for Commercial Uses	N	N	N	N	CU	CU	P	[N]	[N]			
Bulk Storage of Flammable Liquids or Gases; Petroleum Products Storage and Distribution; Wood or Biomass Fuel Dealers	N	N	N	N	N	N	CU	[N]	[N]			
Cement, Glass, Clay, and Stone Products Manufacture[; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N	N	N	N	CU	[N]	[N]			
Chemical, Fertilizer, Insecticide, Paint Product Manufacture, or Similar Uses	N	N	N	N	N	N	CU	[N]	[N]			
Concrete or Asphalt Batch Plants	N	N	N	N	N	N	CU	[N]	[N]			
Dairy Products Manufacture, e.g., Butter, Milk, Cheese, Ice Cream[; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N	N	N	N	CU	[N]	[N]			
[Data Center or Server Farm]	N	N	[N/CU]	[CU/P]	P	P	[CU/P]	[N]	[N]			
Dwelling for a caretaker or watchman	N	N	N	N	N	[CU/P]	CU	[N]	[N]			
<b>User's Guide:</b> Industrial and employment uses vary in scale and intensity from city to city. Therefore concerns about land use impacts are not the same in all communities. The above list of uses should be tailored to fit your community based on local planning priorities and economic factors. Zoning for airports and for uses within airport approaches must conform to the state Airport Planning Rule (OAR 660-013). See Oregon Aviation Department Land Use Compatibility Guidelines and Model Ordinance.												

<sup>6</sup> **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

## 2.2 – Zoning District Regulations | Allowed Uses

<b>Table 2.2.030 – Uses Allowed by Zoning District</b>												
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use]		[Other Zones]		Special Use Standards
	RL	[RM or RH]	[RC]	[D or MS]	GC	[LI or ME]	GI	[PF]	[P-OS]	[x]	[y]	
<b>D. Indus. and Mixed Employment Uses<sup>7</sup> (cont')</b>												
Finished Textile and Leather Products Manufacture[; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N	N	N	CU	[CU/P]	[N]	[N]			
Food Processing, including Canning, Freezing, Drying and Similar Food Processing and Preserving[; except as allowed for Artisanal and Light Manufacture Uses.] Rendering Plants are prohibited.	N	N	N	N	N	CU	[CU/P]	[N]	[N]			
Freight Terminals, including Loading Docks, Storage, Warehousing, Wholesale Distribution, Cold Storage; except Self-service Storage or Mini-storage Warehouses	N	N	N	N	N	CU	[CU/P]	[N]	[N]			
Machine Shop, and Sales, Service and Repair of Machinery[; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N	N	N	CU	[CU/P]	[N]	[N]			
Metal Plating	N	N	N	N	N	CU	[CU/P]	[N]	[N]			
Metal Manufacture, Welding [; except as allowed for Artisanal and Light Manufacture Uses]	N	N	N	N	N	CU	[CU/P]	[N]	[N]			
Newspaper, Periodical, Publishing and Printing; except Artisanal and Light Manufacture Uses	N	N	[CU/N]	[P/CU]	P	P	[CU/P]	[N]	[N]			
Special Trade Contracting Facilities, such as Floor Laying, Masonry, Stone, Plumbing, Electrical, Metal Work, Roofing, Heating and Air Conditioning, Cabinet making, and Carpentry	N	N	N	N	N	CU	[CU/P]	[N]	[N]			
Wood Products Manufacture, such as Sawmills, Paper and Allied Products, and Secondary Wood Products; except Artisanal and Light Manufacture Uses	N	N	N	N	N	CU	[CU/P]	[N]	[N]			
Wrecking, Demolition, Junk Yards, Recycling Centers	N	N	N	N	N	N	CU	[N]	[N]			

**User's Guide:** Industrial and employment uses vary in scale and intensity from city to city. Therefore concerns about land use impacts are not the same in all communities. The above list of uses should be tailored to fit your community based on local planning priorities and economic factors.

<sup>7</sup> **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

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## 2.2 – Zoning District Regulations | Lot and Development Standards

### 2.2.040 Lot and Development Standards

- A. Development Standards.** Section 2.2.040 provides the general lot and development standards for each of the City’s base zoning districts. The standards of Section 2.2.040 are organized into two tables: Table 2.2.040.D applies to Residential [*and Residential-Commercial*] zones, and Table 2.2.040.E applies to non-residential zones.
- B. Design Standards.** City standards for Access, Circulation, Site and Building Design, Parking, Landscaping, Fences and Screening, and Public Improvements, among others, are located in Article 3. Notwithstanding the provisions of Table 2.2.040 and Article 3, different standards may apply in specific locations, such as at street intersections, [*within overlay zones,*] adjacent to natural features, and other areas as may be regulated by this Code or subject to state or federal requirements. [*For requirements applicable to the City’s overlay zones, please refer to Chapter 2.4.*]
- C. Disclaimer.** Property owners are responsible for verifying whether a proposed development meets the applicable standards of this Code. [*Submittal of a Zoning Checklist for review and approval by the City (Planning Official) (is / may be) required in order to determine whether use is allowed on a given site, and whether further land use review is required.*]

**User’s Guide:** The minimum lot sizes and other dimensions contained in 2.2.040 are based on contemporary zoning standards and development practices in small- and medium-sized Oregon communities. The standards should be reviewed and adjusted to fit the context of the community. The standards are also more flexible than conventional zoning, so that minor adjustments in lot size, for example through the “lot size averaging,” “sloping site,” and “lot coverage bonus” provisions, can be made without requiring variances or planned unit approval. This section is also designed to promote efficient land use and pedestrian-oriented design, for example, through the required “build-to line” in multifamily and residential-commercial projects. Table 2.2.040 does not recommend specific residential densities; cities should base minimum and maximum density standards on the locally adopted comprehensive plan, including an assessment of housing needs and urban growth management policies.

## 2.2 –Zoning District Regulations | Lot and Development Standards

**D. Lot and Development Standards for Residential Districts.** The development standards in Table 2.2.040.D apply to all [new] development [as of (effective date)] in Residential zones.

<b>Table 2.2.040.D – Lot and Development Standards for Residential zones</b> (Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)				
<b>Standard</b>	<b>RL Zone</b>	<b>[RM / RH] Zone</b>	<b>RC Zone</b>	<b>[Reserve]</b>
<b>Residential Density</b> , per Section 2.2.060 (Dwelling Units per [gross / net] acre) – Minimum and Maximum	[Per Comp Plan]	[Per Comp Plan]	[Per Comp Plan]	
<b>Minimum Lot Area* (square feet)</b>				
Single-Family, not attached				
Corner Lot	[6,000-7,000 sf]	[5,000-6,000 sf]	[5,000-6,000 sf]	
Not a Corner Lot	[5,000-6,000 sf]	[4,000-5,000 sf]	[4,000-5,000 sf]	
Single-Family, common-wall dwellings:				
Corner Lot	[4,000-5,000 sf]	[4,000-5,000 sf]	[4,000-5,000 sf]	
Not a Corner Lot	[4,000-5,000 sf]	[2,500-3,000 sf]	[2,500-3,000 sf]	
Single-Family, with accessory dwelling	[6,000-6,500 sf]	[5,000-6,000 sf]	[5,000-5,500 sf]	
Duplex	[6,000-9,000 sf]	[5,000-7,000 sf]	[5,000-6,000 sf]	
Multiple-Family or Cottage Cluster	[6,000-9,000 sf] for the first 3 dwelling units, plus [800- 1,500] for each additional unit. [6,000-9,000 sf]	[6,000-9,000 sf] for the first 3 dwelling units, plus [800- 1,500] for each additional unit. [6,000-9,000 sf]	[6,000-9,000 sf] for the first 3 dwelling units, plus [800- 1,500] for each additional unit. [6,000-9,000 sf]	
Non-Residential Uses	[Same as single- family, not attached]	[Same as single- family, not attached]	[Same as single- family, not attached]	
<b>[Increased Lot Size for Sloping Site (15% or greater)]</b>	[1.5 times] minimum lot size]	[1.5 times] minimum lot size]	[1.5 times] minimum lot size]	
<b>User’s Guide:</b> Minimum lot size should be based on a city’s planned residential densities, per the land use designations and housing needs in the comprehensive plan. An alternative to increasing lot size standards for sloping sites is to allow clustering of smaller lots in exchange for open space conservation on the most sensitive hillsides. See also, recommendations for “Lot Size Averaging” below.				
[*Lot size may be reduced in new subdivisions through Lot Size Averaging, per Section 4.3.050, or through approval of a Master Planned Development under Chapter 4.8, provided the density standards of this section are met.] Minimum lot sizes do not apply to open space tracts and similar properties where development is restricted.				

## 2.2 –Zoning District Regulations | Lot and Development Standards

**Table 2.2.040.D – Lot and Development Standards for Residential zones**

(Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)

<b>Standard</b>	<b>RL Zone</b>	<b>[RM / RH] Zone</b>	<b>RC Zone</b>	<b>[Reserve]</b>
<b>Minimum Lot Width</b>				
Single-Family, Not Attached: Corner Lot Interior Lot	[50-60] ft [40-50] ft	[50-60] ft [40-50] ft	[50-60] ft [40-50] ft	
Single-Family, Attached or Common Wall: Corner Lot Interior Lot	[40-50] ft [40-50] ft	[40-50] ft [25-30] ft	[40-50] ft [25-30] ft	
Duplex Multiple-Family (3 or more dwelling units on a lot, where allowed)	[60-80] ft [80-100] ft	[60-80] ft [80-100] ft	[60-80] ft [80-100] ft	
Non-Residential Uses	[50-60] ft	[50-60] ft	[50-60] ft	
<b>Minimum Lot Depth</b> [Street frontage width may be less than minimum lot width where Flag Lots are allowed, per Chapter 4.3.050.]	[1.5 times min. width or 100 feet, whichever is less]	[1.5 times min. width or 100 feet, whichever is less]	[1.5 times min. width or 100 feet, whichever is less]	
<b>Building or Structure Height.</b> See also, Sections 2.2.040 Setback Yard Exceptions, [2.2.080 Building Height Transition], 3.3.020 Clear Vision, and 3.4.050 Fences and Walls.				
<u>Level Site (slope less than 15%),</u> maximum height	[28-30 ft]	[30-35 ft]	[30-35 ft]	
<u>Sloping Site (15% or greater),</u> maximum height	[level site +3-5 ft]	[level site +3-5 ft]	[level site +3-5 ft]	
<u>Building Height Transition Required</u> Abutting RL District (Sec 2.2.080)	No	Yes	Yes	

**User’s Guide:** The building height standards for sloping lots are intended to provide regulatory relief for daylight basements. Adjustment for a sloping site may not be necessary if the city measures building height from “grade plane,” as defined by International Building Code. Grade plane provides for height adjustment on sloping lots by using an average finished grade as the basis for measuring height.

## 2.2 –Zoning District Regulations | Lot and Development Standards

**Table 2.2.040.D – Lot and Development Standards for Residential zones**

(Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)

<b>Standard</b>	<b>RL Zone</b>	<b>[RM / RH] Zone</b>	<b>RC Zone</b>	<b>[Reserve]</b>
<p><u>Fences and Non-Building Walls</u>                      Max. Height. – Front Yard                      Max. Height. – Interior Side                      Max. Height – Rear Yard                      Max. Height – Street-Side; or                      Reverse Frontage Lot (rear)</p> <p>(See also, Section 3.4.040.)</p>	4 ft [6-7 ft] [6-7 ft] [4 ft, or 6 ft]; with [4-5 ft] landscape buffer	4 ft [6-7 ft] [6-7 ft] [4 ft, or 6 ft]; with [4-5 ft] landscape buffer	4 ft [6-7 ft] [6-7 ft] [4 ft, or 6 ft]; with [4-5 ft] landscape buffer	
<p><b>Lot Coverage</b> <i>[(two options)]</i>:</p> <p>1) Maximum Lot Coverage (foundation plane area as % of site area)</p> <p>Single-Family, Not Attached                      Single-Family, Attached/Common Wall                      Duplex                      Multifamily or Cottage Cluster                      Mixed-Use/Live Work/Commercial                      Civic/Institutional/Open Space</p>	[40%] [60%] [60%] [60%] Not applicable [60%]	[50%] [70%] [60%] [60%] [70%] [60%]	[50%] [70%] [60%] [60%] [70%] [60%]	
<p><i>[2) Coverage Bonus]</i></p> <p>This bonus is an incentive for low-impact development, to reduce impacts associated with surface water runoff.</p>	<p><i>[The Planning Official / Planning Commission, subject to review through a Type II / III procedure, may approve an increase to the lot coverage standards, above, pursuant to Section 2.2.070.]</i></p>			
<p><b>Minimum Landscape Area (% lot area)</b>,                      Landscape area may include plant areas and some non-plant areas as allowed under Section 3.4.030.</p>	[10%]	[10%]	[7-10%]	
<p><b>Minimum Setbacks (feet).</b> See also, Sections 2.2.040 Setback Yard Exceptions, [2.2.080 Building Height Transition], 3.3.020 Clear Vision, and 3.4.050 Fences and Walls.</p>				
<p><b>Front and Street-Side Setback Yards</b></p> <p><u>Standard Setback</u>  <u>Garage or Carport Opening</u>  <u>Porch or Similar Open Structure</u> (e.g., balcony, portico, patio, wall) where structure is less than 50% enclosed</p> <p>Exception (0 ft for wheelchair ramp)</p>	15 ft 20 ft 10 ft	15 ft 20 ft 10 ft	15 ft 20 ft 10 ft	

## 2.2 –Zoning District Regulations | Lot and Development Standards

**Table 2.2.040.D – Lot and Development Standards for Residential zones**

(Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)

<b>Standard</b>	<b>RL Zone</b>	<b>[RM / RH] Zone</b>	<b>RC Zone</b>	<b>[Reserve]</b>
<b>Interior Side Setback Yards</b>				
Structure >24' height (total of 2 interior sides, with no setback yard less than 3 ft)	[10-15] ft	10 ft	10 ft	
Structure 12'-24' height (total of 2 interior sides, with no setback yard less than 3 ft)	10 ft	10 ft	10 ft	
Structure <12' height (total of 2 interior sides, with no setback yard less than 3 ft)	[6-10] ft	10 ft	10 ft	
Garage or Carport Opening, except alley	20 ft	20 ft	20 ft	
Exceptions:				
Alley	5 ft	5 ft	5 ft	
Porch or Similar Open Structure (e.g., balcony, wheelchair ramp, portico, patio, wall) where structure is less than 50% enclosed	5 ft	5 ft	5 ft	
Common Walls or Zero Lot Line Developments	0 ft one side; [5-10] ft other side	0 ft one side; [5-10] ft other side	0 ft one side; [5-10] ft other side	

**Note:** Always avoid utility easements when building near property lines.

**User's Guide:** The city may require fire suppression sprinkler systems for some structures where, due to the structure's height, sprinkler systems are necessary.

## 2.2 –Zoning District Regulations | Lot and Development Standards

**Table 2.2.040.D – Lot and Development Standards for Residential zones**

(Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)

Standard	RL Zone	[RM / RH] Zone	RC Zone	[Reserve]
<p><b>Rear Setback Yard</b></p> <p><u>Structure &gt;24' height</u>  <u>Structure 12'-24' height</u>  <u>Structure &lt;12' height</u></p> <p><i>Garage or Carport Opening, except alley</i></p> <p><i>Exceptions:</i>  <u>Alley</u>  <u>Porch or Similar Open Structure</u>                      (e.g., balcony, portico, patio wall)                      where structure is &lt;50% enclosed</p> <p><u>Common Walls or Zero Lot Line</u></p>	<p>[10-15] ft                      10 ft                      [5-10] ft</p> <p>20 ft</p> <p>5 ft                      5 ft</p> <p>0 ft</p>	<p>10 ft                      10 ft                      10 ft</p> <p>20 ft</p> <p>5 ft                      5 ft</p> <p>0 ft</p>	<p>10 ft                      10 ft                      10 ft</p> <p>20 ft</p> <p>5 ft                      5 ft</p> <p>0 ft</p>	[Reserve]
<p><b>Build-To Line (feet):</b>  <u>Applies to New Buildings Only, except does not apply to detached single-family dwellings:</u></p> <p>1) At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except that where a greater setback is required for a Planned Street Improvement, the build-to line increases proportionately.</p> <p>2) The City may also approve exceptions to the build-to line through Site Design Review where pedestrian amenities are provided between a primary building entrance and the street right-of-way. (See also, Section 3.2.060 Civic Space and Pedestrian Amenities.)</p>	Not Applicable	[15-20 ft; may be increased when pedestrian amenities are provided between a primary building entrance and street]	[15-20 ft; may be increased when pedestrian amenities are provided between a primary building entrance and street]	—
<p><b>Special Setback for Planned Street Improvements:</b> New structures or structure additions on lots abutting an existing public street that does not meet the minimum standards of Section 3.6.020 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way, plus the minimum required yard setback. Building permits shall not be issued for new structures or additions that do not meet this standard.</p>				

## 2.2 –Zoning District Regulations | Lot and Development Standards

**E. Lot and Development Standards for Non-Residential Districts.** The development standards in Table 2.2.040.E apply to all [new] development [as of (effective date)] in the City’s Non-Residential zones, as follows.

<b>Table 2.2.040.E – Lot and Development Standards for Non-Residential zones</b> (Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)				
<b>Standard</b>	<b>[D / MS] Zone</b>	<b>GC and [LI / ME] Zones</b>	<b>GI Zone</b>	<b>PF and OS Zones</b>
<b>Minimum Lot Area* (square feet)</b> *Development must conform to lot width, depth, yard setback, and coverage standards.	None	[None, or # acres, per Economic Opportunities Analysis]		None
<b>Minimum Lot Width and Depth</b>	None	[None, or # acres, per Economic Opportunities Analysis]		None
<b>Building and Structure Height*</b>				
<u>Standard (slope less than 15%), maximum height</u>	[35-60 ft]	[35-50 ft]	[35-50 ft]	[35-50 ft]
<u>[Sloping Site (15% or greater), maximum height]</u>	[standard +5 ft]	[standard +5 ft]	[standard +5 ft]	[standard +5 ft]
<u>[Height Bonus for Residential Use in Upper Building Story]</u>	[10-15 ft]	[10 ft in GC and ME / None]	None	None
<u>[Building Height Transition required adjacent to RL District, per Section 2.2.080.]</u>	[Yes/No]	[Yes/No]	[Yes/No]	[Yes/No]
<u>*[Height Increase The City may increase the standard height, above, for specific projects with approval of a Conditional Use Permit (CUP), per Chapter 4.4.]</u>	[Yes/No]	[Yes/No]	[Yes/No]	[Yes/No]

**User’s Guide:** The city may require fire suppression sprinkler systems for some structures where, due to the structure’s height, sprinkler systems are necessary.

## 2.2 –Zoning District Regulations | Lot and Development Standards

**Table 2.2.040.E – Lot and Development Standards for Non-Residential zones**

(Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)

<b>Standard</b>	<b>[D / MS] Zone</b>	<b>GC and [LI / ME] Zones</b>	<b>GI Zone</b>	<b>PF and OS Zones</b>
<p><u>Fences and Non-Building Walls</u>                      Maximum Height – Front Yard                      Maximum Height – Interior Side                      Maximum Height – Rear Yard                      Maximum Height – Street-Side or Reverse Frontage Lot (rear)</p> <p>(See also, Section 3.4.040.)</p>	<p>4 ft                      6 ft                      6 ft                      4 ft, or 6 ft with 5 ft landscape buffer</p>	<p>4 ft, except City-required screens                      6 ft, except City-required screens                      6 ft, except City-required screens                      4 ft, or [6 ft] with 5 ft landscape buffer</p>		
<p><b>Lot Coverage</b> <i>[(two options)]:</i>                      I. Maximum Lot Coverage (foundation plane area as % of site area)</p>	90%	80%		
<p><i>[2. Coverage Bonus]</i></p>	<p><i>[The Planning Official / Planning Commission, subject to review through a Type II / III procedure, may approve an increase to the lot coverage standards, above, pursuant to Section 2.2.070.]</i></p>			
<p><b>Minimum Landscape Area (% site area)</b>, includes required parking lot landscaping and any required screening. This standard does not apply to individual, detached single-family dwellings. <i>[Landscape area may include street trees and civic space improvements in some zones, per Sections 3.2.050 and 3.4.030.]</i></p>	[5-10%]	[10-15%]	[5-10%]	

## 2.2 –Zoning District Regulations | Lot and Development Standards

**Table 2.2.040.E – Lot and Development Standards for Non-Residential zones**

(Except as provided by 2.2.040-2.2.080, or as modified under Chapter 4.5 Master Planned Developments and Chapter 4.7 Adjustments and Variances)

<b>Standard</b>	<b>[C-D/M]</b>	<b>GC</b>	<b>[Reserve]</b>
<p><b>Minimum Setback Yards (feet):</b> (See also, Section 2.2.080, RL Height Step-Down.)</p> <p><u>Front, Street-Side, Interior Side, and Rear</u> property lines, except garage or carport, or as required by other code provisions</p> <p><u>Garage or Carport Entry</u>, setback from street</p> <p><u>Alley</u></p> <p><u>Adjacent to RL District</u></p>	<p>0 ft</p> <p>20 ft</p> <p>3 ft</p> <p>10 ft, and per Section 2.2.170</p>	<p>0 ft</p> <p>20 ft</p> <p>3 ft</p> <p>10 ft, and per Section 2.2.170</p>	<p>—</p> <p>—</p> <p>—</p> <p>—</p>
<p><b>Build-To Line (feet):</b> <u>New Buildings Only:</u> At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a Planned Street Improvement, then the build-to line increases proportionately. The build-to line may also be increased through Site Design Review when pedestrian amenities are provided between a primary building entrance and the street right-of-way. (See also, Section 2.3.190.)</p>	<p><i>[0 ft; may be increased when pedestrian amenities are provided between a primary building entrance and street]</i></p>	<p><i>[60 ft; may be increased when a shopping street connects the primary building entrance(s) to the street, per Section 2.3.170]</i></p>	<p>—</p>
<p><b>Special Setback for Planned Street Improvements:</b> New structures or structure additions on lots abutting an existing public street that does not meet the minimum standards of Section 3.6.020 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way, plus the minimum required yard setback. Building permits shall not be issued for new structures or additions that do not meet this standard.</p>			
<p><b>Note:</b> Always check for utility easements prior to construction.</p>			

### 2.2.050 Setback Yards Exceptions

**User's Guide:** The following supplements the dimensional standards in the above tables. The flag lot standards are optional because not all cities allow flag lots. Flag lots should be discouraged where local street connections are to be made. See also, Chapter 4.3 Land Divisions and Property Line Adjustments.

#### A. Encroachments

1. Except as otherwise restricted by applicable building codes, building elements such as eaves, chimneys, bay windows, overhangs, heating, cooling and ventilation systems, and similar incidental structures, may extend into the required setback yards by no more than [18-36] inches, provided that a setback of not less than 36 inches is maintained, all applicable building codes are met, and the clear vision standards in Section 3.3.030 are met.
2. Porches, decks, patios, and similar features not exceeding [30] inches in height may encroach into setbacks, provided a minimum setback of not less than 36 inches is maintained and all applicable building codes are met.
3. Fences may be placed within setback yards, subject to the standards of Section 2.2.040 and 3.4.040.

#### B. Reverse Frontage Lots

Buildings on reverse-frontage lots (through lots) are required to meet the build-to line standard on only one street. Reverse frontage lots are subject to the fence height and setback requirements of Section 2.2.040 and the design standards (e.g., materials and landscape buffer requirements) of Section 3.4.040.

#### [C. Flag Lots

*The (City decision-making body) shall designate the front yard of a flag lot to ensure compatibility with adjacent land uses, based on existing development patterns and location of adjacent driveways, utilities, and natural features, as either:*

1. *front yard parallel to the street providing automobile access; or*
2. *front yard parallel to the flagpole from which driveway access is received.*

*The City shall review proposals for flag lots pursuant to the standards in Section 4.3.050 and may impose reasonable conditions to ensure development is compatible with adjacent uses.]*

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## 2.2 –Zoning District Regulations | Lot Coverage

### 2.2.060 Residential Density Standards

To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the Comprehensive Plan, all new *[developments / subdivisions]* in the Residential Districts shall conform to the minimum and maximum densities prescribed in Table 2.2.040, except as provided below in subsections 1-3:

**User’s Guide:** The following section is used in conjunction with Table 2.2.040. Your city should include minimum and maximum density standards in the table based on your comprehensive plan. Minimum density standards should apply to RM zones, at a minimum, and preferably in all residential and residential-commercial zones. Each city will need to determine how it calculates density. The following example is based on “gross density.”

If the gross (total) site area is five acres, and the minimum allowable density is six dwelling units per acre, then the maximum is 30 units. The equivalent average lot size for single-family dwellings is determined by subtracting street right-of-way, water quality facilities and other non-buildable areas from the five-acre site, then dividing the remaining (net) area by the number of units. Assuming 25 percent of the total site area for streets, open space, and other non-buildable areas, “average lot size” is calculated as follows:  $(217,800 \text{ square feet} \times 0.75) / 30 \text{ units} = 5,445 \text{ square feet}$ . If the minimum density were four dwelling units per acre, the same five-acre site would yield a minimum of 20 units with an average lot size of 8,168 square feet.

This is only an example. The minimum density standard also applies to attached housing, including multiple family developments. Actual lot sizes will vary based on the proposed building type and the lot area standards in Section 2.2.030. The number of planned dwellings also varies depending on whether the comprehensive plan is based on net or gross density. Where a plan specifies four units per gross acre, the equivalent net density might be greater than five units per net acre.

- A.** Residential care homes and facilities, senior housing, including assisted living, accessory dwellings, and subdivisions where the average slope exceeds *[15 percent]* are exempt from the minimum density standard.
- B.** The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex lots used to comply with the density standard shall be so designated on the final subdivision plat.
- C.** Partitions and construction of single-family homes on lots exceeding *[20,000-40,000 square feet]* shall be located and constructed so that future division of such lots can occur and planned public facilities can be extended based on the minimum lot size and other applicable City standards.
- D.** Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density standard.
- [E.** *Areas reserved for flag lot access (flag poles) [are / are not] counted for the purpose of calculating density.]*

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## 2.2 –Zoning District Regulations | Residential Density Standards

### 2.2.070 Lot Coverage

**User's Guide:** The following supplements the lot coverage standards in Table 2.2.040. Subsection B is necessary if your city allows the lot coverage bonus in Table 2.2.040.

**A. Lot Coverage Calculation.** The maximum allowable lot coverage, as provided in Table 2.2.040.D, is calculated as the percentage of a lot or parcel covered by buildings and structures (as defined by the foundation plan area) at 36 inches or greater above the finished grade. It does *not* include paved surface-level developments such as driveways, parking pads, and patios that do not meet the minimum elevation of 36 inches above grade.

**[B. Lot Coverage Bonus.** *The Planning Official / Planning Commission, subject to review through a Type II / III procedure, may approve increases to the lot coverage standards in Table 2.2.040.D, as follows:*

1. *Lot coverage may increase by up to one-half square foot for every one square foot of proposed automobile parking area to be contained in a parking structure, either above or below leasable ground floor space (e.g., residential, commercial, or civic use), not to exceed a 20 percent increase in allowable coverage.*
2. *Lot coverage may increase by up to one-half a square foot for every one square foot of proposed parking area paving that uses a City-approved porous or permeable paving material (i.e., allowing stormwater infiltration).*
3. *Lot coverage may increase by up to one-half a square foot for every one square foot of City-approved water quality treatment area (e.g., vegetative swale or bio-filtration) to be provided on the subject site.*
4. *In approving increases in lot coverage under subsections 1-3 of this section, the City may require additional landscape buffering or screening, above that which is required by other provisions of this code, and may impose reasonable conditions of approval to ensure the ongoing maintenance of parking areas and surface water management facilities.*
5. *Notwithstanding the lot coverage increases authorized by this section, all other development standards of this chapter, and other applicable provisions of this Code, must be met.]*

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## 2.2 –Zoning District Regulations | Lot Coverage

### 2.2.080 Height Measurement, Exceptions, and Transition

**User's Guide:** The following supplements the building height standards in Table 2.2.040.

- A. Building Height Measurement.** Building height is measured pursuant to the building code.
- B. Exception from Maximum Building Height Standards.** *[Except as required pursuant to FAA regulations,] [C/c]himneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy are exempt from the maximum building heights, provided that all applicable fire and building codes are met.*
- [C. Building Height Transition.** *To provide for compatible scale and height relationships between new multi-story buildings and existing single-story dwellings [in the RL district], new buildings and vertical additions to existing buildings shall maintain a building height transition to adjacent single-story building(s), as follows:*
1. *This standard applies to new and vertically expanded buildings and structures (in any zone) within [20-40] feet (as measured horizontally) of an existing single-story building with a height of [20] feet or less [in the RL zone]; and*
  2. *The building height transition standard is met where the new or vertically expanded building or structure meets the following criteria:*
    - a. *The existing single-story dwelling is located within [20-40] feet of, and on the same side of the street as, the proposed structure.*
    - b. *The height of the proposed structure is not more than [120] percent of the height of the subject single-story dwelling.*
    - c. *Where the proposed structure is to be located between two existing single-story dwellings, the height of the proposed structure shall not exceed [120] percent of the average maximum height of both adjacent dwellings. For example, where the two adjacent dwellings have an average maximum height of 24 feet, the new or vertically expanded structure shall not exceed 28.8 feet in height.]*
2. **Exception:** *The building height transition standard does not apply when the approval body finds that the subject single-story buildings located within [20-40] of the subject site are redevelopable. “Redevelopable,” for the purposes of this section, means a lot either has an assessed market value that exceeds the assessed market value of all improvements on the lot, based on the most recent data from the [name ] County Assessor’s Office; or the front yard of the subject lot is large enough that it could be subdivided based on the minimum lot size standards of the applicable zone.]*
- [D. Fence Height Increase.** *Where Table 2.2.040 provides for a height increase, the proposal shall be subject to City review and approval pursuant to Chapter 4.4.*

## Chapter 2.3 – Special Use Standards

**User’s Guide:** The following provisions correspond to the special uses identified in Chapter 2.2, as noted in Table 2.2.030.

### Sections:

- 2.3.010 Purpose
- 2.3.020 Applicability
- 2.3.030 Review Process
- 2.3.040 Artisanal and Light Manufacture Uses
- 2.3.050 Drive-Through Service
- 2.3.060 Duplex Dwellings
- 2.3.070 Townhomes, Attached Single-Family Dwellings
- 2.3.080 Multifamily Development
- 2.3.090 Dwellings in Commercial *[and Mixed Employment]* Zones
- 2.3.100 Family Daycare
- 2.3.110 Residential Care Homes and Residential Care Facilities
- 2.3.120 Home Occupations
- 2.3.130 Manufactured Homes
- 2.3.140 Mobile Home and Manufactured Home Parks
- 2.3.150 Mobile Homes and Recreational Vehicles Used as Dwellings
- 2.3.160 Temporary Uses
- [2.3.170 Accessory Dwellings]*
- [2.3.180 Bed and Breakfast Inn]*
- [2.3.190 Cottage Housing Cluster]*
- [2.3.200 Micro-Generation Facilities]*
- [2.3.210 Parks and Open Spaces]*
- [2.3.220 Vacation Rental Dwelling]*
- [2.3.230 Wireless Communication Facilities]*

### **2.3.010 Purpose**

Special uses included in Chapter 2.3 are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zoning district.

### **2.3.020 Applicability**

All uses designated as Special (“S”) Uses in Table 2.2.020, and uses the City determines to be similar to such uses, are subject to the standards of Chapter 2.3. The standards of this chapter supplement the other requirements of this Code. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

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## 2.3 –Special Use Standards | Artisanal and Light Manufacture Uses; Drive-Through Services

### 2.3.030 Review Process

The City uses the procedures for Site Design Review, under Chapter 4.2, in reviewing proposed uses for compliance with the requirements of Chapter 2.3.

### 2.3.040 Artisanal and Light Manufacture Uses

**User’s Guide:** The following provisions are intended to encourage mixed-use employment, where light manufacturing and retail uses can be located on the same property.

- A. Purpose.** The following provisions are intended to encourage mixed-use development, including cottage industries and business incubators, by integrating small-scale manufacturing with commercial uses. For the purposes of this section, artisanal uses are those that blend manufacturing and retail uses such as brewpubs, winery tasting rooms, artist studios, cabinet makers, and similar uses, on the same site.
- B. Applicability.** The following standards apply where manufacturing uses are allowed in commercial zones and where retail uses are allowed in industrial zones. The standards are applied through Site Design Review or Conditional Use Permit review, as applicable.
- C. Standards.**
1. Where a manufacturing use is allowed in a commercial zone, it shall be permitted only in conjunction with a primary commercial use *[and shall not exceed the floor area of the primary commercial use]*.
  2. Where a manufacturing use is allowed in a commercial zone, it shall be wholly enclosed in a building*[, unless unenclosed operations are authorized by a Conditional Use Permit]*.
  3. Where a manufacturing use is allowed in a commercial zone and the subject site is located within *[100 feet]* of a residential zone, the City may limit the hours of operation of the commercial or industrial uses to between *[7:00 a.m. and 9:00 p.m.]* where it has identified concerns about noise, parking, or other impacts related to the use.
  4. Where a commercial use is allowed in an industrial zone, it shall be permitted only in conjunction with the primary industrial use and shall not exceed the floor area of the primary industrial use.

### 2.3.050 Drive-Through Service

Drive-through service uses shall comply with the design standards of Section 3.2.060.

**2.3.060 Duplex Dwellings**

**User’s Guide:** Most small cities allow both single-family and duplex dwellings in low-density (single-family) zones, though duplex design can be concern when new duplexes are constructed next to single-family homes in established neighborhoods. This section responds to those concerns by providing clear and objective standards for duplexes.

- A. Purpose.** The following provisions are intended to promote compatibility between duplex dwellings and single-family dwellings in the RL zone.
- B. Applicability.** The following standards apply where a duplex is proposed adjacent to a single-family dwelling where the duplex lot and single-family lot share a common property line. The standards are applied through a Type I *[Zoning Checklist]* review procedure, prior to submittal of building plans to the Building Official.
- C. Standards.** Where a duplex is proposed on an interior (non-corner) lot sharing a property boundary with a single-family dwelling lot, the duplex shall meet all of the following standards:
1. The duplex shall not exceed the height of the subject single-family dwelling by more than *[20 percent]* for that portion of the duplex placed within 20 feet of the single-family dwelling.
  2. The duplex, if located on a corner lot and containing two garages, shall have each garage entrance orient to a different street or alley.
  3. The duplex shall have no blank wall oriented to a street. This standard is met if any elevation facing a street is composed of not less than *[30 percent]* windows and door surface area.
  4. The roof form on the duplex (e.g., gable, flat, or hipped) shall be similar to the roof form of adjacent single-family dwellings on the same block face.
- [5. The duplex shall meet the height transition requirements of Section 2.2.080.C, as applicable.]*

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## 2.3 –Special Use Standards | Townhomes, Attached Single-Family Dwellings

### 2.3.070 Townhomes, Attached Single-Family Dwellings

**User's Guide:** This section is intended to promote a compatible building scale while minimizing the impact of townhome garages along street fronts. For example, some communities allow attached single-family housing (e.g., townhomes) in low-density zones but limit the number of consecutive townhomes or the overall length of townhome buildings.

- A. Purpose.** The following provisions are intended to promote a compatible building scale where attached single-family dwellings are proposed, while minimizing the impact of garages along street fronts and creating a streetscape that is conducive to walking.
- B. Applicability.** The following standards apply to new attached single-family dwellings. The standards are applied through *[Site Design Review, pursuant to Section 4.2, / Zoning Checklist review, pursuant to Section 4.1.020,]* prior to issuance of building permits.
- C. Standards.** Where attached single-family dwellings are proposed, the structure(s) shall meet all of the following standards:
1. Each building shall contain not more than *[four - six]* consecutively attached dwelling units and not exceed an overall length or width of *[100-120]* feet.
  2. The primary entrance of each dwelling unit shall orient to a street or an interior courtyard that is not less than *[24]* feet in width.
  3. Where the subject site is served by an existing or planned alley, vehicle access shall be from the alley and all garage entrances shall orient to the alley.
  4. The development standards Chapter 2.2 and the building and site design standards of Article 3 shall be met.

*[5. The building shall meet the height transition requirements of Section 2.2.080.C, as applicable.]*

### 2.3.080 Multifamily Development

**User's Guide:** The following provides clear and objective standards for multifamily housing, per state law. Local governments may apply discretionary standards or guidelines to what is defined as “needed housing” under ORS 197.303 only where their code also offers a clear and objective decision making option pursuant to ORS 197.307.

**A. Purpose.** The following standards are intended to ensure that multifamily developments are planned with adequate open space and are designed to prevent conflicts between residential uses, on-site recreation, and vehicle circulation and parking areas. The standards supplement the design standards of Article 3.

**B. Applicability.** This applies to new multifamily developments.

**C. Standards.**

- 1. Common Open Space and Landscaping.** A minimum of [15-20] percent of the site area in the R districts and [10] percent of the site area in the CR district shall be designated and permanently reserved as common area or open space, in accordance with all of the following criteria:
  - a. “Site area” for the purposes of this section is defined as the subject lot or lots after subtracting any required dedication of street right-of-way.
  - b. The common area or open space shall contain one or more of the following: outdoor recreation area, tree grove (e.g., existing mature trees), turf play fields or playgrounds, sports courts, swim pool, walking fitness course, natural area with picnic benches, or similar open space amenities as appropriate for the intended residents.
  - c. In order to be counted as eligible toward the minimum open space area, such areas shall have dimensions of not less than 20 feet.
  - d. Open space and common areas not otherwise developed with recreational facilities shall be landscaped; alternatively, the [City decision-making body] may approve a tree preservation plan (retain mature tree groves) in lieu of landscaping.
- 2. Private Open Space.** Private open space areas shall be required for dwelling units based on the following criteria:
  - a. A minimum of [40] percent of all ground-floor dwelling units shall have front or rear patios or decks containing at least [48] square feet of usable area. Ground floor housing means the housing unit entrance (front or rear) is within five feet of the finished ground elevation (i.e., after grading and landscaping).
  - b. A minimum of [40] percent of all upper-floor housing units shall have balconies or porches containing at least [48] square feet of usable area. Upper-floor housing means housing units that are more than five feet above the finished grade.
- 3. Access, Circulation, Landscaping, Parking, Public Facilities.** The standards of Chapters 3.2 through 3.6 shall be met.
- 4. Trash Storage.** Trash receptacles, recycling, and storage facilities shall be oriented away from building

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## 2.3 –Special Use Standards | Dwellings in Commercial [*and Mixed Employment*] Zones

entrances, setback at least 10 feet from any public right-of-way and adjacent residences, and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles must be accessible to trash pick-up trucks.

### 2.3.090 Dwellings in Commercial [*and Mixed Employment*] Zones

**User’s Guide:** This section provides standards for residential uses in commercial zones and addresses the need in some communities to grandfather single-family uses that would otherwise be non-conforming. An alternative to this approach, for example in an area with a large concentration of historic homes, is to establish a residential overlay zone allowing single-family dwellings in a defined area or sub-district of the downtown. The optional language under C, below, provides flexibility for allowing ground floor residential uses that do not front Main Street (or other defined street frontages), reserving storefronts on Main Street for commercial uses.

**A. Purpose.** This section provides standards for residential uses in the [*D / MS / ME*] zones[*s*].

**B. Applicability.** This section applies to dwellings in the [*D / MS / ME*] zone[*s*].

**C. Standards.** Residential uses in the [*D / MS / ME*] zone[*s*] shall conform to all of the following standards:

1. New residential uses shall not be located in a ground building floor space [*fronting (list “main” commercial streets)*].
2. New residential uses [*fronting (list “main” commercial streets)*] shall be permitted only above or below a ground floor space containing a permitted non-residential use.

[3. *Single-family dwellings lawfully existing as of [effective date] may continue as permitted uses; and in the event of involuntary damage or destruction due to fire or other event beyond the owner’s control, such single-family use may be rebuilt and reestablished pursuant to Section 2.2.030 and applicable building codes.*]

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## 2.3 – Special Use Standards | Family Daycare; Residential Care

### 2.3.100 Family Daycare

Family daycare uses are limited to on-site care for not more than 16 children, and shall conform to the state licensing requirements and standards under ORS 657A.250 and ORS 657A.440(4). *[Family daycare uses must also have a current City of (name) business license.]*

### 2.3.110 Residential Care Homes and Residential Care Facilities

**User's Guide:** The following provisions are intended to implement state and federal laws pertaining to residential care uses, Pursuant to ORS 197.660 to 197.670, and the requirements of the federal Fair Housing Amendments Act (FHAA) of 1988 (42 U.S.C. § 3615).

In ORS 197.663, the Oregon Legislature declared that:

1. Persons with disabilities are entitled to live within communities and should not be excluded because their disability requires them to live in groups;
2. There is a growing need for residential homes and residential facilities to provide quality care and to prevent inappropriate placement of disabled and elderly persons in state institutions and nursing homes; and
3. It is often difficult to site and establish residential homes and residential facilities in communities.

State law allows “residential homes” and “residential facilities” to be placed in any zone that allows a single-family dwelling or multifamily dwelling, respectively. See ORS 197.665-197.667. Cities and counties cannot prohibit a residential home or residential facility to be sited in a zone that state law allows; and must amend their zoning ordinances to be consistent, if not already consistent, with these provisions. See ORS 197.670.

Residential Care Homes and Residential Care Facilities, where allowed, shall conform to all of the following standards and procedures. Residential Care Facilities are not the same as Acute Care Facilities, which are classified as Community Service uses, and they are not the same as Senior Housing Facilities that provide limited or no medical care, which are classified as Multifamily Housing.

- A. Licensing and State Requirements.** Residential Care Homes and Residential Care Facilities shall be licensed by the State of Oregon and comply with state requirements, pursuant to ORS 197.660 through 197.670.
- B. Residential Care Homes.** Residential Care Homes may provide residential care alone, or in conjunction with treatment or training, for five or fewer individuals who need not be related. Staff required to meet state licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to single-family dwellings also apply to Residential Care Homes, except where state law supersedes City standards.
- C. Residential Care Facilities.** Residential Care Facilities may provide residential care alone, or in conjunction with treatment or training, for between 6 and 15 individuals who need not be related. Staff required to meet state licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to multiple

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## 2.3 – Special Use Standards | Residential Care Homes and Residential Care Facilities

family dwellings also apply to Residential Care Homes, except where state law supersedes City standards.

- D. Access.** The access and circulation standards of Chapter 3.3 shall be met.
- E. Parking.** The parking standards of Chapter 3.5 shall be met.
- F. Landscaping.** Residential Care Facilities are required to comply with the landscaping and screening standards of Chapter 3.4. The City may require the installation of a landscape hedge or fence on the property line separating a Residential Care Facility from an abutting lot containing a single-family dwelling for the purposes of visual screening and privacy between uses. The landscaping standards do not apply to building permits for individual Residential Care Homes.
- G. Building Design Standards.** Residential Care Facilities are required to comply with the building orientation and design standards for multifamily housing, pursuant to Chapter 3.1; except where a state requirement conflicts with a City standard, the state requirement, not the City standard, shall apply. The building design standards do not apply to Residential Care Homes.
- H. Review Procedure.** Residential Care Homes are subject to review and approval through a Type I [*Zoning Checklist*] review procedure under Section 4.1.020 prior to issuance of building permits. Residential Care Facilities are subject to a Type III (public hearing) review and approval under Section 4.1.040.

### 2.3.120 Home Occupations

**User's Guide:** The model code has been updated and simplified to provide one set of Home Occupation standards. Home businesses that meet standards do not require land use approval. This approach relies on self-enforcement. Cities might allow home occupation uses that exceed the following standards, subject to approval of a conditional use permit.

- A. Purpose.** The purpose of this section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture are appropriate in scale and impact to be operated within a residence.
- B. Applicability.** This section applies to Home Occupation uses in Residential zones. A home-based business in a commercial or residential-commercial zone is considered a commercial use and is not subject to the standards of this section.
- C. Home Occupation in Residential Zones.** Home Occupations of less than [500-1000] square feet of lot area are permitted, provided the owner completes a [*Home Occupation Registration Form / Zoning Checklist*] [*and obtains a City of (name) Business License*]. Home Occupations greater than [500-1000] square feet of lot area are allowed, subject to approval of a Conditional Use Permit. For the purpose of this section, “lot area” includes building floor area, areas within accessory structures, and all other portions of a lot.
- D. Home Occupation Standards.** Home Occupations shall conform to all of the standards below, except the City may approve adjustments to the standards through the Conditional Use Permit approval, provided all uses and structures on the subject property conform to applicable City regulations, including, but not limited to, building codes and nuisance regulations.
- 1. Appearance of Residence.**
- a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
  - b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
  - c. The home occupation shall not violate any conditions of development approval (i.e., prior land use development permit or approval).
  - d. No products or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.
- 2. Storage.**
- a. Outside storage visible from the public right-of-way or adjacent properties that exceeds what is customary for a single-family residence in the vicinity is prohibited.

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## 2.3 – Special Use Standards | Home Occupations

- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable material) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be enclosed in a structure or otherwise screened from view from adjacent properties and public right-of-way.

### 3. Employees.

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be not more than *[one - three]* employee[s] at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the legal lot on which the home occupation is conducted.
- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work, pick up, or deliver at the home occupation site.
- c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.

### 4. Advertising and Signs.

Signs shall not exceed a total of four square feet of surface area on each side of one or two faces. *[See also Municipal Code Section \_\_ Signs.]*

### 5. Vehicles, Parking, and Traffic.

- a. Not more than *[one / two]* commercially licensed vehicle[s] associated with the home occupation *[is/are]* allowed at the home occupation site in the same 24-hour period. Vehicles shall be of a size that would not overhang into the public right-of-way when parked.
- b. There shall be no commercial vehicle deliveries between *[9:00 p.m. to 7:00 a.m.]*

### 6. Business Hours.

There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation only from *[7:00 a.m. to 9:00 p.m.]*, *[Monday through Friday]*.

### 7. Prohibited Home Occupation Uses.

- a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state, or federal standards, or that can be detected beyond the property line, is prohibited.
- b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a

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## 2.3 – Special Use Standards | Home Occupations

temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by the home business is allowed.

- c. The following uses, and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke, or vibration, are prohibited:
  - (1) Ambulance service
  - (2) Animal hospital, veterinary services, kennels, or animal boarding
  - (3) Auto and other vehicle repair, including auto painting
  - (4) Repair, reconditioning, or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on-site

- 8. **Enforcement.** With cause, the City's *[designated Code Enforcement Officer / other law enforcement official]* may visit a home occupation site to inspect the site and enforce the provisions of this Code.

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## 2.3 – Special Use Standards | Manufactured Home on a Single-Family Lot

### 2.3.130 Manufactured Home on a Single-Family Lot

**User's Guide:** The following provisions have been updated to implement state law related to manufactured homes, recreational vehicles used as dwellings, and FEMA regulations related to manufactured homes in floodplains. Oregon Revised Statutes require that local regulations permit manufactured dwellings in zones where single-family dwellings are permitted, and limit placement standards for manufactured homes to those contained in ORS 197.307(8), the intent of which is to apply standards similar to those that are customary for stick-built, single-family dwellings.

Manufactured homes are permitted on individual lots, subject to all of the following design standards. Manufactured dwellings relocated into the City of [name] shall conform to City standards. The following standards do not apply to dwellings lawfully established and existing within the City prior to [effective date of Code]. See also, Sections 2.3.130 [and 2.3.140, respectively,] regarding Mobile Home and Manufactured Home Parks[, and Mobile Homes and Recreational Vehicles Used as Dwellings].

- A. Floor Plan.** The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet.
- B. Roof.** The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees).
- C. Residential Building Materials.** The manufactured home shall have exterior siding and roofing which in color, material, and appearance are similar to the exterior siding and roof material used on nearby residences; horizontal wood or horizontal wood-appearance siding and composite roofing is also permitted.
- D. Garages and Carports.** If the manufactured home has a garage or carport, the garage or carport shall be constructed of materials like those used on the home.
- E. Thermal Envelope.** The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the state Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards, or an equivalent standard, is deemed to satisfy the exterior thermal envelope certification requirement.
- F. Placement.** The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complies with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home.
- G. Floodplain.** Manufactured homes shall comply with [Chapter 2.\_\_\_\_ Flood Hazard Overlay] and the following standards.
  - 1. The stand shall be a minimum of 12 inches above Base Flood Elevation (BFE) unless the foundation wall is opened on one side or end so that floodwater cannot be trapped. [Manufactured Dwelling Specialty Code, 4-3.1(5)]

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## 2.3 – Special Use Standards | Manufactured Home on a Single Family Lot

2. The bottom of the longitudinal chassis frame beam in A zones, and the bottom of the lowest horizontal structural member supporting the dwelling in V zones shall be a minimum of 12 inches above BFE. *[See definition of Lowest Floor in Manufactured Dwelling Specialty Code.]*
3. The manufactured dwelling shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook for anchoring techniques). *[44 Code of Federal Regulations 60.3(c)(6)]*
4. Electrical crossover connections shall be a minimum of 12 inches above BFE. *[Manufactured Dwelling Specialty Code 6-4.2(1)]*

**H. Foundation Skirt.** The foundation area of the manufactured home shall be fully skirted with concrete, horizontal wood or vinyl siding, or other materials, pursuant to applicable building codes.

**I. Prohibited.** The manufactured home shall not be located in a designated historic district, except where the historic district regulations specifically provide for manufactured homes.

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## 2.3 – Special Use Standards | Mobile Home and Manufactured Dwelling Parks

### 2.3.140 Mobile Home and Manufactured Dwelling Parks

**User's Guide:** The following implements ORS 197.314 Required siting of manufactured homes, including the optional design standards for homes in manufactured home parks that are smaller than three acres.

Mobile home and manufactured dwelling parks (not including recreational vehicles) are permitted on parcels of one acre or larger, subject to compliance with subsections A-[C/D], below:

- A. Permitted Uses.** Single-family residences, manufactured home park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance).
- B. Development Standards.** Development of manufactured and mobile home parks, including placement of manufactured and mobile homes with a park, shall comply with applicable building codes and state requirements for Mobile Home and Manufactured Dwelling Parks in ORS 446.
- C. Perimeter Landscaping.** When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a landscape buffer of 5 to 10 feet in width between the right-of-way and a manufactured home park for the privacy and security of park residents or for privacy of adjacent residences.
- D. Manufactured Dwelling Design In Small Developments.** In manufactured dwelling parks that are smaller than three acres, manufactured homes shall meet both of the following standards:
  - 1. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14 degrees).
  - 2. The manufactured home shall have exterior siding and roofing which in color, material, and appearance are similar to the exterior siding and roof material used on nearby residences; horizontal wood or horizontal wood-appearance siding and composite roofing is also permitted.
- [E. Floodplain.** *Compliance with the City of [name] Floodplain Overlay is required.*]

### [2.3.150 **Mobile Homes and Recreational Vehicles Used as Dwellings**]

**User's Guide:** The following is a placeholder for jurisdictions that have mobile homes pre-dating current HUD standards. It is also intended to clarify where residential use of recreational vehicles is grandfathered.

### 2.3.160 **Temporary Uses**

**User's Guide:** It is recommended that cities define temporary uses and regulate them appropriately. For example, one mobile food cart placed temporarily (e.g., summer months) on private property may not have much of an impact on public services or parking. However, an entire “food court” (i.e., with multiple carts) that lasts the whole year through should be subject to public improvement standards, just like any other development.

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, seasonal sales such as Christmas tree sales and vegetable stands, and similar uses. This Code contains permit procedures for three types of temporary uses, Seasonal and Special Events, Temporary Sales Offices and Model Homes, and Temporary Buildings, Trailers, Kiosks, and Other Structures, as follows:

- A. Seasonal and Special Events.** Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions, or deny a temporary use application for a Seasonal or Special Event, based on the following criteria:
1. The use is permitted in the underlying zone, and does not violate any conditions of approval for the property (e.g., prior development permit approval).
  2. The use occurs only once in a calendar year and for not longer than [30-60] consecutive days.
  3. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval).
  4. The applicant, if different than the property owner, has proof of the owner's permission to place the use on the property.
  5. Ingress and egress are adequate and do not raise safety concerns when the proposed use is combined with the other uses of the site, pursuant to Chapter 3.3 Access and Circulation.
  6. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.4 Landscaping, Fences and Walls.
  7. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to the Chapter 3.5 Parking and Loading.
  8. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.6 Public

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## 2.3 – Special Use Standards | Temporary Uses

Facilities.

9. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use.
10. The use is adequately served by sewer or septic system and water, as applicable.
11. The applicant shall be responsible for maintaining all required licenses and permits.

**B. Temporary Sales Office or Model Home.** Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions, or deny a temporary use application for a Temporary Sales Office or Model Home, based on the following criteria:

1. **Temporary sales office.** The use of any real property within the City as a temporary sales office, office for the purpose of facilitating the sale of real property, shall meet all of the following criteria:
  - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold.
  - b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.
  - c. Public health, safety, and welfare shall be protected through conditions imposed by the City, regarding temporary utility connections.
2. **Model house.** The use of any real property within the City for a model home, including a model home in any subdivision or on any tract of land within the City, shall meet all of the following criteria:
  - a. Where the model house is located in a Residential zone, it shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated.
  - b. A model house located in a Residential zone shall be designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements.
  - c. A model house located in a non-Residential zone, as with a manufactured home sales display lot, shall be removed when the use of the subject site for home sales ends.

**C. Temporary Buildings, Trailers, Kiosks, and Other Structures.** Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions, or deny an application for a placement and use of a temporary building, trailer, kiosk, or other structure, based on following criteria:

1. The use is permitted in the underlying zone and does not violate any conditions of approval for the property (e.g., prior development permit approval).

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## 2.3 – Special Use Standards | Temporary Uses

2. The applicant, if different than the property owner, has proof of the owner's permission to place the use on the property.
3. The lot development standards of Section 2.2.040 are met.
4. Ingress and egress are adequate and do not raise safety concerns when the proposed use is combined with the other uses of the site, pursuant to Chapter 3.3 Access and Circulation.
5. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.4 Landscaping, Fences and Walls.
6. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to the Chapter 3.5 Parking and Loading.
7. The temporary use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.6 Public Facilities.
8. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use.
9. The use is adequately served by sewer or septic system and water, as applicable.
10. The structure complies with applicable building codes.
11. Except where specifically authorized by the [*City decision-making body*], the length of time that the temporary structure may remain on a site shall not exceed [#] consecutive months or a total of [#] months in any one calendar year.
12. The applicant has obtained and will maintain all required licenses and permits.
13. Public health, safety, and welfare are protected through the installation of a water meter, if necessary, and other improvements, pursuant to Chapter 3.6 Public Facilities, as necessary.

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## 2.3 – Special Use Standards | [Accessory Dwellings]

### [2.3.170      Accessory Dwellings]

**User's Guide:** Accessory dwellings are not included in the state definition of needed housing, but they are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. Accessory dwelling regulations can be difficult to enforce, particularly where local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should also be considered. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

*[Accessory dwellings, where allowed, are subject to review and approval through a Type II procedure, pursuant to Section 4.1.030, and shall conform to all of the following standards:*

- A. One Unit.** *A maximum of one Accessory Dwelling unit is allowed per legal lot.*
- B. Floor Area.** *An Accessory Dwelling unit shall not exceed [600-800] square feet of floor area, or [40] percent of the primary dwelling unit's floor area, whichever is smaller. The unit may be a detached cottage, a unit attached to a dwelling, or in a portion of an existing dwelling. [The floor area of any garage associated with the primary dwelling is not included in the calculation of maximum floor area.]*
- C. Lot Size.** *The minimum lot size for a lot with an Accessory Dwelling is [6,000] square feet.*
- D. Building Design.** *The Accessory Dwelling shall be constructed of materials that are the same or similar to the materials used on the primary dwelling. The Accessory Dwelling shall comply with applicable Oregon Structural Specialty Code requirements.*
- E. Building Height.** *The height of an accessory dwelling shall not exceed the height of the primary dwelling.*
- F. Parking.** *A minimum of [two] off-street parking spaces are required, total, for a site containing an Accessory Dwelling unit.*
- G. Screening and Buffering.** *The City may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting lot containing a single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Chapter 3.4.]*

**[2.3.180 Bed and Breakfast Inns]**

**User's Guide:** Bed and breakfast inns are popular in many communities where historic single-family homes, or homes near attractive downtown areas, make for successful inns. Allowing bed and breakfast uses can help preserve a community's historic landmarks by providing a secondary income stream to the homeowners. Concerns about neighborhood compatibility, parking, and other factors should be considered when drafting codes for bed and breakfast inns. The following standards should be tailored to fit the needs of your community.

[Bed and Breakfast Inns, where allowed, are subject to review and approval through a Type II procedure, pursuant to Section 4.1.030, and shall conform to all of the following standards:

- A. Accessory Use.** The use must be accessory to a permitted residential use.
- B. Maximum Size.** A maximum of [six] bedrooms for guests, and a maximum of [12] guests are permitted per night.
- C. Length of Stay.** The maximum length of stay is [28] days per guest; any stay longer is classified as a hotel or commercial lodging use.
- D. Employees.** The inn shall have not more than [two] non-resident employees on-site at any one time. There is no limit on residential employees.
- E. Food Service.** Food service shall be provided only to overnight guests of the business, except where a restaurant use is also an allowed use (as in the CR zone).
- F. Signs.** Signs shall not exceed a total of four square feet of surface area on each side of one or two faces. See also, sign regulations in Municipal Code.
- G. Screening and Buffering.** The City may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Chapter 3.4.]

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## 2.3 – Special Use Standards | *[Other Misc. Special Uses]*

### **[2.3.190 Cottage Housing]**

**User’s Guide:** Cottage housing offers an alternative housing choice that is responsive to changing household demographics, lifestyles, and housing needs. Although average household size is still decreasing, single-family housing remains a preferred housing type in most Oregon communities.

Cottage housing developments or “cottage clusters” consist of small houses, each usually with less than 1,000 square feet of floor area, oriented around a common open space area and with shared parking. Some developments might have other common amenities, such as a recreation area, laundry facility, common building, etc.

Depending on the development, cottages might be owned fee simple (each on its own lot) or they part of a condominium plat where the land is owned in common but the buildings are individually owned. Typically the open space and parking areas are owned and maintained in common.

In this way, cottage developments can offer elements of affordable single-family housing without the feeling of living in an apartment. Cottage housing is not included in the state definition of needed housing, but it is an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing.

Metro ([www.oregonmetro.gov](http://www.oregonmetro.gov)) has developed its “Regional Model for Cottage Housing Standards,” which provides a good starting point for cities large and small. Local housing providers should also be consulted when drafting standards for accessory dwellings.

### **[2.3.200 Micro-Generation Facilities]**

**User’s Guide:** Micro-generation refers to power generation by individual households or businesses for use on the premises. It may include solar, wind, hydro, geothermal, biomass, and other sources. Because the field is evolving rapidly, the model code does not provide standards. Cities should review their existing land use codes and identify any conflicts with micro-generation, such as building height and setback standards for accessory structures, lot coverage limitations, and others, and consider whether code changes are warranted. For example, Oregon House Bill 3516 (2011) requires that cities allow rooftop solar equipment. Cities may also want to refer to the US Green Building Council and Natural Step Network for additional information and sample rating systems and ordinances.

### **[2.3.210 Parks and Open Spaces]**

**User’s Guide:** This section is a placeholder for cities that want to adopt special use standards as an alternative to requiring a conditional use permit for certain types of park facilities.

**[2.3.220      *Vacation Rental Dwelling*]**

**User’s Guide:** Many of Oregon’s small cities are attractive to retirees and second homeowners. As a result, much of the housing stock in those communities is actually a hybrid form of housing and commercial lodging. Land use concerns often arise around vacation rental dwellings (VRDs), including the number of occupants in a rental, the duration of each stay, parking, noise, trash storage, and landscaping and property maintenance, among others. This section is reserved for vacation rental dwelling standards, which should be tailored to meet the needs of each community. For an example of a local VRD code, cities might want to refer to Lincoln City’s Vacation Rental Dwelling codes, which require both licensing of rentals and compliance with land use standards.

**[2.3.230      *Wireless Communication Facilities*]**

**User’s Guide:** This section is reserved for codes regulating wireless communication facilities. Many cities adopted codes regulating the location and design of cell towers and antennae during the late 1990s, when cellular phone service was expanding rapidly. Local concerns arose regarding the visual impact of new towers, some over 150 feet tall and located in residential areas, and health concerns. In response, the federal Telecommunications Act was adopted to, among other things, respond to those concerns and facilitate the siting of cell towers.

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## 2.3 – Special Use Standards | Overlay Zones [*and Specific Area Plan Regulations*]

### Chapter 2.4 – Overlay Zones [*and Specific Area Plan Regulations*]

#### Sections:

2.4.010 Purpose

2.4.020 Applicability

[2.4.030 Overlay Zone 1]

[2.4.040 Overlay Zone 2]

[2.4.050 Overlay Zone 3]

**User's Guide:** Most cities have at least one overlay zone (e.g., Flood Hazard). Some have also adopted Specific Area Plans for individual neighborhoods or future growth areas. Chapter 2.4 is a placeholder for overlay zones and specific area plan regulations, as needed. The format and numbering of this chapter should be tailored to meet the needs of each city.

#### **2.4.010 Purpose**

*[Draft overall purpose and intent for overlay zones.]*

#### **2.4.020 Applicability**

*[Reserved for applicability of overlay zones; relationship between base zones and overlays, etc.]*

#### **[2.4.030 Overlay Zone 1]**

#### **[2.4.040 Overlay Zone 2]**

#### **[2.4.050 Overlay Zone 3]**

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## Article 3 - Community Design Standards

### Chapters:

- 3.1 Design Standards Administration
- 3.2 Building Orientation and Design
- 3.3 Access and Circulation
- 3.4 Landscaping, Fences and Walls, [*Outdoor Lighting*]
- 3.5 Parking and Loading
- 3.6 Public Facilities
- [3.7 Signs]

**Background:** Article 3 provides standards for development and changes of use. The standards address site and lot layout and design, access, circulation, landscaping, parking, loading, and public facilities. Article 3 also provides general guidance for drafting sign regulations applicable to downtowns, main streets, and similar areas. Not every standard will apply to all of the actions (permits and approvals) under Article 4. Chapter 3.1 outlines the provisions of Article 3 that apply to each type of action, though cities will need to customize the code and establish the types of approvals, and development thresholds, to which the design standards apply.

## Chapter 3.1 - Design Standards Administration

### Sections:

3.1.010 Purpose

3.1.020 Applicability

### **3.1.010 Purpose**

Article 3 contains design standards for the built environment. The standards are intended to protect the public health, safety, and welfare through multimodal accessibility and interconnectivity, and through the provision of parking, landscaping, *[and] adequate public facilities[, and appropriate signage]*.

### **3.1.020 Applicability**

The provisions Article 3 apply to permits and approvals granted under this Code, and other City actions, as summarized in Table 3.1.020.

### 3.1 – Design Standards Administration | Applicability

<b>Table 3.1.020 Applicability of Design Standards to Approvals and Permits</b>						
<b>Approvals*</b>	<b>3.2 Building Design</b>	<b>3.3 Access Circulation</b>	<b>3.4 Landscapes &amp; Screening</b>	<b>3.5 Parking &amp; Loading</b>	<b>3.6 Public Facilities</b>	<b>3.7 Signs</b>
Zoning Checklist Review	Review and determine whether land use application is required.					
Access or Approach Permit	N	Y	N	Y	Y	N
Adjustment	Individual chapters may apply, depending on the adjustment request.					
Annexation	N	N	N	N	Y	N
Building Permit	The City reviews building plan proposals through a Type I (Zoning Checklist) procedure and determine which standards apply.					
Code Interpretation	Standards are subject to City interpretation under Chapter 1.5.					
Code Text Amendment	Chapters apply where amendment affects design standards.					
Comprehensive Plan Map Amendment	N	N	N	N	Y	N
Conditional Use Permit	Y	Y	Y	Y	Y	Y
Home Occupation	N	N	N	N	N	Y
Legal Lot Determination	N	Y	N	N	Y	N
Master Planned Development	Y	Y	Y	Y	Y	Y
Modification to Approval or Condition of Approval	Individual chapters may apply, depending on the modification request.					
Non-Conforming Use or Structure, Expansion of	Y	Y	Y	Y	Y	Y
Partition or Re-plat of 2-3 lots (See also, Chapter 4.3)	Y (if bldg exists)	Y	Y (for flag lot)	Y (if use exists)	Y	N
Property Line Adjustments, including Lot Consolidations (See also, Chapter 4.3)	Y (if bldg exists)	Y	Y (for flag lot)	Y (if use exists)	Y	N
Site Design Review (See also, Chapter 4.2)	Y	Y	Y	Y	Y	Y
Subdivision or Replat of >3 lots (See also, Chapter 4.3)	Y (if bldg exists)	Y	Y (for flag lot)	Y (if use exists)	Y	N
Adjustments	Individual chapters may apply, depending on the variance request.					
Zoning District Map Change	N	N	N	N	Y	N

\* The applicant may be required to comply with the design standards of other agencies, such as a road authority or natural resource regulatory agency. The City’s failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

## Chapter 3.2 – Building Orientation and Design

### Sections:

- 3.2.010 Purpose
- 3.2.020 Applicability
- 3.2.030 Residential Buildings
- 3.2.040 Non-Residential Buildings
- 3.2.050 Civic Space and Pedestrian Amenities
- 3.2.060 Drive-Up and Drive-Through Uses and Facilities
- [3.2.070 Reserved for Special District Design Standards]

The Model Code is not a form-based code; rather it uses the platform of a traditional zoning ordinance to implement the smart growth principles of compact development, mixed-use, transportation efficiency, full utilization of urban services, and human-scale design. Cities can build on this model by adopting special design standards or form-based codes for specific neighborhoods or districts. Section 3.2.070 and the overlay zone chapters in Article 2 (placeholders) allow for this. Similarly, the Model Code does not have a specific chapter containing green building standards, nor is does it contain a green building rating system such as LEED; though the model is intended to help small cities move in the direction of sustainability, in both the built and natural environments. For example, in addition to the smart growth principles listed above, the model promotes water conservation through water-conserving landscapes (xeriscaping) in chapter 3.4, and provides options for using renewable energy.

### **3.2.010 Purpose**

Chapter 3.2 regulates the placement, orientation, and design of buildings. The regulations are intended to protect public health, safety, and welfare through clear and objective standards that promote land use compatibility and livability, while protecting property values and ensuring predictability in the development process. In summary, Chapter 3.2 is intended to create and maintain a built environment that:

- A.** is conducive to walking and bicycling [*while providing convenient access to transit*];
- B.** provides natural surveillance of public spaces, or “eyes on the street,” for crime prevention and security;
- C.** reduces dependency on the automobile for short trips, thereby conserving energy and reducing unwanted congestion;
- D.** encourages the use of water-conserving landscaping;
- E.** allows for the integration of surface water management facilities within parking lots and landscape areas; [*and*]
- F.** supports small-scale energy generation, through the use of solar, wind, and renewable sources [*. / ; and*]
- [G.** *creates a sense of place that is consistent with the character of the community, including historical development patterns and the community vision.*]

### **3.2.020      Applicability**

Chapter 3.2 applies to all new *[buildings / buildings, except single-family detached homes]*, and exterior alterations to existing buildings. *[The (City decision-making body), through a (Type II / III) procedure, may grant adjustments to Chapter 3.2, pursuant to the criteria of Chapter 4.7 Adjustments and Variances. (Elaborate as needed, specifying any limitation on the types of standards that may be adjusted and by how much.)]*

### 3.2.030 Residential Buildings

**User's Guide:** Section 3.2.030 is intended to provide clear and objective building design standards for residential development, addressing the design issues that are most frequently cited as concerns in small cities: basic site planning, streetscape appearance, avoidance of conflicts between vehicles and pedestrians, and the design and orientation of garages. The model should be adapted to include standards that address local design objectives, including, where applicable, historic preservation.

**A. Purpose.** The following requirements are intended to create and maintain a built environment that is conducive to walking; reduces dependency on the automobile for short trips; provides natural surveillance of public spaces; addresses the orientation and design of garages; *[and]* creates a human-scale design, e.g., with buildings placed close to streets or other public ways and large building walls divided into smaller planes with detailing; *and maintains the historic integrity / architectural character of the community*.

**B. Building Orientation.** Residential buildings that are subject to the provisions of this chapter, pursuant to Section 3.2.020, shall conform to all of the following standards:

Insert the graphics pages that apply, and add text references to graphics. If your city chooses not to regulate single-family dwelling design, exclude the single-family dwelling graphics.

- I. Building Orientation to Street.** 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.
  - 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, the dwelling may orient to a walkway, courtyard, open space, common area, lobby, or breezeway (i.e., for multiple family buildings).
  - [c. Where a flag lot is permitted, building orientation shall conform to the provisions for flag lots under Chapter 4.3.]*

- 2. Limitation on Parking Between Primary Entrance and Street.** Off-street parking is not allowed between a primary building entrance and the street to which it is oriented, except that assisted living facilities, group care facilities, and similar institutional-residential uses serving clients with disabilities may have one driveway located between the primary building entrance and an adjacent street as required to serve as a drop-off or loading zone, provided the primary building entrance shall connect to an adjacent street by a pedestrian walkway that conforms to the standards of Section 3.3.030. The intent of this exception is to provide for one drop-off or loading zone while maintaining a direct, convenient, and safe

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## 3.2 – Building Orientation and Design | Residential Buildings

pedestrian access to a primary building entrance.

- 3. Build-to Line.** Where a new building is proposed in a zone that requires a build-to line per Section 2.2.040, the building shall comply with the build-to line standard and the development shall meet the standards for pedestrian access under Section 3.3.030.

**C. Garages.** The following standards apply to all types of vehicle storage, including, but not limited to, buildings, carports, canopies, and other permanent and temporary structures. The standards are intended to balance residents' desire for a convenient, safe, and private vehicle access to their homes with the public interest in maintaining safe and aesthetically pleasing streetscapes. The standards therefore promote pedestrian safety and visibility of public ways, while addressing aesthetic concerns associated with street-facing garages.

Insert the graphics pages that apply, and add text references to graphics. If your city chooses not to regulate single-family dwelling design, exclude the single-family dwelling graphics.

- 1. Alleys and Shared Drives.** Where a dwelling abuts a rear or side alley, or a shared driveway [*including flag lot drives,*] the garage or carport opening(s) for that dwelling shall orient to the alley or shared drive, as applicable, and not a street.
- 2. Setback for Garage Opening Facing Street.** No garage or carport opening shall be placed closer than 20 feet to a street right-of-way[. / ; *except where the City approves a reduced setback and parking in front of garages is restricted (for example, as part of an approval for a hillside development or development adjacent to a natural feature).*]
- 3. Width of Garage Openings Facing Street.** Where one or more garage openings face a street, the total width of all garage openings on that building elevation shall not exceed 50 percent of the width of that elevation[. / ; *except this standard does not apply where the garage opening is recessed behind the front elevation of the dwelling by not less than [three - six] feet for its entire width, or where all garage openings are placed behind the primary entrance to the dwelling. An arbor, portico, or similar architectural feature extending the entire width of the garage may be used as the basis of measuring the garage recess.*] A garage opening is considered to be facing a street where the opening is parallel to, or within 45 degrees of, the street right-of-way line.  
  
**[4. Three-Car and Wider Garages.** *Where three or more contiguous garage parking bays are proposed facing the same street, the garage opening closest to a side property line shall be recessed at least two feet behind the adjacent opening(s) to break up the street-facing elevation and diminish the appearance of the garage from the street. Side-loaded garages, i.e., where the garage openings are turned away from the street, are exempt from this requirement.]*

**[5. Garages for Duplex Dwellings.** *Duplex design shall conform to Section 2.3.060.]*

**D. Architecture.** The following standards require variation in architectural plans to avoid monotony in new developments. The standards support the creation of architecturally varied neighborhoods, whether a

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## 3.2 – Building Orientation and Design | Residential Buildings

neighborhood develops all at once or one lot at a time, avoiding homogeneous street frontages that detract from the community's appearance. The standards are applied through the Site Design Review process for new townhome dwellings and new multifamily dwellings[, and through the Zoning Checklist (Type I) review process prior to issuance of building permits for new single-family dwellings and new duplex dwellings.] In addition to the following requirements, duplexes, townhomes, and multifamily projects shall conform to the special use standards of Chapter 2.3. [The City, upon the applicant's request, may approve a subdivision or site design review application with house plans pre-designated for specific lots, thus avoiding the need for future design review for those lots.]

Insert the graphics pages that apply, and add text references to graphics. If your city chooses not to regulate single-family dwelling design, exclude the single-family dwelling graphics.

- I. **Detailed Design.** Dwelling designs shall incorporate not fewer than [four] architectural features per dwelling unit from a-k below. Applicants are encouraged to use those elements that best suit the proposed building style and design.
  - a. Covered front porch: not less than [six] feet in depth and not less than [30] percent of the width of dwelling, excluding the landing for dwelling entrance.
  - b. Dormers: minimum of [two] required for each single-family dwelling and [one] each for other dwellings; must be a functional part of the structure, for example, providing light into a living space.
  - c. Recessed entrance: not less than [three] feet deep.
  - d. Windows: not less than [30] percent of surface area of all street-facing elevation(s).
  - e. Window trim: minimum [four]-inch width (all elevations).
  - f. Eaves: overhang of not less than [12] inches.
  - g. Offset: offset in facade or roof (see subsection 2, "Articulation").
  - h. Bay window: projects from front elevation by [12] inches.
  - i. Balcony: one per dwelling unit facing street.
  - j. Decorative top: e.g., cornice or pediment with flat roof or brackets with pitched roof.
  - k. Other: feature not listed but providing visual relief or contextually appropriate design similar to options a-j, as approved by the [Planning Official] through a Type II procedure.

### 2. Articulation

The following standards are intended to break up large building walls and promote human-scale design. Choose from the two options below and adapt to your community. Option A is simple, as it breaks up elevations by requiring at least one “break” for every 30-40 feet of horizontal building dimension. Option B provides more flexibility for design but may be more time-consuming to administer. Option B avoids large uninterrupted building planes, whether oriented horizontally or vertically, by requiring breaks for every 500-600 square feet of surface area. Insert the graphics pages that apply, and add text references to graphics.

*[OPTION A]* Plans for *[residential buildings / multifamily or townhome buildings]* shall incorporate design features such as varying rooflines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements that break up otherwise long, uninterrupted elevations. Such elements shall occur at a minimum interval of *[30-40]* feet, and each floor shall contain at least two elements from the following options:

- a. Recess (e.g., porch, courtyard, entrance balcony, or similar feature) that has a minimum depth of *[four]* feet;
- b. Extension (e.g., floor area, porch, entrance, balcony, overhang, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of *[four]* feet; or
- c. Offsets or breaks in roof elevation of *[two]* feet or greater in height.

*[OPTION B]* When the front, side, or rear elevation of any *[residential building / multifamily or townhome building]* is more than *[500-600]* square feet in area, that elevation must be divided into distinct planes of not more than *[500-600]* square feet subject to the following standards:

- a. Areas of wall planes that are entirely separated from other wall planes (e.g., wall or roof offsets, bays, stoops, canopies, porches, balconies, chimneys, dormers, and similar architectural projections or recesses) are those that are separated from the adjacent building plane by a depth of not less than *[two]* feet for a length of not less than *[six]* feet.
- b. Where horizontal features such as cornices, pediments, belt courses, canopies (e.g., covered porches), or bellybands are used to break a wall plane, they must be at least *[one]* foot in height across the width of the elevation.
- d. Roofs must provide offsets or breaks in roofline with at least one break of at least *[two]* feet for every *[90]* lineal feet of roofline. Roof offsets, cross gables, and similar interruptions are examples of acceptable breaks in roofline on sloped roofs. On flat roofs, stepped parapets or cornices proportioned to the building elevation may be used to meet this standard.

Subsection 3 House Plan Variety is recommended for communities that are concerned about production builders replicating the same building plan over and over, creating monotonous streetscapes. The standards require adjacent building plans look different from one another as viewed from the street. The standards are intended to apply only to new developments, not houses on existing lots. Cities should establish size thresholds so that the standards apply only to large subdivisions and multifamily projects with several buildings. Insert the graphics pages that apply, and add text references to graphics.

**[3. House Plan Variety.** *No two directly adjacent or opposite dwelling units in a single-family development, or buildings in a multifamily development, may possess the same front or street-facing elevation. This standard is met when front or street-facing elevations differ from one another by no fewer than [#] of the elements listed in a-g below. Where facades repeat on the same block face, they must have at least [three] intervening lots between them that meet the above standard.*

- a. *Materials – The plans specify different exterior cladding materials, a different combination of materials, or different dimensions, spacing, or arrangement of the same materials. This criterion does not require or prohibit any combination of materials; it only requires that plans not repeat or mirror one another. Materials used on the front facade must turn the corner and extend at least [two] feet deep onto the side elevations.*
- b. *Articulation – The plans have different offsets, recesses, or projections; or the front building elevations break in different places. For example, a plan that has a stoop entry (recess) varies from one that has an entry under a front porch (projection). For this criterion to apply, a recess must have a minimum depth of [four] feet and a projection or offset must be at least [four] feet in depth.*
- c. *Variation in Roof Elevation – The plans have different roof forms (e.g., gable versus gambrel or hip), different roof height (by at least [10] percent), different orientation (e.g., front-facing versus side-facing gable), or different roof projections (e.g., with and without dormer or shed, or different type of dormer or shed).*
- d. *Entry or Porch – The plans have different configuration or detailing of the front porch or covered entrance.*
- e. *Fenestration – The plans have different placement, shape, or orientation of windows or different placement of doors.*
- f. *Height – The elevation of the primary roofline (along the axis of the longest roofline) changes by not less than [four] feet from building to building, or from dwelling unit to dwelling unit (e.g., townhome units), as applicable. Changes in grade of [eight] feet or more from one lot to the adjacent lot are counted toward change in height for purposes of evaluating facade variation.*
- g. *Color Palette – Complementary variation in color palette.]*

**[4. Materials and Color.** *Building exteriors shall conform to the following standards. The (City decision-making body) may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapter 4.2 and Chapter 4.7, respectively.]*

The following provisions are placeholders. Cities should refer to adopted design guidelines or standards for materials used in specific neighborhoods or districts.

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## 3.2 – Building Orientation and Design | Residential Buildings

- a. *Primary Materials.* [Permitted exterior cladding materials include the following, and other materials found to be similar in appearance and durability, subject to Site Design Review / Exterior cladding materials may not consist of]: [placeholder].
- b. *Secondary Materials.* Any of the materials listed above as permitted may also be used as secondary materials or accents. In addition, the following materials are allowed as secondary materials, trims, or accents (e.g., flashing, wainscoting, awnings, canopies, signs, ornamentation) when non-reflective and compatible with the overall building design, subject to approval through Site Design Review: [placeholder]
- c. *Substitute Materials.* Substitute materials that are equal in appearance and durability to those listed in subsections 1 and 2 may be approved through Site Design Review. The applicant will be required to provide specifications from the manufacturer.
- d. *Color.* [Color schemes shall conform to the adopted color palette on file at the City Hall.] Reflective, luminescent, sparkling, and “day-glow” colors and finishes are prohibited.
- e. *Historic District and Historic Buildings.* [Refer to special regulations or overlay zone.]

*Insert Graphics Page Here*

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## 3.2 – Building Orientation and Design | Residential Buildings

*Insert Graphics Page Here*

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## 3.2 – Building Orientation and Design | Residential Buildings

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## 3.2 – Building Orientation and Design | Residential Buildings

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## 3.2 – Building Orientation and Design | Non-Residential Buildings

### 3.2.040 Non-Residential Buildings

**User's Guide:** Section 3.2.040 provides one set of design standards for non-residential buildings. The standards are intended to address the issues that are most frequently cited as concerns in small cities: basic site planning standards, pedestrian-oriented design, and architectural standards aimed at protecting small-town character. These standards support well-placed, well-planned commercial, mixed-use, and institutional buildings. The model should be adapted to include standards that address local design objectives, including, where applicable historic preservation, while providing flexibility for institutional uses such as hospitals, airports, places of worship, schools and colleges.

**A. Purpose and Applicability.** The following requirements apply non-residential development, including individual buildings and developments with multiple buildings such as shopping centers, office complexes, mixed-use developments, and institutional campuses. The standards are intended to create and maintain a built environment that is conducive to pedestrian accessibility, reducing dependency on the automobile for short trips, while providing civic space for employees and customers, supporting natural surveillance of public spaces, and creating human-scale design. The standards require buildings placed close to streets, with storefront windows (where applicable), with large building walls divided into smaller planes, and with architectural detailing. *[The standards are also intended to promote compatibility with the historic development pattern / architectural character of the community].*

**User's Guide:** Additional (optional) purpose and intent language is offered below. Insert statements as numbered subsections and add punctuation, as needed.

*[The standards are intended to enhance / support the continued development of the city, reinforcing it as an attractive place to work, shop, and conduct business.*

*[The standards respond to and reconcile the historical context of the city with more contemporary building practices. The standards draw on the architectural vocabulary of the city's historic districts, while allowing a contemporary interpretation of older building forms and styles scaled to fit the community. It is not the City's intent to create an architectural theme, but rather to ensure that new buildings and exterior alterations fit within the context of their surroundings and contribute toward the development of compact, walkable commercial and mixed-use districts. Specifically, the standards:*

*draw upon the local vocabulary of building styles and elements, including compatibility with locally significant historic structures where applicable;*

*create a sense of street enclosure with appropriate building heights and detailing;*

*address differences in building scale between different zoning districts;*

*require the use of contextually appropriate materials, textures and colors;*

*promote a storefront character (windows, pedestrian shelter, furnishings, etc.);*

*encourage a diversity of building facades and rooflines that fall into a consistent rhythm;*

*promote corner lots as focal points;*

*improve the streetscape with adequate civic space, street furnishings and public art; and*

*encourage energy and water conservation, and the use of renewable resources.]*

**B. Building Orientation.** The following standards apply to new buildings *[and building additions that are subject to Site Design Review. The (City decision-making body) may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapter 4.2 and Chapter 4.7, respectively.]*

**User's Guide:** The following standards are intended to promote well-placed and well-designed buildings that enhance the public streetscape. The code has built-in exceptions for certain situations where compliance with the standards is not practical. Chapter 4.7 Adjustments and Variances, and Chapter 4.8 Master Planned Developments, provide additional flexibility, as needed. Insert the graphics pages that apply, and add text references to graphics.

- I. Buildings subject to this Section shall conform to the applicable build-to line standard in Table 2.2.040. The standard is met when at least *[50]* percent of the abutting street frontage has a building placed no farther from at least one street property line than the build-to line in Table 2.2.040 *[/i>; except in the D / MS zone, at least 80 percent of the abutting street frontage shall have a building placed no farther from at least one street property line than the required Build-to-Line.] The *[City decision-making body]*, through Site Design Review, may waive the build-to line standard where it finds that one or more of the conditions in subsections (a)-(g) occurs.
  - a. A proposed building is adjacent to a single-family dwelling, and an increased setback promotes compatibility with the adjacent dwelling.
  - b. The standards of the roadway authority preclude development at the build-to line.
  - c. The applicant proposes extending an adjacent sidewalk or plaza for public use, or some other pedestrian amenity is proposed to be placed between the building and public right-of-way, pursuant to Section 3.2.050 and subject to Site Design Review approval.
  - d. The build-to line may be increased to provide a private open space (e.g., landscaped forecourt), pursuant to Section 2.3.070, between a residential use in a mixed-use development (e.g., live-work building with ground floor residence) and a front or street property line.
  - e. A significant tree or other environmental feature precludes strict adherence to the standard and will be retained and incorporated in the design of the project.
  - f. A public utility easement or similar restricting legal condition that is outside the applicant's control makes conformance with the build-to line impracticable. In this case, the building shall instead be placed as close to the street as possible given the legal constraint, and pedestrian amenities (e.g., plaza, courtyard, landscaping, outdoor seating area, etc.) shall be provided within the street setback in said location pursuant to Section 3.2.050.
  - g. An expansion is proposed on an existing building that was lawfully created but does not conform to the above standard, and the building addition moves in the direction of compliance where practicable.*
2. Except as provided in subsections 3.2.040.C(5)-(6), below, all buildings shall have at least one primary entrance (i.e., tenant entrance, lobby entrance, breezeway entrance, or courtyard entrance) facing an abutting street (i.e., within 45 degrees of the street property line); or if the building entrance must be

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## 3.2 – Building Orientation and Design | Non-Residential Buildings

turned more than 45 degrees from the street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk in conformance with Section 3.3.030.

3. Off-street parking, trash storage facilities, and ground-level utilities (e.g., utility vaults), and similar obstructions shall not be placed between building entrances and the street(s) to which they are oriented. To the extent practicable, such facilities shall be oriented internally to the block and accessed by alleys or driveways.
4. Off-street parking shall be oriented internally to the site to the extent practicable, and shall meet the Access and Circulation requirements of Chapter 3.3, the Landscape and Screening requirements of Chapter 3.4, and the Parking and Loading requirements of Chapter 3.5.
5. Where a development contains multiple buildings and there is insufficient street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to plaza, courtyard, or similar pedestrian space containing pedestrian amenities and meeting the requirements under Section 2.3.090, subject to Site Design Review approval. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway conforming to Section 3.3.030.

**C. Large-Format Developments.** Plans for new developments, or any phase thereof, with a total floor plate area (ground floor area of all buildings) greater than [40,000] square feet, including land divisions in the [D / MS, GC, and LI / ME] zones, shall meet all of the following standards in subsections 1-9, below. *The (City decision-making body) may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapter 4.2 and Chapter 4.7, respectively.*

The following standards are intended to address problems of transportation connectivity and pedestrian safety associated with “big box” developments and conventional strip-commercial shopping centers. Insert the graphics pages that apply, and add text references to graphics.

1. The site plan or preliminary subdivision plan, as applicable, shall comply with the street connectivity standards of Section 3.6.020. The plan approval shall bind on all future phases of the development, if any, to the approved block layout.
2. Except as provided by subsection 3.2.040(C)(6)-(9), below, the site shall be configured into blocks with building pads that have frontage onto improved streets meeting City standards, and shall contain interior parking courts and with interconnected pedestrian walkways.
3. The build-to line standards in Table 2.3.030 shall be met across not less than [50] percent of the site's street frontage, consistent with subsection 3.2.040(B), except the build-to standard does not apply where a railroad, expressway, water body, topographic constraint, or similar physical constraint makes it impractical to orient buildings to a particular street or highway.

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4. Walkways shall connect the street right-of-way to all primary building entrances, and shall connect all primary building entrances to one another, including required pedestrian crossings through interior parking areas, if any, in accordance with Section 3.3.030. The *[City decision-making body]* may condition development to provide facilities exceeding those required by Section 3.3.030, including a requirement for lighting, stairways, ramps, and midblock pedestrian access ways (e.g., to break up an otherwise long block) to ensure reasonably safe, direct, and convenient pedestrian circulation.
5. Buildings placed at a block corner shall have a primary entrance oriented to the block corner. That entrance shall be located within *[20-40]* feet of the corner and shall have a direct and convenient pedestrian walkway connecting to the corner sidewalk.
6. All buildings shall orient to a street, pursuant to subsection 3.2.040.B. Where it is not practical to orient all buildings to streets due to existing parcel configuration or a similar site constraints, buildings may orient to a “shopping street” providing, at a minimum, on-street parking (parallel or angled parking), *[8-10]*-foot sidewalks (which shall include a *[four]*-foot zone for street trees and furnishings such as benches and other street furniture), and pedestrian-scale lighting.
7. Each building that is proposed as orienting to a shopping street shall comply with the orientation standards of Section 3.2.040.B in reference to the shopping street, and shall have at least one primary entrance oriented to the shopping street.
8. Where a building fronts both a shopping street and a public street, that building shall contain at least one primary entrance oriented to each street; except that an entrance is not required where the public street is not improved with a sidewalk and the City determines that sidewalk improvements to the public street cannot required as a condition of approval.
9. All other provisions of this Code apply to large-format developments.

**D. Primary Entrances and Windows.** The following standards apply to new buildings *[and building additions that are subject to Site Design Review. The (City decision-making body) may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapter 4.2 and Chapter 4.7, respectively.]*

The standards are intended to address the issues that are most frequently cited as concerns in small cities: avoiding suburban building designs (require detailed storefront design) and maintaining a compatible building scale. Not every community will need all of the following provisions. Insert the graphics pages that apply, and add text references to graphics.

1. **All Elevations of Building.** Architectural designs shall address all elevations of a building. Building forms, detailing, materials, textures, and color shall to contribute to a unified design with architectural integrity. Materials used on the front façade must turn the building corners and include at least a portion of the side elevations, consistent with the building’s overall composition and design integrity.
2. **Pedestrian Entrances.** Ground level entrances oriented to a street shall be at least partly transparent for natural surveillance and to encourage an inviting and successful business environment. This standard may be met by providing a door with a window(s), a transom window above the door, or sidelights beside the door. Where ATMs or other kiosks are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.

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## 3.2 – Building Orientation and Design | Non-Residential Buildings

- 3. Corner Entrances.** Buildings on corner lots are encouraged to have corner entrances. Where a corner entrance is not provided, the building plan *[should / shall]* provide an architectural element or detailing (e.g., tower, beveled corner, art, special trim, etc.) that accentuates the corner location.
- 4. Street Level Entrances.** All primary building entrances shall open to the sidewalk and shall conform to Americans with Disabilities Act (ADA) requirements, as applicable. Primary entrances above or below grade may be allowed where ADA accessibility is provided.
- 5. Windows – General.** Except as approved for parking structures or accessory structures, the front/street-facing elevations of buildings shall provide display windows, windowed doors, and where applicable, transom windows to express a storefront character.
- 6. Storefront Windows.** Storefront windows shall consist of framed picture or bay windows, which may be recessed. *[Framing shall consist of trim detailing such as piers or pilasters (sides), lintels or hoods (tops), and kick plates or bulkheads (base)—or similar detailing—consistent with a storefront character.]* The ground floor, street-facing elevation(s) of all buildings shall comprise at least *[60]* percent transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or *[30]* inches above the sidewalk grade, whichever is less) and a plane *[72]* inches above the sidewalk grade.
- 7. Defined Upper Story(ies).** Building elevations shall contain detailing that visually defines street level building spaces (storefronts) from upper stories. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials, or fenestration. Upper floors may have less window area than ground floors, but shall follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. *[Upper floor window orientation shall primarily be vertical, or have a width that is no greater than height. Paired or grouped windows that, together, are wider than they are tall, shall be visually divided to express the vertical orientation of individual windows.]*
- 8. Buildings Not Adjacent to a Street.** Buildings that are not adjacent to a street or a shopping street, such as those that are setback behind another building and those that are oriented to a civic space (e.g., internal plaza or court), shall meet the *[60]* percent transparency standard on all elevations abutting civic spaces(s) and on elevations containing a primary entrance.
- 9. Side and Rear Elevation Windows.** All side and rear elevations, except for zero-lot line or common wall elevations, where windows are not required, shall provide not less than *[30]* percent transparency.
- 10. Window Trim.** At a minimum, windows shall contain trim, reveals, recesses, or similar detailing of not less than *[four]* inches in width or depth as applicable. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged.
- 11. Projecting Windows, Display Cases.** Windows and display cases shall not break the front plane of the building (e.g., projecting display boxes are discouraged). For durability and aesthetic reasons, display cases, when provided, shall be flush with the building façade (not affixed to the exterior) and integrated into the building design with trim or other detailing. Window flower boxes are allowed provided they do not encroach into the pedestrian through-zone.

**12. Window Exceptions.** The *[City decision-making body]* may approve an exception to the above standards where existing topography makes compliance impractical. Where an exception to the window transparency requirement is made for parking garages or similar structures, the building design must incorporate openings or other detailing that resembles the window patterns (rhythm and scale).

**E. Articulation and Detailing.** The following standards apply to new buildings *[and building additions that are subject to Site Design Review. The (City decision-making body) may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapter 4.2 and Chapter 4.7, respectively.]*

The following standards are intended to avoid blank walls and maintain a compatible building scale. Insert the graphics pages that apply, and add text references to graphics.

- 1. Articulation.** All building elevations that orient to a street or civic space must have breaks in the wall plane (articulation) of not less than one break for every *[30]* feet of building length or width, as applicable, as follows:
  - a. A “break” for the purposes of this subsection is a change in wall plane of not less than *[24]* inches in depth. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer, eave, coursing, canopy, awning, column, building base, balcony, permanent awning or canopy, marquee, or similar architectural feature.
  - b. The *[City decision-making body]* through Site Design Review may approve detailing that does not meet the *[24]-inch* break-in-wall-plane standard where it finds that proposed detailing is more consistent with the architecture of *[historically significant or historic-contributing]* buildings existing in the vicinity.
  - c. Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet the *[24]-inch* break-in-wall-plane standard.
  - d. Building elevations that do not orient to a street or civic space need not comply with the *[24]-inch* break-in-wall-plane standard but should complement the overall building design.
- 2. Change in Materials.** Elevations should incorporate changes in material that define a building’s base, middle, and top, as applicable, and create visual interest and relief. Side and rear elevations that do not face a street, public parking area, pedestrian access way, or plaza may utilize changes in texture and/or color of materials, provided that the design is consistent with the overall composition of the building.
- [3. Horizontal Lines.** *New buildings and exterior remodels shall generally follow the prominent horizontal lines existing on adjacent buildings at similar levels along the street frontage. Examples of such horizontal lines include but are not limited to: the base below a series of storefront windows, an awning or canopy line, a belt course between building stories, a cornice, or a parapet line. Where existing adjacent buildings do not meet the City’s current building design standards, a new building may establish new horizontal lines.*
- 4. Ground Floor and Upper Floor Division.** *A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the use of a belt course, transom, awning, canopy, or similar division.*

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## 3.2 – Building Orientation and Design | Non-Residential Buildings

5. **Vertical Rhythms.** *New construction or front elevation remodels shall reflect a vertical orientation, either through breaks in volume or the use of surface details.]*
- F. **Pedestrian Shelters.** *The following standards apply to new buildings [and building additions that are subject to Site Design Review. The (City decision-making body) may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapter 4.2 and Chapter 4.7, respectively.]*

The following standards are intended promote pedestrian-oriented, human-scale design. Insert the graphics pages that apply, and add text references to graphics.

1. **Minimum Pedestrian Shelter Coverage.** Permanent awnings, canopies, recesses, or similar pedestrian shelters shall be provided along at least [75] percent of the ground floor elevation(s) of a building where the building abuts a sidewalk, civic space, or pedestrian access way. Pedestrian shelters used to meet the above standard shall extend at least [five] feet over the pedestrian area; except that the [City decision-making body], through Site Design Review, may reduce the above standards where it finds that existing right-of-way dimensions, easements, or building code requirements preclude standard shelters. In addition, the above standards do not apply where a building has a ground floor dwelling, as in a mixed-use development or live-work building, and the dwelling has a covered entrance.
2. **Pedestrian Shelter Design.** Pedestrian shelters shall comply with applicable building codes, and shall be designed to be visually compatible with the architecture of a building. If mezzanine or transom windows exist, the shelter shall be below such windows where practical. Where applicable, pedestrian shelters shall be designed to accommodate pedestrian signage (e.g., blade signs), while maintaining required vertical clearance.

### G. Mechanical Equipment

1. **Building Walls.** Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, is permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened pursuant to Chapter 3.4. Standpipes, meters, vaults, and similar equipment need not be screened but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed on a side or rear elevation where practical. *[Equipment for micro-generation or small-scale renewable energy (e.g., mini-wind turbines, solar panels, and similar features) are subject to the Special Use requirements of Section 2.3.190.]*
2. **Rooftops.** Except as provided below, rooftop mechanical units shall be setback or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not practicable, the [City decision-making body] may approve painting of mechanical units in lieu of screening; such painting may consist of muted, earth-tone colors that make the equipment visually subordinate to the building and adjacent buildings, if any.
3. **Ground-Mounted Mechanical Equipment.** Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges,

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trellises, and similar plantings may also be used as screens where there is adequate air circulation and sunlight, and irrigation is provided. The City may require additional setbacks and noise attenuating equipment for compatibility with adjacent uses.

**H. Civic Space.** Commercial development projects shall provide civic space pursuant to Section 3.2.080.

**I. Drive-Up and Drive-Through Facilities.** Drive-up and drive-through facilities shall comply with the requirements of Section 3.2.060.

**J. Upper Story Step-Back.** *The purpose of the height step-back is to maintain a consistent building scale as viewed from the street, to provide for compatibility between development in the [D / MS] zone and residential [RL] districts, and to provide for solar gain and light filtering down to the street. Upper-story step-back surfaces designed balconies, rooftop gardens, or other private open spaces in mixed-use developments, may be used to satisfy the multifamily open space standards in Section 2.3.70.*

The following standards address the issues that are most frequently cited as concerns in small cities: avoiding the appearance of high-density development (or buildings that appear out of scale) and providing for a transition or compatible building scale adjacent to single-family residences, without requiring discretionary design review procedures or conditional use permits for commercial development. Reference graphic with height step-back labeled.

- 1. [D / MS] zone:** *Where the height of a proposed building, or building addition, in the [D / MS] zone exceeds [35-45] feet, that portion of the building exceeding [35-45] feet in height shall step-back at least [four] feet from the front plane of the subject building that is closest to the street. A similar step-back is required where the subject site abuts, or is on the opposite side of the same street from, an RL zone.]*
- 2. [Specify Other Zones, as needed]:** *Where the building proposed in the [X] zone exceeds [35] feet in height, it shall step-back at least [#] feet from the front plane of the building that is closest to the street; a similar step-back is required where the subject site abuts, or is on the opposite side of the same street from, an RL zone.]*

**[K. Materials and Color.** *Building exteriors shall conform to the following standards. The (City decision-making body) may approve adjustments to the standards as part of a Site Design Review approval, pursuant to Chapter 4.2 and Chapter 4.7, respectively.]*

The following provisions are placeholders. Cities should refer to adopted design guidelines or standards for materials used in specific neighborhoods or districts.

- 1. Primary Materials.** *[Permitted exterior cladding materials include the following, and other materials found to be similar in appearance and durability, subject to Site Design Review / Exterior cladding materials may not consist of placeholder].*
- 2. Secondary Materials.** *Any of the materials listed above as permitted may also be used as secondary materials or accents. In addition, the following materials are allowed as secondary materials, trims, or accents (e.g., flashing, wainscoting, awnings, canopies, signs, ornamentation) when non-reflective and compatible with the overall building design, subject to approval through Site Design Review: [placeholder]*

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3. **Substitute Materials.** *Substitute materials that are equal in appearance and durability to those listed in subsections 1 and 2 may be approved through Site Design Review. The applicant will be required to provide specifications from the manufacturer.*
4. **Color.** *[Color schemes shall conform to the adopted color palette on file at the City Hall.] Reflective, luminescent, sparkling, and “day-glow” colors and finishes are prohibited.*
5. **Historic District and Historic Buildings.** *(Refer to special regulations or overlay zone.)]*

**[L. Mixed-Use Building Height Bonus.** *Where Section 2.2.040 provides for a building height bonus for mixed-use development, the (City decision-making body) may approve, approve with conditions, or deny a proposed height bonus if all of the following criteria are met:*

1. *The proposed height increase is for the sole purpose of allowing a residential use above a permitted commercial, civic, or institutional use; or is required to accommodate structured parking.*
2. *The proposed building complies with the upper story step-back requirements of subsection 3.2.040.J.*
3. *The proposed increase in height is compatible with adjacent uses and structures, or can be made compatible through reasonable conditions of approval. For the purposes of this subsection, a finding of compatibility means that the proposed height increase does not create a fire hazard; does not conflict with a locally or federally designated historic landmark or district, or with a building or district the City recognizes as being eligible for the National Register of Historic Places; and does not create excessive glare, shade, noise, or privacy concerns for existing adjacent residential uses.]*

*Insert Graphics Page Here*

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## 3.2 – Building Orientation and Design | Non-Residential Buildings

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## 3.2 – Building Orientation and Design | Non-Residential Buildings

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### 3.2.050 Civic Space and Pedestrian Amenities

**User's Guide:** Well-designed civic space is as important as building design and the provision of centralized parking to the success of a downtown, main street district, or commercial center. Civic spaces include areas that are improved with a plaza, patio, courtyard, widened sidewalk, or similar pedestrian space adjacent to a street or within a public open space.

The minimum civic space and pedestrian improvement standards should be scaled to your community and should implement adopted policy. Ideally, a city would have a plan in place guiding downtown or main street development and revitalization, and the civic space standards would be consistent with the plan. Where no plan exists, the standards should have built-in flexibility. For example, the code might exempt redevelopment projects in areas with historic structures, where civic space improvements would be inconsistent with the historic development pattern.

In addition, or as an alternative, to the civic space standards, cities can establish a system development charge that pays for civic space improvements in a defined area, such as a downtown district. That revenue can be used to leverage additional resources for civic space improvements (e.g., urban renewal, grants, and economic improvement district funds). Again, this approach would work best with an adopted plan in place.

Insert the graphics pages that apply, and add text references to graphics.

**A. Purpose.** This section provides standards for civic spaces where such areas are required or provided voluntarily. Civic spaces allow for light and air circulation, visual relief, pedestrian resting areas, and opportunities for socialization in the most densely developed parts of the city. The code allows projects within *[(name zones or specific street frontages)]* to meet minimum landscape area standards of Chapter 3.4 by providing civic space adjacent to street frontages or in courtyards or plazas between buildings, instead of with planted areas elsewhere on a lot as is typically done for residential developments.

**B. Applicability.** All new *[commercial developments / developments]* *[with more than (x) square feet of gross leasable floor area or (y) square feet of site area]* *[within (name base zone(s) or overlay(s))]* are required to meet the standards of this section.

**C. Standards.**

**I. Civic Space Standards.** Except as provided by subsections 3.2.050.C(3)-(4), below, at least *[3]* percent of every development site shall be designated and improved as civic space (plaza, landscaped courtyard, or similar space) that is accessible to the general public, pursuant to all of the following standards in subsections a-e:

- a. The highest priority locations for civic space improvements are those with the highest pedestrian activity (e.g., street corners and pedestrian access ways), as generally illustrated.
- b. Civic spaces shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way. Access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns or texture).
- c. Where public access to a civic space is not practical due to existing development patterns, physical site constraints, or other hardship presented by the applicant, the City may allow a private area,

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## 3.2 – Building Orientation and Design | Civic Space and Pedestrian Amenities

such as an outdoor eating area attached to a restaurant, in finding the project complies with the standard.

- d. All civic spaces shall have dimensions that allow for reasonable pedestrian access. For example, by extending the width of an existing sidewalk by *[four]* feet, a developer might provide space for an outdoor eating area; whereas a larger development at a street corner could meet the standard by creating a plaza adjacent to a building entrance.
- e. Civic space improvements shall conform to Chapter 3.4 Landscaping, Fences and Walls.

### **2. Pedestrian Improvements in Civic Spaces.** Except as provided by subsections 3.2.050.C(3)-(4), below, where this section requires the provision of civic space, such space shall be improved with pedestrian amenities, pursuant to the following standards in subsections a-e:

- a. Pedestrian amenities shall be provided in an amount equal to or greater than *[0.5]* percent of the estimated construction cost of the proposed building(s). A licensed architect, landscape architect, or other qualified professional, shall prepare cost estimates for civic space improvements, which shall be subject to review and approval by the *[Planning Official]*.
- b. Pedestrian amenities include plaza surfaces (e.g., pavers, landscapes, etc.), sidewalk extensions (e.g., with outdoor cafe space), street furnishings (e.g., benches, public art, pedestrian-scale lighting, water fountains, trash receptacles, bus waiting shelters, shade structures, or others), way-finding signs, or similar amenities, as approved by the *[Planning Official / Planning Commission]*.
- c. Where a civic space adjoins a building entrance it should incorporate a permanent weather protection canopy, awning, pergola, or similar feature, consistent with Section 3.2.040.F.
- d. The City may accept pedestrian amenities proposed within a public right-of-way (e.g., street corner or mid-block pedestrian access way) and grant the developer credit toward fulfilling the above improvement standard.
- e. The cost of a proposed public parking facility may be subtracted from building costs used in the assessment of civic space improvements.

### **3. Exception for Minor Projects.** Building additions and remodels are not required to provide civic space where the estimated cost of the proposed building improvement is less than *[50]* percent of the existing assessed value of improvements on the subject site. Cost estimates are based on those used to estimate building permit fees, or other independent and credible source, subject to review and approval by the *[Planning Official]*. Assessed values shall be the market value of record at the *[name]* County Assessor's Office.

### ***[4. Exception for In Lieu Fee.*** *Where the City finds that the creation of civic space is not practicable based on the project location or other relevant factors, it may accept an in lieu fee which shall be proportionate to the estimated cost of land and improvements (on-site) that otherwise would have been required. In such case, a licensed architect, landscape architect, or other qualified professional, shall prepare cost estimates for civic space improvements, which shall be subject to review and approval by the City Planning Official.]*

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## 3.2 – Building Orientation and Design | Civic Space and Pedestrian Amenities

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### 3.2.060 Drive-up and Drive-through Uses and Facilities

**User's Guide:** Cities should discourage drive-up and drive-through facilities, such as at fast food restaurants, banks, and pharmacies, in downtowns, main streets, and other walkable centers. These uses create safety concerns for pedestrians and bicyclists. They can also create traffic operations problems on adjacent streets. Another option is to prohibit drive-up and drive-through uses, or limit them to properties where they already exist.

The model code recommends cities require conditional use permits for drive-up and drive-through facilities where the use is allowed. The following design standards are intended to mitigate traffic operations and safety concerns associated with these uses. The standards supplement the conditional use permit criteria of Chapter 4.4. See sample graphic.

- A. Purpose.** Where drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, provide for adequate vehicle queuing space, prevent automobile turning movement conflicts, and provide for pedestrian comfort and safety.
- B. Standards.** Drive-up and drive-through facilities (i.e., driveway queuing areas, customer service windows, teller machines, kiosks, drop-boxes, or similar facilities) shall meet all of the following standards:
1. The drive-up or drive-through facility shall orient to and receive access from a driveway that is internal to the development and not a street, as generally illustrated.
  2. The drive-up or drive-through facility shall not be oriented to street corner.
  3. The drive-up or drive-through facility shall not be located within [20] feet of a street right-of-way.
  4. Drive-up and drive-through queuing areas shall be designed so that vehicles will not obstruct any street, fire lane, walkway, bike lane, or sidewalk.
  - [5. *In the [(name of zone or overlay)] district, no new drive-up or drive-through facility is allowed within [400] linear feet of another drive-up or drive-through facility, where the existing drive-up or drive-through facility lawfully existed as of the date of an application for a new drive-up or drive-through facility.*]

**[3.2.070      *Reserved for Special District Design Standards*]**

**User's Guide:** This section is a placeholder for standards that apply only to specific subareas or under certain situations. For example, different building design standards might be required for historic districts, or where the city has adopted a specific area plan. Alternatively, special district requirements can be incorporated into the code as overlay zones in Article 2.

## Chapter 3.3 - Access and Circulation

### Sections:

- 3.3.010 Purpose
- 3.3.020 Applicability
- 3.3.020 Vehicular Access and Circulation
- 3.3.030 Pedestrian Access and Circulation

### **3.3.010 Purpose**

Chapter 3.3 contains standards for vehicular and pedestrian access, circulation, and connectivity. The standards promote safe, reasonably direct, and convenient options for walking and bicycling, while accommodating vehicle access to individual properties, as needed[. / and access to transit.]

### **3.3.020 Applicability**

Chapter 3.3 applies to new development and changes in land use necessitating a new or modified street or highway connection. Except where the standards of a roadway authority other than the City supersede City standards, Chapter 3.3 applies to all connections to a street or highway, and to driveways and walkways. *[The (City decision-making body), through a (Type II / III) procedure, may grant adjustments to Chapter 3.2, pursuant to the criteria of Chapter 4.7 Adjustments and Variances. (Elaborate as needed, specifying any limitation on the types of standards that may be adjusted and by how much.)]* For street improvement requirements, refer to Section 3.6.020.

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## 3.3 – Access and Circulation | Vehicular Access and Circulation

### 3.3.030 Vehicular Access and Circulation

**User's Guide:** This section implements Transportation Planning Rule requirements related to access management and is intended to be consistent with ODOT access management requirements for state highways under OAR 734-051. Insert the graphics pages that apply, and add text references to graphics.

- A. Purpose and Intent.** Section 3.3.030 *[implements the street access policies of the City of (name) Transportation System Plan / serves as the street access management policy of the City of (name) until such time as the City adopts a Transportation System Plan.]* It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. “Safety,” for the purposes of this chapter, extends to all modes of transportation.
- B. Permit Required.** Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority. *[The City Planning Official reviews permit requests for connections to City streets through a Type III procedure.]*
- C. Traffic Study Requirements.** The City, in reviewing a development proposal or other action requiring an approach permit, may require a traffic impact analysis, pursuant to Section 3.6.020, to determine compliance with this code.
- D. Approach and Driveway Development Standards.** Approaches and driveways shall conform to all of the following development standards:
1. The number of approaches on higher classification streets (e.g., collector and arterial streets) shall be minimized; where practicable, access shall be taken first from a lower classification street.
  2. Approaches shall conform to the spacing standards of subsections E and F, below, and shall conform to minimum sight distance and channelization standards of the roadway authority.
  3. Driveways shall be paved and meet applicable construction standards. *[Where permeable paving surfaces are allowed or required, such surfaces shall conform to applicable Engineering Design Standards].*
  4. The *[City decision-making body]* may limit the number or location of connections to a street, or limit directional travel at an approach to one-way, right-turn only, or other restrictions, where the roadway authority requires mitigation to alleviate safety or traffic operations concerns.
  5. Where the spacing standards of the roadway authority limit the number or location of connections to a street or highway, the *[City decision-making body]* may require a driveway extend to one or more edges of a parcel and be designed to allow for future extension and inter-parcel circulation as adjacent properties develop. The *[City decision-making body]* may also require the owner(s) of the subject site to record an access easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s).
  6. Where applicable codes require emergency vehicle access, approaches and driveways shall be designed and constructed to accommodate emergency vehicle apparatus and shall conform to applicable fire protection requirements. The *[City decision-making body]* may restrict parking, require signage, or require other public safety improvements pursuant to the recommendations of an emergency service provider.

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### 3.3 – Access and Circulation | Vehicular Access and Circulation

7. As applicable, approaches and driveways shall be designed and constructed to accommodate truck/trailer-turning movements.
8. *[Except where the (City decision-making body) and roadway authority, as applicable, permit an open access with perpendicular or angled parking (See Section 3.3.030.J), d/D]* Driveways shall accommodate all projected vehicular traffic on-site without vehicles stacking or backing up onto a street.
9. Driveways shall be designed so that vehicle areas, including, but not limited to, drive-up and drive-through facilities and vehicle storage and service areas, do not obstruct any public right-of-way.
10. Approaches and driveways shall not be wider than necessary to safely accommodate projected peak hour trips and turning movements, and shall be designed to minimize crossing distances for pedestrians.
11. As it deems necessary for pedestrian safety, the *[City decision-making body]*, in consultation with the roadway authority, as applicable, may require that traffic-calming features, such as speed tables, textured driveway surfaces (e.g., pavers or similar devices), curb extensions, signage or traffic control devices, or other features, be installed on or in the vicinity of a site as a condition of development approval.
12. Construction of approaches along acceleration or deceleration lanes, and along tapered (reduced width) portions of a roadway, shall be avoided; except where no reasonable alternative exists and the approach does not create safety or traffic operations concern.
13. Approaches and driveways shall be located and designed to allow for safe maneuvering in and around loading areas, while avoiding conflicts with pedestrians, parking, landscaping, and buildings.
14. Where sidewalks or walkways occur adjacent to a roadway, driveway aprons constructed of *[concrete]* shall be installed between the driveway and roadway edge. The roadway authority may require the driveway apron be installed outside the required sidewalk or walkway surface, consistent with Americans with Disabilities Act (ADA) requirements, and to manage surface water runoff and protect the roadway surface.
15. Where an accessible route is required pursuant to ADA, approaches and driveways shall meet accessibility requirements where they coincide with an accessible route.
16. The *[City decision-making body]* may require changes to the proposed configuration and design of an approach, including the number of drive aisles or lanes, surfacing, traffic-calming features, allowable turning movements, and other changes or mitigation, to ensure traffic safety and operations.
17. Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The *[City decision-making body]* may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the City will work cooperatively with the applicant and ODOT to avoid unnecessary delays.
18. Where an approach or driveway crosses a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency, the applicant is responsible for obtaining all required approvals and permits from that agency prior to commencing development.
19. Where a proposed driveway crosses a culvert or drainage ditch, the *[City decision-making body]* may require the developer to install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant to applicable *[public works / engineering]* design standards.

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### 3.3 – Access and Circulation | Vehicular Access and Circulation

20. Except as otherwise required by the applicable roadway authority or waived by the [City Engineer / Public Works Director], temporary driveways providing access to a construction site or staging area shall be paved or graveled to prevent tracking of mud onto adjacent paved streets.

[21. Development that increases impervious surface area shall conform to the storm drainage and surface water management requirements of Section 3.6.050.]

**E. Approach Separation from Street Intersections.** Except as provided by Section 3.3.030.H, the following minimum distances shall be maintained between approaches and street intersections, where distance is measured from the edge of an approach surface to the edge of the roadway at its ultimate designated width:

Insert standards from the local jurisdiction's transportation system plan; or, where no transportation plan exists, determine appropriate standards in coordination with city engineering and public works staff, and staff from other roadway authorities, as applicable. The standards should balance the need for reasonable development opportunities with traffic operations and safety for all modes of transportation. Revise the standards of Section 3.3.030.D, above, as needed.

1. On an arterial street: [100] feet, except as required by ODOT, pursuant to Oregon Administrative Rule (OAR) 734-051, for state highways
2. On a collector street: [50] feet
3. On a local street: [20] feet

**F. Approach Spacing.** Except as provided by Section 3.3.030.H or as required to maintain street operations and safety, the following minimum distances shall be maintained between approaches, where distance is measured from the edge of one approach to the edge of another:

**User's Guide:** Cities should use standards from the local jurisdiction's transportation system plan; or where no transportation plan exists, determine appropriate standards based on a collaborative discussion with the city's engineering and public works staff or consultants. The standards should balance the need to provide for reasonable development opportunities with safety and traffic operations. As approaches occur more frequently on busy streets, the more potential there is for conflicts between vehicles (i.e., conflicting turning movements) and between vehicles and pedestrians. The following standards for arterials streets are based on the highway approach spacing standards in Oregon Administrative Rules (OAR) 734-051 for highway segments with speeds between 25-45 miles per hour.

1. On an arterial street: [150-360] feet based on speed limit or posted speed, as applicable, except as otherwise required by ODOT for a state highway, pursuant to Oregon Administrative Rules (OAR) 734-051
2. On a collector street: [50-100] feet
3. On a local street: [20] feet, or the [City decision-making body] may approve closer spacing where necessary to provide for on-street parking (e.g., between paired approaches)

- G. Vision Clearance.** No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) between [three feet] and [eight feet] in height shall be placed in “vision clearance areas” at street intersections, as illustrated. The minimum vision clearance area may be modified by the [City decision-making body] through a Type I procedure, upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). Placement of light poles, utility poles, and tree trunks should be avoided within vision clearance areas.
- H. Exceptions and Adjustments.** The [City decision-making body] may approve adjustments to the spacing standards of subsections E and F, above, where an existing connection to a City street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance. The [City decision-making body] through a Type II procedure may also approve a deviation to the spacing standards on City streets where it finds that mitigation measures, such as consolidated access (removal of one access), joint use driveways (more than one property uses same access), directional limitations (e.g., one-way), turning restrictions (e.g., right-in/right-out only), or other mitigation alleviate all traffic operations and safety concerns.
- I. Joint Use Access Easement and Maintenance Agreement.** Where the City approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the City for its records, but the City is not responsible for maintaining the driveway or resolving any dispute between property owners.
- J. Frontage Driveways and Street-Side Parking Bays.** *The (City decision-making body), in consultation with the roadway authority, as applicable, may permit an open access with perpendicular or angled parking adjacent to a public street where an existing street does not contain parallel parking, and the proposed development does not warrant a street widening to provide parallel parking pursuant to Chapter 3.6. The open access area shall conform to the City’s street construction standards for paving (, storm drainage and surface water management,) and the requirements of the roadway authority if different from the City’s. The (City decision-making body) may also require, based on existing and projected pedestrian activity, that a sidewalk or a walkway be installed along the full frontage of the site pursuant to Section 3.3.040.]*

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### 3.3 – Access and Circulation | Vehicular Access and Circulation

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### 3.3 – Access and Circulation | Vehicular Access and Circulation

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### 3.3.040 Pedestrian Access and Circulation

**User's Guide:** This section implements Transportation Planning Rule (TPR) requirements related to pedestrian access and is intended to be consistent with the TPR provisions for multi-modal mixed-use areas. Note that the block length and perimeter standards are being consolidated in Chapter 3.6, which contains public improvement standards for subdivisions and site developments. In addition, the new building orientation and design standards of Chapter 3.2 are meant to complement the pedestrian circulation requirements of Section 3.3.040. Insert the graphics pages that apply, and add text references to graphics.

**A. Purpose and Intent.** Section 3.3.040 *[implements the pedestrian access and connectivity policies of City of (name) Transportation System Plan / serves as the pedestrian access and circulation policy of the City of (name) until such time as the City adopts a Transportation System Plan.]* It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.

**B. Standards.** Developments shall conform to all of the following standards for pedestrian access and circulation:

- 1. Continuous Walkway System.** A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.
- 2. Safe, Direct, and Convenient.** Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:
  - a. The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.
  - b. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The *[City decision-making body]* may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
  - c. The walkway network connects to all primary building entrances, consistent with the building design standards of Chapter 3.2 and, where required, Americans with Disabilities Act (ADA) requirements.
- 3. Vehicle/Walkway Separation.** Except as required for crosswalks, per subsection 4, below, where a walkway abuts a driveway or street it shall be raised *[six]* inches and curbed along the edge of the driveway or street. Alternatively, the *[City decision-making body]* may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.
- 4. Crosswalks.** Where a walkway crosses a parking area or driveway (“crosswalk”), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians. *[Painted or thermo-plastic striping and similar types of non-permanent applications are discouraged, but may be approved for lesser used crosswalks not exceeding [24] feet in length.]*

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### 3.3 – Access and Circulation | Pedestrian Access and Circulation

- 5. Walkway Width and Surface.** Walkways, including access ways required for subdivisions pursuant to Chapter 4.3, shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the City Engineer, and not less than *[five - six]* feet wide. Multi-use paths (i.e., designed for shared use by bicyclists and pedestrians) shall be concrete or asphalt and shall conform to the transportation standards of Section 3.6.020.
- 6. Walkway Construction.** Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other City-approved durable surface meeting ADA requirements. Walkways shall be not less than *[four]* feet in width, except that concrete walkways a minimum of *[six]* feet in width are required in commercial developments and where access ways are required for subdivisions under Chapter 4. The *[City decision-making body]* may also require *[six-]*foot wide, or wider, concrete sidewalks in other developments where pedestrian traffic warrants walkways wider than *[four]* feet.
- [7. Multi-Use Pathways.** *Multi-use pathways, where approved, shall be [10-12] feet wide and constructed of [asphalt / concrete,] consistent with the [applicable Engineering / Public Works Design Standards.]*

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## 3.4 – Landscaping, Fences and Walls, [Outdoor Lighting] | Purpose

### Chapter 3.4 - Landscaping, Fences and Walls, [Outdoor Lighting]

#### Sections:

- 3.4.010 Purpose
- 3.4.020 Applicability
- 3.4.030 Landscaping and Screening
- 3.4.040 Fences and Walls
- [3.4.050 Outdoor Lighting]

**User's Guide:** This update simplifies the landscape, fence, and wall standards. The landscape conservation section of the previous model code has been removed because the provisions were not sufficiently coordinated with Goal 5. The update implements ORS 105.980 related to xeriscaping (drought-tolerant landscaping), and it responds to small cities' requests for basic lighting standards.

#### **3.4.010 Purpose**

Chapter 3.4 contains standards for landscaping and screening, fences, [and] accessory walls[, and outdoor lighting]. The regulations are intended to protect public health, safety, and welfare by reducing development impacts (e.g., glare, noise, and visual impacts) on adjacent uses; minimizing erosion; slowing the rate of surface water runoff, thereby reducing infrastructure costs; buffering pedestrians from vehicle maneuvering areas; cooling buildings and parking lots in summer months with shade; and enhancing the city's appearance.

#### **3.4.020 Applicability**

**A.** Section 3.4.030 establishes design standards for landscaping and screening. Projects requiring Site Design Review or Land Division approval shall meet the landscape standards of the applicable zone, including the standards in Table 2.2.040 and any Special Use requirements under Chapter 2.4, and the requirements of Section 3.4.030. Property owners are required to maintain landscaping and screening pursuant to subsection 3.4.030.G.

**B.** Section 3.4.040 establishes design standards for when a fence or a wall not attached to a building is to be erected, extended, or otherwise altered. It also applies to situations where this code requires screening or buffering (e.g., outdoor or unenclosed storage uses). The standards of Section 3.4.040 supplement the development standards in Table 2.2.040 and any applicable Special Use requirements under Chapter 2.4.

[C. Section 3.4.050, Outdoor Lighting, applies to all new outdoor lighting, i.e., lighting that is installed after (effective date).]

[C/D.] [The (City decision-making body), through a (Type II / III) procedure, may grant adjustments to Chapter 3.2, pursuant to the criteria of Chapter 4.7 Adjustments and Variances. (Elaborate as needed, specifying any limitation on the types of standards that may be adjusted and by how much.)]

### 3.4.030 Landscaping and Screening

**User's Guide:** This section implements ORS 105.980, which relates to xeriscaping. Insert the graphics pages that apply, and add text references to graphics.

- A. General Landscape Standard.** All portions of a lot not otherwise developed with buildings, accessory structures, vehicle maneuvering areas, or parking shall be landscaped.
- B. Minimum Landscape Area.** All lots shall conform to the minimum landscape area standards of the applicable zoning district, as contained in Table 2.2.040. The [City decision-making body], consistent with the purposes in Section 3.4.010, may allow credit toward the minimum landscape area for existing vegetation that is retained in the development.
- C. Plant Selection.** A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions, among other factors. When new vegetation is planted, soils shall be amended and irrigation shall be provided, as necessary, to allow for healthy plant growth. The selection of plants shall be based on all of the following standards and guidelines:
1. Use plants that are appropriate to the local climate, exposure, and water availability. The presence of utilities and drainage conditions shall also be considered. The City may rely on [Oregon State University Extension Service bulletins / University of Washington Urban Forestry Program guidelines / other] expert sources in evaluating landscape plans.
  2. Plant species that do not require irrigation once established (naturalized) are preferred over species that require irrigation.
  3. Trees shall be not less than [two]-inch caliper for street trees and [1.5]-inch caliper for other trees at the time of planting. Trees to be planted under or near power lines shall be selected so as to not conflict with power lines at maturity.
  4. Shrubs shall be planted from [five]-gallon containers, minimum, where they are for required screens or buffers, and [two]-gallon containers minimum elsewhere.
  5. Shrubs shall be spaced in order to provide the intended screen or canopy cover within [two] years of planting.
  6. All landscape areas, whether required or not, that are not planted with trees and shrubs or covered with allowable non-plant material, shall have ground cover plants that are sized and spaced to achieve plant coverage of not less than [50-75] percent at maturity. [The (City decision-making body) may reduce this standard by [one-half] where a project proposal includes preserving a Heritage Tree / one or more of the following species: (list locally approved species)].
  7. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover not more than [25-50] percent of any landscape area. Non-plant ground covers cannot be a substitute for required ground cover plants.
  8. Where storm water retention or detention, or water quality treatment facilities are proposed, they shall be planted with water-tolerant species.

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## 3.4 – Landscaping, Fences and Walls, [Outdoor Lighting] | Landscaping and Screening

9. Existing mature trees that can thrive in a developed area and that do not conflict with other provisions of this Code shall be retained where specimens are in good health, have desirable aesthetic characteristics, and do not present a hazard.
10. Landscape plans shall avoid conflicts between plants and buildings, streets, walkways, utilities, and other features of the built environment.
11. Evergreen plants shall be used where a sight-obscuring landscape screen is required.
12. Deciduous trees should be used where summer shade and winter sunlight is desirable.
13. Landscape plans should provide focal points within a development, for example, by preserving large or unique trees or groves or by using flowering plants or trees with fall color.
14. Landscape plans should use a combination of plants for seasonal variation in color and yearlong interest.
15. Where plants are used to screen outdoor storage or mechanical equipment, the selected plants shall have growth characteristics that are compatible with such features.
16. Landscape plans shall provide for both temporary and permanent erosion control measures, which shall include plantings where cuts or fills, including berms, swales, storm water detention facilities, and similar grading, is proposed.
17. When new vegetation is planted, soils shall be amended and irrigation provided, as necessary, until the plants are naturalized and able to grow on their own.

**D. [Downtown / Main Street] District Streetscape Standard.** Developers of projects within the [D / MS zones] can meet the landscape area requirement of subsection 3.4.030.B, in part, by installing street trees in front of their projects. The [City decision-making body] shall grant credit toward the landscape area requirement using a ratio of 1:1, where one square foot of planted area (e.g., tree well or planter surface area) receives one square foot of credit. The [City decision-making body] may grant additional landscape area credit by the same ratio where the developer widens the sidewalk or creates a plaza or other civic space pursuant to Section 3.2.050.

- E. Parking Lot Landscaping.** All of the following standards shall be met for parking lots. If a development contains multiple parking lots, then the standards shall be evaluated separately for each parking lot.
1. A minimum of [10] percent of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of canopy trees distributed throughout the parking area. A combination of deciduous and evergreen trees, shrubs, and ground cover plants is required. The trees shall be planned so that they provide [a partial / # percent] canopy cover over the parking lot within [#] years. At a minimum, one tree per [12] parking spaces on average shall be planted over and around the parking area.
  2. All parking areas with more than [20] spaces shall provide landscape islands with trees that break up the parking area into rows of not more than [10-12] contiguous parking spaces. Landscape islands and planters shall have dimensions of not less than [48] square feet of area and no dimension of less than [six] feet, to ensure adequate soil, water, and space for healthy plant growth.

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### 3.4 – Landscaping, Fences and Walls, *[Outdoor Lighting]* | Landscaping and Screening

3. All required parking lot landscape areas not otherwise planted with trees must contain a combination of shrubs and groundcover plants so that, within *[two]* years of planting, not less than *[50-75]* percent of that area is covered with living plants.
4. Wheel stops, curbs, bollards, or other physical barriers are required along the edges of all vehicle-maneuvering areas to protect landscaping from being damaged by vehicles. Trees shall be planted not less than *[two]* feet from any such barrier.
5. Trees planted in tree wells within sidewalks or other paved areas shall be installed with root barriers, consistent with applicable nursery standards.

**F. Screening Requirements.** Screening is required for outdoor storage areas, unenclosed uses, and parking lots, and may be required in other situations as determined by the *[City decision-making body]*. Landscaping shall be provided pursuant to the standards of subsections 1-3, below:

1. **Outdoor Storage and Unenclosed Uses.** All areas of a site containing or proposed to contain outdoor storage of goods, materials, equipment, and vehicles (other than required parking lots and service and delivery areas, per Site Design Review), and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or combination of screening methods. See also Section 3.4.040 for related fence and wall standards.
2. **Parking Lots.** The edges of parking lots shall be screened to minimize vehicle headlights shining into adjacent rights-of-way and residential yards. Parking lots abutting a sidewalk or walkway shall be screened using a low-growing hedge or low garden wall to a height of between *[three]* feet and *[four]* feet.
3. **Other Uses Requiring Screening.** The *[City decision-making body]* may require screening in other situations as authorized by this Code, including, but not limited to, outdoor storage areas, blank walls, Special Uses pursuant to Chapter 2.4, *[flag lots,]* and as mitigation where an applicant has requested an adjustment pursuant to Chapter 4.7.

**G. Maintenance.** All landscaping shall be maintained in good condition, or otherwise replaced by the property owner.

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### 3.4 – Landscaping, Fences and Walls, [*Outdoor Lighting*] | Landscaping and Screening

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### 3.4.040 Fences and Walls

**User's Guide:** Insert the graphics pages that apply, and add text references to graphics.

- A. Purpose.** This section provides general development standards for fences, and walls that are not part of a building, such as screening walls and retaining walls.
- B. Applicability.** Section 3.4.040 applies to all fences, and walls that are not part of a building, including modifications to existing fences and walls. This section supplements the development standards of Table 2.2.040.
- C. Height.**
- 1. Residential Zones.** Fences and freestanding walls (i.e., exclusive of building walls) for residential uses shall not exceed the following heights above grade, where grade is measured from the base of the subject fence or wall:
    - a. Within Front or Street-Side Yard Setback: [four] feet; except the following additional height is allowed:
      - (1) A fence may be constructed to a maximum height of [six] feet where it is located on a street-side yard and is setback not less than [three] feet from the street-side property line behind a landscaped area.
      - (2) A fence may be constructed to a maximum height of [six] feet where the fence is of open chain link or other “see-through” composition that allows [90] percent light transmission.
      - (3) One incidental garden structure (e.g., arbor or gate) not exceeding [eight] feet in height and [six] feet in width is allowed within a front or street-facing yard provided it does not encroach into a required clear vision area.
    - b. Within an Interior Side or Rear Yard Setback: [six] feet; except the fence or wall height, as applicable, shall not exceed the distance from the fence or wall line to the nearest primary structure on an adjacent property.
  - 2. Non-Residential Zones.** Fences and freestanding walls (i.e., exclusive of building walls) for non-residential uses shall not exceed the following height above grade, where grade is measured from the base of the subject fence or wall:
    - a. Within Front or Street-Side Yard Setback: [four] feet, except the following additional height is allowed for properties located within an industrial, public, or institutional zone:
      - (1) A fence or wall may be constructed to a maximum height of [six] feet where the fence is setback behind the front or street side property line behind a [five]-foot landscape buffer.
      - (2) A fence or wall may be constructed to a maximum height of [eight] feet where the fence or wall is setback behind the front or street side property line behind a [10]-foot landscape buffer.
      - (3) Where approved by the City Planning Official, a fence constructed of open chain link or other

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## 3.4 – Landscaping, Fences and Walls, *[Outdoor Lighting]* | Fences and Walls

“see-through” composition that allows *[90]* percent light transmission may reach a height of up to *[eight]* feet.

- b. Within an Interior Side or Rear Yard Setback: *[eight]* feet; except the fence or wall height, as applicable, shall not exceed the distance from the fence or wall line to the nearest primary structure on an adjacent property.

3. **All Zones.** Fences and walls shall comply with the vision clearance standards of Section 3.3.020. Other provisions of this Code, or the requirements of the roadway authority, may limit allowable height of a fence or wall below the height limits of this section.

### D. Materials.

**User’s Guide:** The list of fence and wall materials below should be customized to meet the needs of your community. Some cities prefer to list only prohibited materials, while others specifically list those that are allowed. In either case, the code should allow flexibility, and anticipate that some “undesirable” materials, when applied artistically and in the right context, can be a positive addition to the community.

*[1. Permitted fence and wall materials include weather-treated wood; untreated cedar and redwood; metal (e.g., chain link, wrought iron, and similar fences); bricks, stone, masonry block, formed-in-place concrete, or similar masonry; vinyl and composite (e.g., recycled) materials designed for use as fencing; and similar materials as determined by the [Planning Official]. In addition, evergreen hedges are considered screening walls for the purpose of this chapter, subject to Site Design Review approval.]*

*[2. Prohibited fence and wall materials include straw bales, tarps, barbed or razor wire (except in an Industrial zone); scrap lumber, untreated wood (except cedar or redwood), corrugated metal, sheet metal, scrap materials; dead, diseased, or dying plants; and materials similar to those listed herein.]*

- E. **Permitting.** *[(A Type I approval is required / A land use permit is not required) to install a fence of [six] feet or less in height, or a wall that is [four] feet or less in height.]* All other walls and fences require review and approval by the *[Planning Official / City Engineer through a Type I procedure]*. The *[City decision-making body]* may require installation of walls or fences as a condition of approval for development, as provided by other Code sections. A building permit may be required for some fences and walls, pursuant to applicable building codes.

- F. **Maintenance.** Fences and walls shall be maintained in good condition, or otherwise replaced by the property owner.

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## 3.4 – Landscaping, Fences and Walls, [Outdoor Lighting] | Fences and Walls

### **[3.4.050 Outdoor Lighting]**

**User's Guide:** This is a cursory example of outdoor lighting standards and guidelines. See the Dark Sky Society web site for more specific examples: <http://www.darkskysociety.org/>.

**[A. Purpose.** *This section contains regulations requiring adequate levels of outdoor lighting while minimizing negative impacts of light pollution.*

**B. Applicability.** *All outdoor lighting shall comply with the standards of this section.*

**C. Standards.**

1. *Light poles, except as required by a roadway authority or public safety agency, shall not exceed a height of [20] feet; except that pedestal- or bollard-style lighting is the preferred method illuminating walkways. This limitation does not apply to flag poles, utility poles, and streetlights.*
2. *Where a light standard is placed over a sidewalk or walkway, a minimum vertical clearance of [eight] feet shall be maintained.*
3. *Outdoor lighting levels shall be subject to review and approval through Site Design Review. As a guideline, lighting levels shall be no greater than necessary to provide for pedestrian safety, property or business identification, and crime prevention. [See also, the City of (name) Dark Sky Ordinance and Sign Code.]*
4. *Except as provided for up-lighting of flags and permitted building-mounted signs, all outdoor light fixtures shall be directed downward, and have full cutoff and full shielding to preserve views of the night sky and to minimize excessive light spillover onto adjacent properties.*
5. *Lighting shall be installed where it will not obstruct public ways, driveways, or walkways.*
6. *Walkway lighting shall have a minimum average illumination of not less than [0.2] foot-candles.*
7. *Active building entrances shall have a minimum average illumination of not less than [2.0] foot-candles.*
8. *Surfaces of signs shall have an illumination level of not more than [2.0] foot-candles.*
9. *Parking lots and outdoor services areas, including quick vehicle service areas, shall have a minimum illumination of not less than [0.2] foot-candles, average illumination of approximately [0.8] foot-candles, and a uniformity ratio (maximum-to-minimum ratio) of not more than [20:1].*
10. *Where illumination grid lighting plans cannot be reviewed or if fixtures do not provide photometrics and bulbs are under 2,000 lumens, use the following guidelines:*
  - (a) *Poles should be no greater in height than four times the distance to the property line.*
  - (b) *Maximum lumen levels should be based on fixture height.*
11. *Where a light standard is placed within a walkway, an unobstructed pedestrian through zone not less than [36 inches] wide shall be maintained.*
12. *Lighting subject to this section shall consist of materials approved for outdoor use and shall be installed according to the manufacturer's specifications.*

- D. Permitting.** *[(A Type I approval is required / A land use permit is not required) to install or replace outdoor lighting (pursuant to the City of (name) Dark Sky Ordinance).] The (City decision-making body) may require lighting as a condition of approval for some projects, pursuant to other Code requirements.*
- E. Maintenance.** *For public health and safety, outdoor lighting shall be maintained in good condition, or otherwise replaced by the property owner.]*

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## 3.5 – Parking and Loading | Purpose

### Chapter 3.5 - Parking and Loading

#### Sections:

3.5.010 Purpose

3.5.020 Applicability General Regulations

3.5.030 Automobile Parking

3.5.040 Bicycle Parking

3.5.050 Loading Areas

**User's Guide:** Chapter 3.5 is intended to help small cities manage automobile and bicycle parking, consistent with smart development principles. Codes that require excessive surface parking waste land resources and increase our reliance on the automobile by spreading uses apart. Parking consumes land that could otherwise be used for employment, housing, open space, or other uses.

Because off-street parking requirements are often in direct conflict with local goals for historic preservation, urban design, efficient transportation, and environmental quality, the standards should be flexible. In many cases, individual buildings, and entire downtown and main street districts, could not be rebuilt today under some cities' parking regulations, because the codes require more parking than there is available land. Large paved areas also contribute to storm water runoff and can create heat islands, where the temperature is greater than the surrounding area. These conditions can reduce water quality and lead to greater energy consumption through increased use of air conditioning in buildings and automobiles.

This chapter provides automobile and bicycle parking standards for selected uses, and general loading area standards for commercial and industrial uses. The model code does not contain standards for all of the uses listed in Article 2, because it is intended to be flexible and allow for individual determinations. Rarely does one size fit all. The intent is to require the right amount of parking, and not more than is needed. Where the minimum parking ratios in the code do not fit a particular use or situation, the code allows for individual parking determinations based on specific characteristics of the use, and the supply and utilization of existing on- and off-street parking.

The model code encourages parking management through reductions in required parking where appropriate, use of shared parking where uses with different peak customer hours agree to pool their parking supply, reductions in required parking in areas with frequent transit or bicycle use, and other methods of parking management. The model code is designed to minimize the negative effects of parking while meeting the needs of households and businesses. For examples of parking management strategies, please refer to the TGM Publications web site:  
<http://www.oregon.gov/LCD/TGM/pages/publications.aspx>.

By using the standards in Chapter 3.5 in conjunction with other model code standards, such as those for building orientation, pedestrian access, and interconnected streets with sidewalks and on-street parking, your code can help support attractive and walkable developments that conserve land and while providing for needed parking.

#### **3.5.010 Purpose**

Chapter 3.5 contains requirements for automobile and bicycle parking. The code is intended to be flexible in requiring adequate parking, rather than a minimum number of parking spaces, for each use. It provides standards for the location, size, and design of parking areas to ensure such areas can be accessed safely and efficiently. The code also encourages non-motorized transportation by requiring bicycle parking for some uses.

### 3.5.020 Applicability and General Regulations

- A. Where the Regulations Apply.** The regulations of this chapter apply to all parking areas in all zones, at all times, whether parking is required by this Code or put in for the convenience of property owners or users.
- B. Occupancy.** All required parking areas must be developed in accordance with the requirements of this code prior to occupancy of any structure on the subject site. Where landscaping, screening or other improvements are required pursuant to this Code, all such improvements must be installed and approved by the *[Planning Official]* prior to occupancy.
- C. Calculations of Amounts of Required and Allowed Parking.**
1. When computing parking spaces based on floor area, parking structures and non-leasable floor spaces, such as storage closets, mechanical equipment rooms, and similar spaces, are not counted.
  2. The number of parking spaces is computed based on the primary uses on the site except as stated in subsection 3, below. When there are two or more separate primary uses on a site, the minimum and maximum parking for the site is the sum of the required or allowed parking for the individual primary uses. For shared parking, see Section 3.5.030.D below.
  3. When more than *[20]* percent of the floor area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 10,000 square foot building with a 7,000 square foot warehouse and a 3,000 square foot accessory retail area. The minimum and maximum parking would be computed separately for the retail and warehouse uses.
  - [4. Required parking spaces periodically used for the storage of equipment or goods may be counted toward meeting minimum parking standards, provided that such storage is an allowed use under Section 2.2.030, and is permitted as a Temporary Use under Section 2.3.150.]*
- D. Use of Required Parking Spaces.** Except as otherwise provided by this section, required parking spaces must be available for residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for shared parking pursuant to Section 3.5.030.D.
- E. Proximity of Parking to Use.** Required parking spaces for residential uses must be located on the site of the use or on a parcel or tract owned in common by all the owners of the properties that will use the parking area. Required parking spaces for nonresidential uses must be located on the site of the use or in a parking area that has its closest pedestrian access point within *[400-600]* feet of the site.
- F. Improvement of Parking Areas.** Motorized vehicle parking is allowed only on streets with an improved shoulder of sufficient width; within garages, carports, and other approved structures; and on driveways or parking lots that have been developed in conformance with this Code. For applicable design standards, see Chapter 3.2 Building Orientation and Design, Chapter 3.3 Access and Circulation, Chapter 3.4 Landscaping and Screening, and Chapter 3.6 Public Facilities.

## 3.5 – Parking and Loading | Automobile Parking

### 3.5.030 Automobile Parking

**A. Minimum Number of Off-Street Automobile Parking Spaces.** Except as provided by subsection 3.5.030.A, or as required for Americans with Disabilities Act compliance under subsection 3.5.030.G, off-street parking shall be provided pursuant to one of the following three standards:

1. The standards in Table 3.5.030.A;
2. A standard from Table 3.5.030.A for a use that the *[Planning Official]* determines is similar to the proposed use; or
3. Subsection 3.5.030.B Exceptions, which includes a Parking Demand Analysis option.

<b>Table 3.5.030.A – Automobile Parking Spaces by Use</b>	
<b>Use Categories</b> (Chapter 5 contains examples of uses and definitions.)	<b>Minimum Parking per Land Use</b> (Fractions are rounded down to the closest whole number.)
<b>Residential Categories</b>	
<b>Household Living</b>	
Single-Family Dwelling, including manufactured homes on lots	one space per dwelling
Duplex	two spaces per duplex (one space per dwelling unit)
Accessory Dwelling (second dwelling on a single-family lot)	two spaces total for primary dwelling and accessory dwelling
Multifamily	one space per dwelling unit
Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing	0.5 space per four bedrooms

**User's Guide:** Some codes provide a graduated standard for multifamily dwellings, requiring fewer parking spaces for smaller (one-bedroom or studio) apartments and more parking for apartments with two or three bedrooms. However, the relationship between the size of an apartment, or the number of bedrooms, is not always a good indicator of parking demand, which is more sensitive to location (e.g., proximity to frequent transit) and demographics (e.g., age of residents, household size, etc.). The suggested standard of one space per dwelling unit is on the low end and assumes the property is not well served by transit. Housing developers can always choose to provide more or less parking based on projected needs, and pursuant to the parking analysis option described below.

<b>Table 3.5.030.A – Automobile Parking Spaces by Use</b>	
<b>Use Categories</b> (Chapter 5 contains examples of uses and definitions.)	<b>Minimum Parking per Land Use</b> (Fractions are rounded down to the closest whole number.)
<b>Commercial Categories</b>	
Commercial Outdoor Recreation	per Conditional Use Permit review (Chapter 4.4)
Bed and Breakfast Inn	two spaces per use, plus one space for each bedroom offered as lodging
Educational Services, not a school (e.g., tutoring or similar services)	one space per 300 sq. ft. floor area
Entertainment, Major Event	per Conditional Use Permit review (Chapter 4.4)
Hotels, Motels, and similar uses	0.75 space per guest room. See also, parking requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities.
Mortuary or Funeral Home	one space per 300 sq. ft. floor area
Offices	General Office: one space per 500 sq. ft. floor area
	Medical or Dental Office: one space per 500 sq. ft. floor area
Outdoor Recreation, Commercial	per Conditional Use Permit review (Chapter 4.4)
Surface Parking Lot, when not accessory to a permitted use	per Conditional Use Permit review (Chapter 4.4)
Quick Vehicle Servicing or Vehicle Repair	two spaces, excluding vehicle service or queuing area, or per Conditional Use Permit review (Chapter 4.4)
Retail Sales and Commercial Service	<u>Bank</u> : one space per 300 sq. ft. floor area
<b>User's Guide:</b> A city's min. parking ratio for retail uses is often good indicator of whether the code is efficient or encourages sprawl development. The parking mins. recommended here, which are well below the industry standard of 3-4 spaces per 1,000 square feet of retail, and the max. under subsection C, are intended to discourage sprawl.	<u>Retail</u> : one space per 400 sq. ft. floor area, except one space per 1,000 sq. ft. for bulk retail (e.g., auto sales, nurseries, lumber and construction materials, furniture, appliances, and similar sales)
	<u>Restaurants and Bars</u> : one space per 200 sq. ft. floor area
	<u>Health Clubs, Gyms, Continuous Entertainment (e.g., bowling alleys)</u> : one space per 300 sq. ft.
	<u>Theaters and Cinemas</u> : one space per six seats
Self-Service Storage	two spaces, plus adequate space for loading and unloading
<b>Industrial Categories</b>	
Industrial Service	one space per 1,000 sq. ft. of floor area
Manufacturing and Production	one space per 1,000 sq. ft. of floor area; or as required by Conditional Use Permit review (Chapter 4.4)
Warehouse and Freight Movement	0.5 space per 1,000 sq. ft. of floor area; or as required by Conditional Use Permit review (Chapter 4.4)
Waste-Related	per Conditional Use Permit review (Chapter 4.4)
Wholesale Sales, e.g., Building Materials, Heavy Equipment, Agricultural Supplies, etc.	one space per 1,000 sq. ft.

### 3.5 – Parking and Loading | Automobile Parking

<b>Table 3.5.030.A – Automobile Parking Spaces by Use</b>	
<b>Use Categories</b> (Chapter 5 contains examples of uses and definitions.)	<b>Minimum Parking per Land Use</b> (Fractions are rounded down to the closest whole number.)
<b>Institutional Categories</b>	
Basic Utilities	Parking based on applicant’s projected parking demand, subject to City approval
Community Service, including Government Offices and Services	Parking based on applicant’s projected parking demand, subject to City approval, except as specifically required elsewhere in this table for individual uses (See public assembly, office, retail, housing, etc.)
Daycare	Family Daycare: 1 space, plus required parking for dwelling
	Daycare Center: 1 space per 400 sq. ft. of floor area
Medical Center or Hospital	one space per 300 sq. ft. floor area
Parks and Open Space	Parking based on projected parking demand for planned uses
Public Assembly	one space per 75 sq. ft. of public assembly area; or as required by Conditional Use Permit (Chapter 4.4)
Religious Institutions and Houses of Worship	one space per 75 sq. ft. of main assembly area; or as required by Conditional Use Permit (Chapter 4.4)
Schools	Pre-School through Middle-School: one space per classroom
	High Schools: seven spaces per classroom
	Colleges: one space per 400 sq. ft. of floor area exclusive of dormitories, plus one space per two dorm rooms
<b>Other Categories</b>	
Accessory Uses	Parking standards for accessory uses are the same as for primary uses, but are pro rated based on the percentage of estimated overall parking demand, subject to City review and approval.
Agriculture	None, except as required for accessory uses
Radio Frequency Transmission Facilities	None, except as required by Conditional Use Permit (Chapter 4.4)
Temporary Uses	Parking standards for temporary uses are the same as for primary uses, except that the [City decision-making body] may reduce or waive certain development and designs standards for temporary uses.
Transportation Facilities (operation, maintenance, preservation, and construction)	None, except for park-and-ride facilities; and where temporary parking is required for construction staging areas

### B. Exceptions and Reductions to Off-Street Parking.

**User's Guide:** The following provisions are intended to promote compact, pedestrian-oriented development by reducing or waiving minimum off-street parking requirements in some situations. The recommended exemption for uses in a downtown or main street district (subsection I) should be coordinated with an overall parking strategy for the district; for example, through the provision of public parking facilities, shared parking agreements, time limits, metering of on-street parking spaces in the downtown core, or other measures applicable to your community, off-street parking standards may not be necessary. Your city should also consider whether it is appropriate to charge a fee to help off-set the development of new parking facilities, i.e., in lieu of requiring parking for individual developments. Some downtowns also have urban renewal districts that develop parking; and some may have economic improvement districts, business improvement districts, or other privately funded organizations that manage downtown parking and other amenities. For more information, please refer to the TGM publications website: [www.oregon.gov/LCD/TGM/Pages/publications.aspx](http://www.oregon.gov/LCD/TGM/Pages/publications.aspx).

1. There is no minimum number of required automobile parking spaces for uses within the *[Downtown / Main Street / Downtown-Core Area]* zone; *except that where a change of use or new development occurs, the owner may be required to pay a fee toward Downtown/Main Street Parking District improvements, pursuant to Ordinance #.*
2. The applicant may propose a parking standard that is different than the standard under subsections 3.5.030.A(1) and (2), above, for review and action by the *[Planning Official / Planning Commission]* through a Type *[II / III]* procedure. The applicant's proposal shall consist of a written request and a parking analysis prepared by a qualified professional. The parking analysis, at a minimum, shall assess the average parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; transportation options existing or planned near the site, such as frequent bus service, carpools, or private shuttles; and other relevant factors. *[The (City decision-making body) through a (Type III) procedure may reduce the off-street parking standards of Table 3.5.030.A for sites with one or more of the following features:*
  - a. *Site has a bus stop with frequent transit service located adjacent to it, and the site's frontage is improved with a bus stop waiting shelter, consistent with the standards of the applicable transit service provider: Allow up to a [20] percent reduction to the standard number of automobile parking spaces;*
  - b. *Site has dedicated parking spaces for carpool or vanpool vehicles: Allow up to a [10] percent reduction to the standard number of automobile parking spaces;*
  - c. *Site has dedicated parking spaces for motorcycles, scooters, or electric carts: Allow reductions to the standard dimensions for parking spaces;*
  - d. *Site has more than the minimum number of required bicycle parking spaces: Allow up to a [5-10] percent reduction to the number of automobile parking spaces.]*
3. The number of required off-street parking spaces may be reduced through the provision of shared parking, pursuant to Section 3.5.030.D.
- [4.** *The [Planning Official] through a [Type I / II] procedure may reduce the off-street parking standards of Table 3.5.030.A by one parking space for every two on-street parking spaces located adjacent to the subject site, provided the parking spaces meet the dimensional standards of Section 3.5.030.E.]*

### 3.5 – Parking and Loading | Automobile Parking

**C. Maximum Number of Off-Street Automobile Parking Spaces.** The maximum number of off-street automobile parking spaces allowed per site equals the minimum number of required spaces, pursuant to Table 3.5.030, times a factor of:

1. [1.2] spaces for uses fronting a street with adjacent on-street parking spaces; [or]
2. [1.5] spaces, for uses fronting no street with adjacent on-street parking[. / ; or]
3. [A factor determined pursuant to subsection 3.5.030.C(3), Parking Analysis Option.]

**D. Shared parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. Shared parking requests shall be subject to review and approval through Site Plan Review.

**User’s Guide:** The following minimum dimensions are intended to provide for efficient parking lot design. The “standard” widths are comparable to the standards that some communities use for compact parking spaces. Developers may choose to provide some larger spaces (e.g., for recreational vehicles or trucks), but the Model Code does not recommend requiring larger spaces. Each community should determine whether to allow larger spaces based on local needs.

**E. Parking Stall Design and Minimum Dimensions.** Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with this Code. At a minimum the parking spaces and drive aisles shall be paved with asphalt, concrete, or other City-approved materials, provided the Americans with Disabilities Act requirements are met, and shall conform to the minimum dimensions in Table 3.5.030.E and the figures below. All off-street parking areas shall contain wheel stops, perimeter curbing, bollards, or other edging as required to prevent vehicles from damaging buildings or encroaching into walkways, landscapes, or the public right-of-way. Parking areas shall also provide for surface water management, pursuant to Section 3.6.050.

PARKING ANGLE < °	CURB LENGTH	STALL DEPTH		AISLE WIDTH		BAY WIDTH		STRIPE LENGTH
		SINGLE D1	DOUBLE D2	ONE WAY A1	TWO WAY A2	ONE WAY B1	TWO WAY B2	
90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
60°	10'	20'	40'	17'	18'	57'	58'	23'
45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"

\*See also, Chapter 3.2 Building Orientation and Design for parking location requirements for some types of development; Chapter 3.3 Access and Circulation for driveway standards; and Chapter 3.4 for requirements related to Landscaping, Screening, Fences, Walls, and Outdoor Lighting.

- F. Adjustments to Parking Area Dimensions.** The dimensions in subsection 3.5.030.E are minimum standards. The *[City decision-making body]*, through a Type II / III procedure, may adjust the dimensions based on evidence that a particular use will require more or less maneuvering area. For example, the *[City decision-making body]* may approve an adjustment where an attendant will be present to move vehicles, as with valet parking. In such cases, a form of guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation.
- G. Americans with Disabilities Act (ADA).** Parking shall be provided consistent with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.
- [H. Electric Charging Stations.** *Charging stations for electric vehicles are allowed as an accessory use to parking areas developed in conformance with this Code, provided the charging station complies with applicable building codes and any applicable state or federal requirements. Charging stations are considered accessory to a permitted use and are not considered a quick vehicle service use where such parking comprises less than (X)% of all on-site parking.]*

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## 3.5 – Parking and Loading | Automobile Parking

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**3.5.040 Bicycle Parking**

**A. Standards.** Bicycle parking spaces shall be provided with new development and, where a change of use occurs, at a minimum, shall follow the standards in Table 3.5.040.A. Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automobile-parking standard, pursuant to subsection 3.5.030.B, the [City decision-making body] may require bicycle parking spaces in addition to those in Table 3.5.040.A.

<b>Table 3.5.040.A Minimum Required Bicycle Parking Spaces</b>	
<b>Use</b>	<b>Minimum Number of Spaces</b>
<b>Multifamily Residential</b> (not required for parcels with fewer than 4 dwelling units)	2 bike spaces per 4 dwelling units
<b>Commercial</b>	2 bike spaces per primary use or 1 per 5 vehicle spaces, whichever is greater
<b>Industrial</b>	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater
<b>Community Service</b>	2 bike spaces
<b>Parks</b> (active recreation areas only)	4 bike spaces
<b>Schools</b> (all types)	2 bike spaces per classroom
<b>Institutional Uses and Places of Worship</b>	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater
<b>Other Uses</b>	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater

**B. Design.** Bicycle parking shall consist of staple-design steel racks or other City-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle[, consistent with the City of [name] Design Standard Manual].

**C. Exemptions.** This section does not apply to single-family and duplex housing, home occupations, and agricultural uses. The [City decision-making body] may exempt other uses upon finding that, due to the nature of the use or its location, it is unlikely to have any patrons or employees arriving by bicycle.

**D. Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with the vision clearance standards of Section 3.3.020.

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## 3.5 – Parking and Loading | Bicycle Parking

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## 3.5 – Parking and Loading | Bicycle Parking

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## 3.5 – Parking and Loading | Loading Areas

### 3.5.050 Loading Areas

**User's Guide:** The following standards for loading area are intended to be flexible in order to conserve land and not require loading areas where they are not needed. The exception providing for temporary on-street loading and unloading is meant to conserve land for employment uses, particularly in downtown and main street areas where off-street parking is limited and may not be conveniently located for deliveries. Some cities' codes prohibit vehicles backing onto a public right-of-way (except single-family uses), so it is important to check for that restriction and allow reasonable exceptions for temporary loading and unloading.

- A. Purpose.** The purpose of Section 3.5.050 is to provide adequate loading areas for commercial and industrial uses that do not interfere with the operation of adjacent streets.
- B. Applicability.** Section 3.5.050 applies to uses that are expected to have service or delivery truck visits. It applies only to uses visited by trucks with a *[40-foot or longer wheelbase,]* at a frequency of *[one or more vehicles per week]*. The *[City decision-making body]* shall determine through Site Design Review the number, size, and location of required loading areas, if any.
- C. Standard.** Where an off-street loading space is required, it shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. The *[City decision-making body]* may restrict the use of other public rights-of-way, so applicants are advised to provide complete and accurate information about the potential need for loading spaces.
- D. Placement, Setbacks, and Landscaping.** Loading areas shall conform to the Building Orientation and Design standards of Chapter 3.2, the Access and Circulation standards of Chapter 3.3, and the Landscaping and Screening standards of Chapter 3.4. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.
- E. Exceptions and Adjustments.** The *[City decision-making body]*, through Site Design Review, may approve a loading area adjacent to or within a street right-of-way where it finds that loading and unloading operations are short in duration (i.e., less than one hour), infrequent, do not obstruct traffic during peak traffic hours, do not interfere with emergency response services, and are acceptable to the applicable roadway authority.

### Chapter 3.6 - Public Facilities

#### Sections:

- 3.6.010 Purpose and Applicability
- 3.6.020 Transportation Standards
- 3.6.030 Public Use Areas
- 3.6.040 Sanitary Sewer and Water Service Improvements
- 3.6.050 *[Storm Drainage and Surface Water Management Facilities]*
- 3.6.060 Utilities
- 3.6.070 Easements
- 3.6.080 Construction Plan Approval
- 3.6.090 Facility Installation
- 3.6.100 Performance Guarantee and Warranty

**User’s Guide:** Before using the following provisions to draft new code, cities should review their existing facility master plans and standards, including provisions for transportation, water, sewer, and storm drainage and surface water management improvements, and requirements of utility service providers. It is important to ensure that the plans do not conflict with new code provisions. The standards recommended in this chapter are based on best practices. Some facility master plan provisions may need to be updated for consistency with new code provisions, and some model code provisions may need to be adjusted to conform to existing conditions in your community.

#### **3.6.010 Purpose and Applicability**

- A. Purpose.** The standards of Chapter 3.6 implement the public facility policies of the City of *[name]* Comprehensive Plan and adopted City master plans.
- B. Applicability.** Chapter 3.6 applies to all new development, including projects subject to Land Division (Subdivision or Partition) approval and developments subject to Site Design Review where public facility improvements are required. All public facility improvements within the city shall occur in accordance with the standards and procedures of this chapter. When a question arises as to the intent or application of any standard, the *[City decision-making body]* shall interpret the Code pursuant to Chapter 1.5.
- C. *[Public Works / Engineering] Design Standards.*** All public facility improvements, including, but not limited to, sanitary sewer, water, *[and]* transportation*], surface water and storm drainage, and parks]* projects, whether required as a condition of development or provided voluntarily, shall conform to the City of *[name]* *[Public Works/Engineering Design Standards Manual]* (“Design Manual”). Where a conflict occurs between this Code and the Manual, the provisions of this Code shall govern.
- D. Public Improvement Requirement.** No building permit may be issued until all required public facility improvements are in place and approved by the Public Works Director, or otherwise bonded, in conformance with the provisions of this Code and the Design Manual. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

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## 3.6 – Public Facilities | Transportation Standards

### 3.6.020 Transportation Standards

**User's Guide:** This section implements Transportation Planning Rule (TPR) requirements that require development standards promoting efficient, multi-modal transportation. It is also intended to be consistent with the TPR provisions for multi-modal mixed-use areas.

#### A. General Requirements.

1. Except as provided by subsection 5, below, existing substandard streets and planned streets within or abutting a proposed development shall be improved in accordance with the standards of Chapter 3.6 as a condition of development approval.
2. All street improvements, including the extension or widening of existing streets and public access ways, shall conform to Section 3.6.020, and shall be constructed consistent with the City of *[name][Engineering Design Standards Manual]*.

**User's Guide:** The above text should be customized to your city. All street standards should be incorporated into the code. Where a city has adopted a Transportation System Plan, it should incorporate the street improvement standards of the plan into this chapter, including the dimensional standards of Table 3.6.020.C. Cities should review their public works and engineering design standards to ensure there are no conflicts. Some older public works standards require excessive roadway widths, limit on-street parking, and do not meet current state requirements under the Transportation Planning Rule (OAR 660-012) for pedestrian, bicycle, and transit facility improvements.

3. All new streets shall be contained within a public right-of-way. Public access ways (e.g., pedestrian ways) may be contained within a right-of-way or a public access easement, subject to review and approval of the *[City decision-making body]*.
4. The purpose of this subsection is coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.
  - a. When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:
    - (1) A change in zoning or a plan amendment designation;
    - (2) Operational or safety concerns documented in writing by a road authority;
    - (3) An increase in site traffic volume generation by *[300]* Average Daily Trips (ADT) or more;
    - (4) An increase in peak hour volume of a particular movement to and from a street or highway by *[20]* percent or more;

- (5) An increase in the use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day;
  - (6) Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;
  - (7) A change in internal traffic patterns that may cause safety concerns; or
  - (8) A TIA required by ODOT pursuant to OAR 734-051.
- b. Traffic Impact Analysis Preparation. A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the Traffic Impact Analysis.
5. The [City Official] may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in (a) through (d) is met. Where the [City Official] agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future.
- a. The standard improvement conflicts with an adopted capital improvement plan.
  - b. The standard improvement would create a safety hazard.
  - c. It is unlikely due to the developed condition of adjacent property that the subject improvement would be extended in the foreseeable future, and the improvement under consideration does not by itself significantly improve transportation operations or safety.
  - d. The improvement under consideration is part of an approved partition in the [RL or RM] and the proposed partition does not create any new street.

### **B. Street Location, Alignment, Extension, and Grades.**

1. All new streets, to the extent practicable, shall connect to the existing street network and allow for the continuation of an interconnected street network, consistent with adopted public facility plans and pursuant to subsection 3.6.020.D Transportation Connectivity and Future Street Plans.
2. Specific street locations and alignments shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.
3. Grades of streets shall conform as closely as practicable to the original (pre-development) topography to minimize grading.
4. New streets and street extensions exceeding a grade of 15 percent over a distance more than 200 feet, to the extent practicable, shall be avoided. Where such grades are unavoidable, the [City decision-making body] may approve an exception to the 200-foot standard and require mitigation, such as a secondary access for the subdivision, installation of fire protection sprinkler systems in dwellings, or other mitigation to protect public health and safety.
5. Where the locations of planned streets are shown on a local street network plan, the development shall

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## 3.6 – Public Facilities | Transportation Standards

implement the street(s) shown on the plan.

6. Where required local street connections are not shown on an adopted City street plan, or the adopted street plan does not designate future streets with sufficient specificity, the development shall provide for the reasonable continuation and connection of existing streets to adjacent developable properties, conforming to the standards of this Code.
7. Existing street-ends that abut a proposed development site shall be extended with the development, unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this Code. In such situations, the applicant must provide evidence that the environmental or topographic constraint precludes reasonable street connection.
8. Proposed streets and any street extensions required pursuant to this section shall be located, designed, and constructed to allow continuity in street alignments and to facilitate future development of vacant or redevelopable lands.

**C. Rights-of-Way and Street Section Widths.** The standards contained in Table 3.6.020.C are intended: to provide for streets of suitable location, width, and design to accommodate expected vehicle, pedestrian, and bicycle traffic; to afford satisfactory access to law enforcement, fire protection, sanitation, and road maintenance equipment; and to provide a convenient and accessible network of streets, avoiding undue hardships to adjoining properties. Where a range of street width or improvement options is indicated, the *[City decision-making body]* shall determine requirements based on the advice of a qualified professional and all of the following factors:

1. Street classification and requirements of the roadway authority, if different than the City's street classifications and requirements;
2. Existing and projected street operations relative to applicable standards;
3. Safety of motorists, pedestrians, bicyclists<sup>[, and transit users]</sup>, including consideration of accident history;
4. Convenience and comfort for pedestrians <sup>[and / ,]</sup> bicyclists<sup>[, and transit users]</sup>;
5. Provision of on-street parking;
6. Placement of utilities;
7. Street lighting;
8. Slope stability, erosion control, and minimizing cuts and fills;
9. Surface water management and storm drainage requirements;
10. Emergency vehicles or apparatus and emergency access, including evacuation needs;
11. Transitions between varying street widths (i.e., existing streets and new streets); and
12. Other factors related to public health, safety, and welfare.

**Table 3.6.020.C Street, Sidewalk, and Bikeway Standards\***

Street Type	Ave. Daily Trips (ADT)	Right-of-Way Width	Curb-to-Curb Paved Width	Within Curb-to-Curb Area				Curbs	Planting Strips or Tree Wells	Side-walks
				Motor Vehicle Travel Lanes	Median or Center Turn Lane	Bike Lanes	On-Street Parking			
<b>Arterials</b>	8,000-30,000 ADT									
<b>Boulevards:</b>										
2-Lane Boulevard		61'-87'	34'	11'	None	2 at 6'	8' bays	6"	7'-12'	5'-12'
3-Lane Boulevard		73'-99'	46'	11'	12'	2 at 6'	8' bays	6"	7'-12'	5'-12'
5-Lane Boulevard		95'-121'	68'	11'	12'	2 at 6'	8' bays	6"	7'-12'	5'-12'
<b>Avenues:</b>										
2-Lane Avenue	3,000 to 10,000 ADT	59'-86'	32'-33'	10'-10.5'	none	2 at 6'	8' bays	6"	7'-12'	5'-12'
3-Lane Avenue		70.5'-97.5'	43.5'-44.5'	10'-10.5'	11.5'	2 at 6'	8' bays	6"	7'-12'	5'-12'
<b>Collectors</b>	1,500-5,000 ADT									
<b>Residential:</b>					As per traffic calming					
No Parking		49'-51'	22'	11'			None	6"	7'-8'	5'-12'
Parking One Side		50'-56'	25'-27'	9'-10'			7' lane	6"	7'-8'	5'-12'
Parking Both Sides		57'-63'	32'-34'	9'-10'			7' lanes	6"	7'-8'	5'-12'
<b>Commercial Streets:</b>					As per traffic calming					
Parallel One Side		55'-65'	28'	10'			8' lane	6"	7'-8'	6'-12'
Parallel Both		63'-73'	36'	10'			8' lanes	6"	7'-8'	6'-12'

### 3.6 – Public Facilities | Transportation Standards

**Table 3.6.020.C Street, Sidewalk, and Bikeway Standards\***

Street Type	Ave. Daily Trips (ADT)	Right-of-Way Width	Curb-to-Curb Paved Width	Within Curb-to-Curb Area				Curbs	Planting Strips or Tree Wells	Side-walks
				Motor Vehicle Travel Lanes	Median or Center Turn Lane	Bike Lanes	On-Street Parking			
Sides										
<b>Commercial Streets (continued)</b>										
Diagonal Parking One Side		65'-74'	37'	10'			Varies	6"	7'-8'	6'-12'
Diagonal Parking Both Sides		81'-91'	54'	10'			Varies	6"	7'-8'	6'-12'
<b>Local Streets</b>	Less than 1,500 ADT									
<b>Residential:</b>										
Parking One Side*		46'-57'	23'-24'	16'-17' (queuing)			7' lane	6"	4'-12'	4'-6'
Parking Both Sides		44'-64'	28'	14' (queuing)			7' lanes	6"	4'-12'	4'-6'
No Parking		36'-56'	20'	20'			None	6"	4'-12'	4'-6'
<b>Commercial:</b>	See Collector standards for commercial streets.									

\*All streets shall be improved in accordance with the construction standards and specifications of the applicable roadway authority, including requirements for pavement, curbs, drainage, striping, and traffic control devices. Where a park strip is provided it shall consist of a minimum [4-8]-foot-wide strip between the sidewalk and the curb or roadway. Where a swale is provided, it shall either be placed between the roadway and sidewalk or behind the sidewalk on private property, subject to City approval and recording of required public drainage way and drainage way maintenance easements. Streets with parking on one side only should be avoided. When used, they must be posted NO PARKING.

*Insert Graphics Page Here*

**D. Transportation Connectivity and Future Street Plans.** The following standards apply to the creation of new streets:

**User’s Guide:** The model code’s maximum block length standards are intended to encourage a high degree of street interconnectivity. Neighborhoods, downtowns, and other areas with a high degree of interconnectivity tend to be more walkable than those with fewer connections because they offer shorter or more direct routes for pedestrians. Long blocks, and cul-de-sacs that do not offer pedestrian connections, discourage walking.

One way to quantify interconnectivity on a neighborhood-scale is to measure the number of intersections in a given area (intersection density). The Green Building Council’s Leadership through Energy and Environmental Design (LEED) for Neighborhood Development recommends 90-140 intersections per square mile. While measuring intersection density in this manner may not be practical for reviewing small subdivisions, it is an interesting way to look at a city.

Some real estate listing services provide a “walkability score,” of which intersection density is one factor. Other factors include street design (availability of sidewalks and safe crossings), traffic accident rates, urban design (location of parking and proximity of destinations), and weather. When a neighborhood has a strong network of internal streets and good connections to surrounding areas, pedestrians, bicyclists, and drivers can move more efficiently and more safely.

- 1. Intersections.** Streets shall be located and designed to intersect as nearly as possible to a right angle. Street intersections shall have a minimum intersection angle of 75 degrees. All legs of an intersection shall meet the above standard for at least 100 feet back from the point of intersection. No more than two streets shall intersect, i.e., creating a four-legged intersection, at any one point. Street jogs and intersection offsets of less than 125 feet are not permitted. Intersections shall be designed to facilitate storm water runoff into City-approved storm water facilities.
- 2. Access Ways.** The [City decision-making body], in approving a land use application with conditions, may require a developer to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way connects the end of the street to another street, a park, or a public access way. Where an access way is required, it shall be not less than [10] feet wide and shall contain a minimum [six]-foot-wide paved surface or other all-weather surface approved by the [City decision-making body]. Access ways shall be contained within a public right-of-way or public access easement, as required by the City.
- 3. Connectivity to Abutting Lands.** The street system of a proposed subdivision shall be designed to connect to existing, proposed, and planned streets adjacent to the subdivision. Wherever a proposed development abuts unplatted land or a future development phase of an existing development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. Street ends shall contain turnarounds constructed to Uniform Fire Code standards, as the City deems applicable, and shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.
- 4. Street Connectivity and Formation of Blocks.** In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments shall be served by an interconnected street network, pursuant to the standards in subsections (a) through (d) below. Distances are measured from the edge of street rights-of-way. Where a street connection cannot be made due to physical site constraints, approach spacing requirements, access management requirements, or similar restrictions; where practicable, a pedestrian access way connection shall be provided pursuant to Chapter 3.3.

- a. Residential zones: Minimum of [200]-foot block length and maximum of [600]-foot length; maximum [1,400]-foot block perimeter;
  - b. [Downtown / Main Street] zone: Minimum of [200]-foot length and maximum of [400]-foot length; maximum [1,200]-foot perimeter;
  - c. General Commercial zone and Light Industrial zone: Minimum of [100]-foot length and maximum of [600]-foot length; maximum [1,400]-foot perimeter; and
  - d. Not applicable to General Industrial zone.
5. A cul-de-sac street shall only be used where the [City decision-making body] determines that environmental or topographical constraints, existing development patterns, or compliance with other applicable City requirements preclude a street extension. Where the City determines that a cul-de-sac is allowed, all of the following standards shall be met:
- a. The cul-de-sac shall not exceed a length of [400] feet, except where the [City decision-making body] through a [Type III/III] procedure determines that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
  - b. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Code and the standards of Table 3.6.020.C.
  - c. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands. Such access ways shall conform to Section 3.3.020.D(3).
6. **Future Street Plan.** Where a subdivision is proposed adjacent to other developable land, a future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within [600] feet surrounding and adjacent to the proposed subdivision. The street plan [is binding and shall guide / is not binding, but is intended to show] potential future street extensions with future development. The plan must demonstrate, pursuant to City standards, that the proposed development does not preclude future street connections to adjacent development land.
- [7. Except where approved as part of a Master Planned Development pursuant to Chapter 4.8, private streets and gated drives serving more than [two] dwellings (i.e., where a gate limits access to a development from a public street), are prohibited.]
- E. Engineering Design Standards.** Street design shall conform to the standards of the applicable roadway authority; for City streets that is the [Engineering/Public Works Design Standards Manual]. Where a conflict occurs between this Code and the [Manual], the provisions of this Code shall govern.
- User's Guide:** Cities should review their existing engineering and public works design standards and recommend revisions where those standards conflict with smart development objectives. For example, street standards that require excessively wide roadways and do not provide adequate pedestrian and bicycle facilities should be updated per the model code.
- F. Fire Code Standards.** Where Fire Code standards conflict with City standards, the City shall consult with the [Fire Marshal] in determining appropriate requirements. The City shall have the final determination regarding applicable standards.

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## 3.6 – Public Facilities | Transportation Standards

- G. Substandard Existing Right-of-Way.** Where an existing right-of-way adjacent to a proposed development is less than the standard width, the Planning Commission may require the dedication of additional rights-of-way at the time of Subdivision, Partition, or Site Plan Review, pursuant to the standards in Table 3.6.020.C.
- H. Traffic Calming.** The City may require the installation of traffic calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, speed tables, speed humps, or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.
- I. Sidewalks[, Planter Strips, and Bicycle Lanes].** Except where the [City decision-making body] grants a deferral of public improvements, pursuant to Chapter 4.2 or Chapter 4.3, sidewalks[, planter strips, and bicycle lanes] shall be installed concurrent with development or widening of new streets, pursuant to the requirements of this chapter. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.
- J. Streets Adjacent to Railroad Right-of-Way.** When a transportation improvement is proposed within [300] feet of a railroad crossing, or a modification is proposed to an existing railroad crossing, the Oregon Department of Transportation and the rail service provider shall be notified and given an opportunity to comment, in conformance with the provisions of Article 4. Private crossing improvements are subject to review and licensing by the rail service provider.
- K. Street Names.** No new street name shall be used which will duplicate or be confused with the names of existing streets in the City of [name] or vicinity.
- L. Survey Monuments.** Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.
- M. Street Signs.** The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.
- N. Streetlight Standards.** Streetlights shall be relocated or new lights installed, as applicable, with street improvement projects. Streetlights shall conform to City standards, or the requirements of the roadway authority, if different than the City.
- O. Mail Boxes.** Mailboxes shall conform to the requirements of the United States Postal Service and the State of Oregon Structural Specialty Code.
- User's Guide:** The State of Oregon requires cities to develop standards for clustered mailboxes (ORS 227.455).
- P. Street Cross-Sections.** The final lift of pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway unless otherwise approved by the [City decision-making body].

### 3.6.030 Public Use Areas

**User's Guide:** Section 3.4.200 provides minimal discretionary standards for park and school site dedications and improvements for large subdivisions. This section should be tailored to be consistent with city policy, particularly where cities have adopted system development charges or other ordinances for parkland acquisition and improvements. If development in your city occurs mostly through small infill projects, it may be necessary to purchase land for parks or schools in advance, ahead of growth. The benefit of this approach is that land prices will likely be lower than after the area develops.

#### A. Dedication of Public Use Areas.

1. Where a proposed park, playground, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision, provided that the impact of the development on the City park system is roughly proportionate to the dedication or reservation being made.
2. The City may purchase or accept voluntary dedication or reservation of areas within the subdivision that are suitable for the development of parks and other public uses; however, the City is under no obligation to accept such areas offered for dedication or sale.

**B. System Development Charge Credit.** Dedication of land to the City for public use areas, voluntary or otherwise, shall be eligible as a credit toward any required system development charge for parks.

### 3.6.040 Sanitary Sewer and Water Service Improvements.

**User's Guide:** This section should be refined based on adopted sewer and water master plans and input from your city's public works and engineering staff.

- A. Sewers and Water Mains Required.** All new development is required to connect to City water and sanitary sewer systems. Sanitary sewer and water system improvements shall be installed to serve each new development and to connect developments to existing mains in accordance with the adopted facility master plans and applicable *[Engineering/Public Works Design Standards]*. Where streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements and other utilities shall also be stubbed with the streets, except as may be waived by the *[City decision-making body]* where alternate alignment(s) are provided.
- B. Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the *[City Engineer / Public Works Director]* has approved all sanitary sewer and water plans in conformance with City standards.
- C. Over-Sizing.** The City may require as a condition of development approval that sewer and water lines serving new development be sized to accommodate future development within the area as projected by the applicable facility master plans, and the City may authorize other cost-recovery or cost-sharing methods as provided under state law.
- D. Inadequate Facilities.** Development permits may be restricted or rationed by the Planning Commission where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which, if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. The *[City decision-making body]* may require water booster pumps, sanitary sewer lift stations, and other critical facilities be installed with backup power.

**3.6.050**      ***[Storm Drainage and Surface Water Management Facilities]***

**User's Guide:** This section should be refined based on adopted storm drainage or surface water management master plans and input from your city's public works and engineering staff.

- A. General Provisions.** The City shall issue a development permit only where adequate provisions for storm water runoff have been made in conformance *[with the City's Storm Drainage / Surface Water Master Plan]*.
- B. Accommodation of Upstream Drainage.** Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.
- C. Effect on Downstream Drainage.** Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.
- D. Over-Sizing.** The City may require as a condition of development approval that sewer, water, or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable facility master plan, provided that the City may grant the developer credit toward any required system development charge for the same pursuant to the System Development Charge.
- [E. Existing Watercourse.** *Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety.]*

### 3.6.060 Utilities

**User's Guide:** This section should be refined based on adopted utility master plans and input from utility service providers.

The following standards apply to new development where extension of electric power or communication lines is required:

- A. General Provision.** The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.
- B. Underground Utilities.**
- 1. General Requirement.** The requirements of the utility service provider shall be met. All utility lines in new subdivisions, including, but not limited to, those required for electric, communication, and lighting, and related facilities, shall be placed underground, except where the *[City decision-making body]* determines that placing utilities underground would adversely impact adjacent land uses. The *[City decision-making body]* may require screening and buffering of above ground facilities to protect the public health, safety, or welfare.
  - 2. Subdivisions.** In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:
    - a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that no above ground equipment obstructs vision clearance areas for vehicular traffic, per Chapter 3.3 Access and Circulation.
    - b. The *[City decision-making body]* reserves the right to approve the location of all surface-mounted facilities.
    - c. All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.
    - d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
- C. Exception to Undergrounding Requirement.** The *[City decision-making body]* may grant exceptions to the undergrounding standard where existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical.

**3.6.070 Easements**

**User's Guide:** This section should be refined based on adopted facility master plans and input from your city's public works and engineering staff.

- A. Provision.** The developer shall make arrangements with the City and applicable utility providers for each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development.
- B. Standard.** Utility easements shall conform to the requirements of the utility service provider. All other easements shall conform to the City of [(name) *Engineering Design Standards / Public Works Design Standards*].
- C. Recordation.** All easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other utilities shall be recorded and referenced on a survey or final plat, as applicable. See Chapter 4.2 Site Plan Review, and Chapter 4.3, Land Divisions.

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## 3.6 – Public Facilities | Construction Plan Approval

### 3.6.080 Construction Plan Approval

**User's Guide:** This section should be refined based on input from your city's public works and engineering staff.

No development, including sanitary sewers, water, streets, parking areas, buildings, or other development, shall be undertaken without plans having been approved by the City of [name], permit fees paid, and permits issued. Permit fees are required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. Permit fees are as set by City Council resolution.

### 3.6.090 Facility Installation

**User's Guide:** This section should be refined based on input from your city's public works and engineering staff.

- A. Conformance Required.** Improvements installed by the developer, either as a requirement of these regulations or at the developer's option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
- B. Adopted Installation Standards.** The City of *[name]* has adopted *[Engineering / Public Works Design Standards]* for public improvements and private utility installation within the public right-of-way.
- C. Commencement.** Work in a public right-of-way shall not begin until all applicable agency permits have been approved and issued.
- D. Resumption.** If work is discontinued for more than *[six]* months, it shall not be resumed until the Public Works Director is notified in writing and grants approval of an extension.
- E. City Inspection.** Improvements shall be constructed under the inspection of the *[City Engineer / Public Works Director]*. The *[City Engineer / Public Works Director]* may approve minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest, except that substantive changes to the approved design shall be subject to review under Chapter 4.6, Modifications to Approved Plans and Conditions of Approval. Any survey monuments that are disturbed before all improvements are completed by the developer or subdivider shall be replaced prior to final acceptance of the improvements.
- F. Engineer's Certification and As-Built Plans.** A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City's acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide *[two]* sets of "as-built" plans for permanent filing with the City. If required by the City, the developer or subdivider shall provide a warranty bond pursuant to Section 3.6.100.

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## 3.6 – Public Facilities | Performance Guarantee and Warranty

### 3.6.100 Performance Guarantee and Warranty

**User's Guide:** This section should be refined based on input from your city's public works and engineering staff.

- A. Performance Guarantee Required.** The City at its discretion may approve a final plat or building permit when it determines that at least [75] percent of the public improvements required for the site development or land division, or phase thereof, are complete and the applicant has an acceptable assurance for the balance of said improvements. The applicant shall provide a bond issued by a surety authorized to do business in the state of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City.
- B. Determination of Sum.** The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses, plus reasonable inflationary costs. The assurance shall not be less than [110] percent of the estimated improvement costs.
- C. Itemized Improvement Estimate.** The applicant shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.
- D. Agreement.** A written agreement between the City and applicant shall be signed recorded. The agreement may include a provision for the construction of the improvements in stages and for the extension of time under specific conditions. The agreement shall contain all of the following:
1. The period within which all required improvements and repairs shall be completed;
  2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;
  3. The required improvement fees and deposits.
- E. When Applicant Fails to Perform.** In the event the applicant fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit, or letter of credit for reimbursement.
- F. Termination of Performance Guarantee.** The applicant shall not cause termination, nor allow expiration, of the guarantee without first securing written authorization from the City.
- G. Warranty Bond.** A warranty bond good for [two] years is required on all public improvements and landscaping when installed in the public right-of-way. The warranty bond shall equal [15] percent of the total cost of improvements and begin upon acceptance of said improvements by the City.

[Chapter 3.7 Signs]

**User's Guide:** This section is a placeholder for the city's sign regulations. Some cities maintain separate ordinances for signs, while others include sign regulations in their zoning and development codes. The Model Code does not recommend specific sign regulations other than the general guidance for signs as related to home businesses in Chapter 2.4, building design in Chapter 3.2, and way-finding in Chapter 3.3.

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## **Article 4 – Application Review Procedures and Approval Criteria**

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#### **4.1.010 Purpose and Applicability**

**A. Purpose.** The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 4.1.010 provides a key for determining the review procedure and the decision-making body for particular approvals.

**B. Applicability of Review Procedures.** All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections 1-4 below. Table 4.1.010 lists the City’s land use and development approvals and corresponding review procedure(s).

- 1. Type I Procedure (Staff Review – Zoning Checklist).** Type I decisions are made by the City Planning Official, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards).
- 2. Type II Procedure (Administrative/Staff Review with Notice).** Type II decisions are made by the City Planning Official, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the City Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting.
- 3. Type III Procedure (Quasi-Judicial Review – Public Hearing).** Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council[; *or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Type III decision is made by the City Council on recommendation of the Planning Commission*]. Quasi-Judicial decisions involve discretion but implement established policy.
- 4. Type IV Procedure (Legislative Review).** The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

## 4.1 – General Review Procedures | Purpose and Applicability

<b>Table 4.1.010 – Summary of Approvals by Type of Review Procedure</b>		
<b>Approvals*</b>	<b>Review Procedures</b>	<b>Applicable Regulations</b>
Zoning Checklist Review <u>User's Guide: See comments on page 4-6.</u>	Type I	Applicants are required to complete a Zoning Checklist before applying for any permit or approval. See Section 4.1.020.
Access to a Street	Type I	Chapter 3.3 and the standards of the applicable roadway authority (City/County/ODOT)
Adjustment	Type II	Chapter 4.7
Annexation	Type IV	See Oregon Revised Statute 222
Code Interpretation	Type II or III	Chapter 1.5. Routine interpretations that do not involve discretion do not require a permit.
Code Text Amendment	Type IV	Chapter 4.6
Comprehensive Plan Amendment	Type IV	Chapter 4.6
Conditional Use Permit	Type III	Chapter 4.4
Home Occupation	No permit, except when required by Chapter 4.7.	
Legal Lot Determination	Type I	Chapter 1.3
Master Planned Development Concept Plan Detailed Plan	Type III Type [I /III]	Chapter 4.8 Chapter 4.8
Modification to Approval or Condition of Approval	Type I, II or III	Chapter 4.5
Non-Conforming Use or Structure, Expansion of	Type I, II or III	Chapter 1.4
Partition or Re-plat of 2-3 lots Preliminary Plat Final Plat	Type III Type [I /III]	Chapter 4.3 Chapter 4.3
Property Line Adjustments, including Lot Consolidations	Type I	Chapter 4.3
Site Design Review	Type II or III	Chapter 4.2
Subdivision or Replat of >3 lots Preliminary Plat Final Plat	Type III Type [I /III]	Chapter 4.3 Chapter 4.3
Variance Zoning District Map Change	Type III Type III or IV	Chapter 4.7 Chapter 4.6

\* The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

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## 4.1 – General Review Procedures | Type I Procedure

### 4.1.020 Type I Procedure (Staff Review and Zoning Checklist)

**User’s Guide:** The model code refers to a “zoning checklist” procedure. The checklist is not a formal land use decision. It is intended to help property owners verify city requirements before beginning a project. The form may be completed at city hall with staff assistance, or at home. The checklist is like a questionnaire. In summary form, owners are asked to provide information about their project proposal so that city staff can identify applicable code requirements, if any. At a minimum, the form should help identify whether a proposed project (e.g., new structure, remodel, fence, excavation, etc.) requires land use approval prior to issuance of any building permit. Where no land use decision is required, but a building permit is required, the form, signed by the responsible city official, is presented to the building department as proof of compliance with the development code.

- A. Type I Procedure (Staff Review).** The City Planning Official, or his or her designee, without public notice and without a public hearing, makes ministerial decisions through the Type I procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., there are clear and objective standards).
- B. Zoning Checklist.** The City Planning Official reviews proposals requiring a Type I review using a Zoning Checklist. The Zoning Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Article 2 (Zoning) before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.
- C. Application Requirements.**
- 1. Application Forms.** Approvals requiring Type I review, including Zoning Checklists, shall be made on forms provided by the City.
  - 2. Application Requirements.** When a Zoning Checklist is required, it shall:
    - a. Include the information requested on the application form;
    - b. Address the criteria in sufficient detail for review and action; and
    - c. Be filed with the required fee.
- D. Requirements.** The City shall not act upon an application for land use approval, and a building permit shall not be issued, until the City Planning Official has approved a Zoning Checklist for the proposed project.
- E. Criteria and Decision.** The City Planning Official’s review of a Zoning Checklist is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit.
- F. Effective Date.** A Zoning Checklist decision is final on the date it is signed by the City Planning Official. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the state Land Use Board of Appeals. See also, Section 1.2.090, Zoning Checklist and Building Permits.

### 4.1.030 Type II Procedure (Administrative Review With Notice)

**User's Guide:** Unless otherwise stated, the following procedure, including timelines for notifications and decisions, are per ORS 197.195 Limited Land Use Decisions. Cities may provide more notice or take longer to process application, provided the requirements of ORS 227.178 (120-day clock) are met.

The City Planning Official, or his or her designee, performs Administrative Staff Reviews through the Type II procedure. Type II decisions are made by the City Planning Official with public notice and an opportunity for appeal to the Planning Commission. Alternatively, the City Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting.

#### A. Application Requirements.

1. **Application Forms.** Applications for projects requiring Administrative Review shall be made on forms provided by the City Planning Official.
2. **Submittal Information.** The City Planning Official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:
  - a. The information requested on the application form;
  - b. Plans and exhibits required for the specific approval(s) being sought (For example, requirements for property line adjustments are in Chapter 4.3.);
  - c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
  - d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and
  - e. The required fee.

#### B. Procedure.

1. The City Planning Official shall mail notice of a pending Type II decision to the following individuals and agencies no fewer than 14 days prior to making the Type II decision.

**User's Guide:** The following notification radius of 100 feet (measured from parcel boundaries) is the minimum required under state law (ORS 197.195 Limited Land Use Decision). Cities may adopt a wider notification radius. In areas with large lots or low population densities, where few residents live within 100 feet of one another, a larger notification area may be warranted.

2. The purpose of the Administrative decision notice is to give nearby property owners and other interested people and agencies the opportunity to submit written comments on the application before the Planning Official issues the decision. The intent is to invite people to participate early in the decision-making process. Therefore all of the following individuals and agencies shall be notified:

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## 4.1 – General Review Procedures | Type II Procedure

- a. All owners of record of real property within a minimum of [100] feet of the subject site;
  - b. Any person who submits a written request to receive a notice; and
  - c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City Planning Official shall notify the road authority if different than the City of [name]. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.
3. The notice of pending Administrative Decision, at a minimum, shall contain all of the following information:
- a. The deadline for submitting written comments, which must be at least 14 days prior to the scheduled decision date or, as applicable, the scheduled Planning Commission meeting date where an application is referred to the Commission for review;
  - b. A summary of the proposal and the relevant approval criteria in sufficient detail to help the public identify and locate applicable code requirements;
  - c. The address and City contact person for submitting written comments; and the date, time, and location the City Planning Official or Planning Commission, as applicable, is scheduled to make a decision on the application;
  - d. The street address or other easily understandable reference to the location of the proposed use or development;
  - e. Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
  - f. Statement that all evidence relied upon by the City Planning Official or Planning Commission, as applicable, to make its decision is in the public record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the City; and
  - g. Statement that after the comment period closes, the City will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.
4. At the conclusion of the comment period, the City Planning Official shall review the comments received and prepare a decision notice approving, approving with conditions, or denying the application based on the applicable Code criteria. Alternatively, the City Planning Official may transmit all written comments

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## 4.1 – General Review Procedures | Type II Procedure

received, if any, along with a copy of the application to the Planning Commission for review and decision at its next regularly scheduled meeting.

5. Where the City Planning Official refers an application subject to Administrative Review to the Planning Commission, the Planning Commission shall approve, approve with conditions, or deny the application through the Type II procedure based on the applicable Code criteria. The Planning Commission may continue its review to the next meeting to allow the applicant time to respond to questions, provided that the Commission makes a final decision within the 120-day period prescribed under state law (ORS 227.178) and as described in Section 4.1.060 of this Code. Alternatively, the applicant may voluntarily waive his or her right to a final decision within the 120-day timeframe and the Commission may decide to accept oral and written testimony in a public hearing review of the application, pursuant to Section 4.1.040; in which case, a new public notice must be mailed to those who received the original notice indicating the change to a quasi-judicial (public hearing) review procedure.
6. Within seven days of a Type II (Administrative) decision, the City Planning Official shall proceed to prepare a notice of decision and mail it to the applicant, property owner (if different), the Building Official, those who provided written comments on the proposal, and those who requested a copy of the decision. The City Planning Official shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.
7. The Administrative Notice of Decision shall contain all of the following information:
  - a. A description of the applicant’s proposal and the City’s decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
  - b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor’s map may be used);
  - c. A statement of where the City’s decision can be obtained;
  - d. The date the decision shall become final, unless appealed; and
  - e. A statement that all persons entitled to notice may appeal the decision to City Council pursuant to subsection 4.1.030.D.

**C. Effective Date of Decision.** Unless the conditions of approval specify otherwise, an Administrative Decision becomes effective 12 days after the City mails the decision notice, unless the decision is appealed pursuant to subsection 4.1.030.D.

**D. Appeal of Type II (Administrative) Decision.** A Type II Administrative Decision made by the City Planning Official may be appealed to the City of [Name] Planning Commission; and a Type II Administrative Decision made by the Planning Commission may be appealed to the City Council, as applicable, pursuant to the following:

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## 4.1 – General Review Procedures | Type II Procedure

**1. Who may appeal.** The following people have legal standing to appeal a Type II Administrative Decision:

- a. The applicant or owner of the subject property;
- b. Any person who was entitled to written notice of the Type II decision; and
- c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.

### **2. Appeal filing procedure.**

- a. *Notice of appeal.* Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures.
- b. *Time for filing.* A Notice of Appeal shall be filed with the City Planning Official within the timeframe specified on the Notice of Decision; typically, this will be within 10 days of the date the Notice of Decision is mailed.
- c. *Content of notice of appeal.* The Notice of Appeal shall be accompanied by the required filing fee and shall contain:
  - (1) An identification of the decision being appealed, including the date of the decision;
  - (2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
  - (3) A statement explaining the specific issues being raised on appeal; and
  - (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

**3. Scope of appeal.** The appeal of a Type II Administrative Decision shall be a hearing de novo, either before the Planning Commission, where the contested decision was made by the City Planning Official, or before the City Council, where the Planning Commission made the contested decision. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Administrative Decision, but may include other relevant evidence and arguments. The hearing appeal body may allow additional evidence, testimony, or argument concerning any relevant standard, criterion, condition, or issue.

**4. Appeal Hearing Procedure.** Hearings on appeals of Type II decisions shall follow the same procedure used for public hearings on Type III reviews under Section 4.1.040. Section 4.1.040 contains requirements for public hearing notices, conduct of hearings, and decision-making procedures.

**4.1.040 Type III Procedure (Quasi-Judicial Review – Public Hearing)**

**User’s Guide:** Unless otherwise stated, the following procedure, including timelines, hearing procedures, notifications, and decisions, are per ORS 197.763 Conduct of local quasi-judicial land use hearings. Cities may provide more notice or take longer to process applications, provided the requirements of ORS 227.178 (120-day clock) are met.

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council.

**A. Application Requirements.**

- 1. Application Forms.** Applications requiring Quasi-Judicial review shall be made on forms provided by the City Planning Official.
- 2. Submittal Information.** The City Planning Official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:
  - a. The information requested on the application form;
  - b. Plans and exhibits required for the specific approval(s) being sought;
  - c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
  - d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; *[and]*
  - e. The required fee. *;* *and]*

*[f. Evidence of neighborhood contact, as applicable, pursuant to Section 4.1.070.]*

**B. Procedure.**

**I. Mailed and Posted Notice.**

- a. The City shall mail public notice of a public hearing on a Quasi-Judicial application at least 20 days before the hearing date to the individuals and organizations listed below. The City Planning Official shall prepare an affidavit of notice, which shall be made a part of the file. The affidavit shall state the date that the notice was mailed. Notice shall be mailed to:

**User’s Guide:** The following notification radius of 100 feet (measured from parcel boundaries) is the minimum required under state law. Cities may adopt a wider notification radius. In areas with large lots or low population densities, where few residents live within 100 feet of one another, a larger notification area may be warranted.

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## 4.1 – General Review Procedures | Type III Procedure

- (1) All owners of record of real property located within a minimum of [100] feet of the subject site;
- (2) Any person who submits a written request to receive a notice; and
- (3) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City Planning Official shall notify the road authority if different than the City of [City name]. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

b. At least 14 days before the first hearing, the [applicant or applicant’s representative / City Planning Official or designee] shall post notice of the hearing on the project site in clear view from a public right-of-way using a poster format prescribed by the City Planning Official. [The applicant shall submit an affidavit of notice using a form provided by the City, which shall be made a part of the file. The affidavit shall state the date that the notice was posted.]

[c. At least 14 days before the first hearing, the City shall publish notice of the hearing on the City website, and/or have said notice published in a newspaper with local circulation.]

**2. Content of Notice.** Notice of a Quasi-Judicial hearing to be mailed and published per subsection 1 above shall contain all of the following information:

- a. A summary of the proposal and the relevant approval criteria, in sufficient detail to help the public identify and locate applicable code requirements;
- b. The date, time, and location of the scheduled hearing;
- c. The street address or other clear reference to the location of the proposed use or development;
- d. A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the City Council, Land Use Board of Appeals, or Circuit Court, as applicable, on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
- e. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the City Planning Official, and that copies shall be provided at a reasonable cost;
- f. A statement that a copy of the City’s staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
- g. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and

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## 4.1 – General Review Procedures | Type III Procedure

- h. A statement that after the public hearing closes, the City will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

### C. Conduct of the Public Hearing.

- 1. At the commencement of the hearing, the Chairperson of the Commission or Mayor, as applicable, or his or her designee, shall state to those in attendance all of the following information and instructions:
  - a. The applicable approval criteria by Code chapter that apply to the application;
  - b. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
  - c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue, may preclude appeal to the state Land Use Board of Appeals on that issue;
  - d. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record. See subsection 'E' Record of the Public Hearing; and
  - e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in paragraph 5 of this subsection, or leave the record open for additional written evidence or testimony as provided paragraph 6 of this subsection.
- 2. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.

**User's Guide:** More detailed guidance on the conduct of public hearings, and what to do when a decision maker may have a conflict of interest, is available through the Oregon Government Ethics Commission.

- 3. Presenting and receiving evidence.
  - a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;

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## 4.1 – General Review Procedures | Type III Procedure

- b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section; and
  - c. Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.
4. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous City decisions; case law; staff reports). Upon announcing its intention to take notice of such facts in its deliberations, it must allow persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.
5. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that he or she can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.
6. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:
  - a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;
  - b. An extension of the hearing or record granted pursuant to this section is subject to the limitations of Section 4.1.060 (ORS 227.178 - 120-day rule), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and
  - c. If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

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## 4.1 – General Review Procedures | Type III Procedure

7. The Notice of Quasi-Judicial Decision shall contain all of the following information:

- a. A description of the applicant’s proposal and the City’s decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor’s map may be used);
- c. A statement of where the City’s decision can be obtained;
- d. The date the decision shall become final, unless appealed; and
- e. A statement that all persons entitled to notice may appeal the Planning Commission’s decision to City Council pursuant to subsection 4.1.040.D, or may appeal the City Council’s decision to the state Land Use Board of Appeals, as applicable.

**C. Effective Date of Decision.** Unless the conditions of approval specify otherwise, a Quasi-Judicial Decision becomes effective 10 days after the City mails the decision notice, unless the decision is appealed pursuant to subsection 4.1.040.D.

**D. Appeal of Planning Commission Decision.** The Planning Commission’s decision may be appealed to the City Council as follows:

**1. Who may appeal.** The following people have legal standing to appeal:

- a. The applicant or owner of the subject property; and
- b. Any other person who testified orally or in writing during the subject public hearing before the close of the public record.

**2. Appeal filing procedure.**

- a. *Notice of appeal.* Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type III Quasi-Judicial Decision by filing a Notice of Appeal according to the following procedures.
- b. *Time for filing.* A Notice of Appeal shall be filed with the City Planning Official within the timeframe specified on the Notice of Decision; typically, this will be within 10 days of the date the Notice of Decision is mailed.
- c. *Content of notice of appeal.* The Notice of Appeal shall be accompanied by the required filing fee and shall contain:
  - (1) An identification of the decision being appealed, including the date of the decision;
  - (2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;

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## 4.1 – General Review Procedures | Type III Procedure

- (3) A statement explaining the specific issues being raised on appeal; and
- (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

**3. Scope of appeal.** The appeal of a Type III Quasi-Judicial Decision shall be a hearing de novo before the City Council. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Quasi-Judicial Decision, but may include other relevant evidence and arguments. The hearing appeal body may allow additional evidence, testimony, or argument concerning any applicable standard, criterion, condition, or issue.

### **E. Record of the Public Hearing.**

- 1. The official public hearing record shall include all of the following information:
  - a. All materials considered by the hearings body;
  - b. All materials submitted by the City Planning Official to the hearings body regarding the application;
  - c. The minutes of the hearing;
  - d. The final written decision; and
  - e. Copies of all notices given as required by this chapter, and correspondence regarding the application that the City mailed or received.
- 2. The meeting minutes shall be filed in hardcopy form with the City Planning Official. The minutes and other evidence presented as a part of the hearing shall be part of the record.
- 3. All exhibits received and displayed shall be marked to provide identification and shall be part of the record.

**F. Effective Date and Appeals to State Land Use Board of Appeals.** A Quasi-Judicial Decision or Appeal Decision, as applicable, is effective the date the City mails the decision notice. Appeals of City Council decisions under this chapter shall be filed with the state Land Use Board of Appeals pursuant to ORS 197.805 - 197.860.

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## 4.1 – General Review Procedures | Type IV Procedures

### 4.1.050 Type IV (Legislative Decisions)

**A. Timing of Requests.** The City Council may establish a schedule for when it will accept legislative code amendment or plan amendment requests, or the City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178.

**B. Application Requirements.**

1. **Application forms.** Legislative applications shall be made on forms provided by the City Planning Official.

2. **Submittal Information.** The application shall contain all of the following information:

- a. The information requested on the application form;
- b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
- c. The required fee, except when City of *[name]* initiates request; *[and]*
- d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards*[. / ; and]*

*[e. Evidence of neighborhood contact, pursuant to Section 4.1.070.]*

**C. Procedure.** Hearings on Legislative Land Use requests are conducted similar to City Council hearings on other legislative proposals, except the notification procedure for Legislative Land Use requests must conform to state land use laws (ORS 227.175), as follows:

**User's Guide:** The following 35-day DLCD notification requirement is updated, pursuant to changes in OAR 660-018-0020 approved in 2012.

1. The City Planning Official shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) at least 35 days before the first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCD Certificate of Mailing.
2. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
  - a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one Comprehensive Plan land use designation to another), see ORS 227.186 for instructions;

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## 4.1 – General Review Procedures | Type IV Procedure

- b. Any affected governmental agency;
  - c. Any person who requests notice in writing; and
  - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
3. At least 10 days before the scheduled City Council public hearing date, public notice shall be published in a newspaper of general circulation in the city.
  4. For each mailing and publication of notice, the City Planning Official shall keep an affidavit of mailing/publication in the record.

**D. Final Decision and Effective Date.** A Legislative Land Use decision, if approved, shall take effect and shall become final as specified in the enacting ordinance or, if not approved, upon mailing of the notice of decision to the applicant. Notice of a Legislative Land Use decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within 20 business days after the City Council decision is filed with the City Planning Official. The City shall also provide notice to all persons as required by other applicable laws.

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## 4.1 – General Review Procedures | Time Limit; Consolidated Review; City Planning Official’s Duties

### 4.1.060 Time Limit, Consolidated Review, and City Planning Official’s Duties

- A. Time Limit - 120-day Rule.** The City shall take final action on Administrative and Quasi-Judicial land use applications, pursuant to this chapter, including resolution of all appeals, within 120 days from the date the City Planning Official deems the application complete for purposes of processing, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (Note: The 120-day rule does not apply to Legislative Land Use decisions.)
- B. Time Periods.** In computing time periods prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.
- C. Consolidated Review of Applications.** When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.
- D. City Planning Official’s Duties.** The City Planning Official, or his or her designee, shall perform all of the following duties with regard to administration of this Code:
1. Prepare application forms based on the provisions of this Code and applicable state law;
  2. Prepare required notices and process applications for review and action;
  3. Assist the Planning Commission and City Council in administering the hearings process;
  4. Answer questions from the public regarding the City’s land use regulations;
  5. Prepare staff reports summarizing pending applications, including applicable decision criteria;
  6. Prepare findings consistent with City decisions on land use and development applications;
  7. Prepare notices of final decisions, file the notices in the City’s records, and mail a copy of the notices to all parties entitled to notice under this Code; and
  8. Maintain and preserve the file and public record for each application.

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## 4.1 – General Review Procedures | Neighborhood Context

### **[4.1.070 Neighborhood Contact**

**User's Guide:** The following provision is optional. It is intended to help applicants and residents work through potential design issues before the city begins processing a land use application and is subject to 120-day clock. While it is not necessary to have formally recognized neighborhood associations in order for the procedure to work, it will work best where such organizations exist, because they can organize public meetings and help ensure that residents' concerns are heard.

**A. Purpose and Applicability.** Applicants for master planned development, subdivision, or site design review on projects involving parcels or lots larger than [one acre] [and located adjacent to any residential zone], and property owner-applicants for zone changes, are required to contact neighboring property owners and offer to hold a meeting with them prior to submitting an application. This is to ensure that affected property owners are given an opportunity to preview a proposal and offer input to the applicant before a plan is formally submitted to the City, thereby raising any concerns about the project and the project's compatibility with surrounding uses early in the design process when changes can be made relatively inexpensively.

**User's Guide:** The following notification radius of 100 feet (measured from parcel boundaries) is intended to be consistent with the minimum notice requirements for land use decisions. Cities may adopt a wider notification radius. In areas with large lots or low population densities, where few residents live within 100 feet of one another, a larger area may be warranted.

- B. Notice.** Notice of the meeting must be given in writing and delivered in person, or by certified mail, to all of the property owners whose property is located within [100] feet of the site, at their addresses of record at the [County name] County Assessor's office, at least [14 days] before the meeting and at least [21 days] before submitting the application to the City. The notice must state the time, place, and purpose of the meeting, including a description of the proposed development.
- C. Meeting place, date, and time.** The meeting must be held within the City limits at a location obtained or provided by the applicant with sufficient room for the expected attendance. The meeting place must be accessible to persons with disabilities. It must be scheduled at a date and time reasonably calculated to allow maximum participation by interested property owners.
- D. Conduct of meeting.** At the meeting, the applicant, or the applicant's agent, must present sufficient information about the proposed development to inform the property owners in attendance of the nature of the proposal and impacts it may have on neighboring properties, including transportation impacts. Persons attending must be allowed to ask questions and make comments. The applicant, or the applicant's agent, must make a sound or video recording or keep written minutes of the meeting that give a true reflection of the matters discussed at the meeting and the views of the participants. The applicant must also make a list of names of persons attending the meeting.
- E. Filing requirements.** Proof of having held the meeting, even if no affected property owners attend, is required and must be submitted to the City with a land use application for the application to be deemed complete. Copies of the following information must accompany the land use application: a copy of the notice mailed, certified mail receipts, all addresses for which notice was mailed (e.g., copy of mailing labels), a certificate of personal service for those persons who were provided notice by personal service (including the date of service and the name of the person who provided service), a record or minutes of the meeting with a list of attendees, and copies of the meeting notice and all other written materials provided prior to or distributed at the meeting.]

## Chapter 4.2 - Site Design Review

**User's Guide:** Site Design Review is a procedure in which city applies the land use regulations of Article 2 and the development and design standards of Article 3 in approving various types of development. The model code is designed to exempt minor projects from review, and encourages cities to set thresholds for minor versus major projects, where a minor project would be reviewed by staff and a major project requires a public hearing.

### Sections:

- 4.2.010 Purpose
- 4.2.020 Applicability
- 4.2.030 Review Procedure
- 4.2.040 Application Submission Requirements
- 4.2.050 Approval Criteria and Adjustments
- 4.2.060 Assurances
- 4.2.070 Compliance with Conditions, Permit Expiration, and Modifications

### **4.2.010 Purpose**

The purpose of this chapter is to advance all of the following objectives in the public interest:

- A. Carry out the development pattern and plan of the City and its comprehensive plan policies through efficient and effective review of site development proposals;
- B. Promote the public health, safety, and general welfare;
- C. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and
- D. Encourage efficient use of land resources and public services, and the provision of transportation options.

### **4.2.020 Applicability**

Site Design Review approval is required for new development. Site Design Review approval is also required to expand a non-conforming use or development. Except as specified by a condition of approval of a prior City decision, or as required for uses subject to Conditional Use Permit approval, Site Design Review is not required for the following:

- A. Change in occupancy from one type of land use to a different land use resulting in no increase in vehicular traffic or development;
- B. Single-family detached dwelling (including manufactured home) on its own lot[, *except as required for designated historic landmarks or properties within a designated historic district*];

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## 4.2 – Site Design Review | Review Procedure

- C. A single duplex;
- D. Non-residential building addition of up to [500] square feet [or 10 percent, whichever is greater];
- E. Home occupation, except for uses requiring a Conditional Use Permit;
- F. Development and land uses that are already approved as part of a Site Design Review or Conditional Use Permit application, provided that modifications to such plans may require Site Design Review, pursuant to Chapter 4.7;
- G. Public improvements required by City standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), as determined by the City Planning Official, except where a condition of approval requires Site Design Review; and
- H. Regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair.

### 4.2.030 Review Procedure

**User's Guide:** The following thresholds for minor versus major projects should be tailored to meet the needs of your community. Minor projects would be reviewed by staff and major projects require a public hearing.

Site Design Review shall be conducted using the Type II procedure in Section 4.1.030, except that proposals exceeding any one of the thresholds below shall be reviewed using the Type III procedure in Section 4.1.040:

- A. The proposed use's estimated vehicle trip generation exceeds [100 average daily trips], based on the latest edition of the Institute of Transportation Engineers (ITE) Manual [This is the equivalent of approximately 10 dwelling units or a 1,000-square-foot bank with a drive-through window.];
- B. The use exceeds [5,000 square feet of gross leasable floor area; or the project involves more than one acre total site area];
- C. The proposal involves a Conditional Use (new or expanded);
- D. The proposal involves a variance under Chapter 4.7;
- E. The proposal involves expansion of a non-conforming use; or
- F. The City Planning Official determines that, due to the nature of the proposal, a public hearing is the most effective way to solicit public input in reviewing the application.

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## 4.2 – Site Design Review | Application Submission Requirements

### 4.2.040 Application Submission Requirements

**User's Guide:** The following application requirements correspond to the development and design standards in Article 2 and Article 3. They should be tailored to meet the needs of your community.

All of the following information is required for Site Design Review application submittal, except where the City Planning Official determines that some information is not pertinent and therefore is not required.

#### A. General Submission Requirements

1. Information required for Type II or Type III review, as applicable (see Chapter 4.1).
2. Public Facilities and Services Impact Study. The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study. The study shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system; water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet City requirements. The City may require a Traffic Impact Analysis pursuant to Section 3.6.020.A(5).

**B. Site Design Review Information.** In addition to the general submission requirements an applicant for Site Design Review shall provide the following information, as deemed applicable by the City Planning Official. The City Planning Official may request any information that he or she needs to review the proposal and prepare a complete staff report and recommendation to the approval body.

1. **Site analysis map.** The site analysis map shall contain all the following information, as the City Planning Official deems applicable:
  - a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the city, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified;
  - b. Topographic contour lines at two-foot intervals for slopes, except where the Public Works Director determines that larger intervals will be adequate for steeper slopes;
  - c. Identification of slopes greater than 15 percent, with slope categories identified in 5 percent increments (e.g., 0%-5%, >5%-10%, >10%-15%, >15%-20%, and so forth);
  - d. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
  - e. Potential natural hazard areas, including, as applicable, the base flood elevation identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, and areas designated by the City, county, or state as having a potential for geologic

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## 4.2 – Site Design Review | Application Submission Requirements

hazards;

- f. Areas subject to overlay zones;
- h. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals, and ditches;
- i. The location, size, and species of trees and other vegetation (outside proposed building envelope) having a caliper (diameter) of 6 inches greater at 4 feet above grade;
- j. North arrow, scale, and the names and addresses of all persons listed as owners of the subject property on the most recently recorded deed and
- k. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

### 2. **Proposed site plan.** The site plan shall contain all the following information:

- a. The proposed development site, including boundaries, dimensions, and gross area;
- b. Features identified on the existing site analysis maps that are proposed to remain on the site;
- c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
- d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
- e. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
- f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
- g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
- h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
- i. Loading and service areas for waste disposal, loading, and delivery;
- j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;

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## 4.2 – Site Design Review | Application Submission Requirements

- k. Location, type, and height of outdoor lighting;
- l. Location of mail boxes, if known;
- m. Name and address of project designer, if applicable;
- n. Locations of bus stops and other public or private transportation facilities; and
- o. Locations, sizes, and types of signs.

**3. Architectural drawings.** Architectural drawings shall include, as applicable:

- a. Building elevations with dimensions;
- b. Building materials, colors, and type; and
- c. Name and contact information of the architect or designer.

**4. Preliminary grading plan.** A preliminary grading plan prepared by a registered engineer shall be required for development sites one-half acre or larger, or where otherwise required by the City. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Section 3.6.040.

**5. Landscape plan.** Where a landscape plan is required, it shall show the following, pursuant to Chapter 3.4:

- a. The location and height of existing and proposed fences, buffering, or screening materials;
- b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
- c. The location, size, and species of the existing and proposed plant materials (at time of planting);
- d. Existing and proposed building and pavement outlines;
- e. Specifications for soil at time of planting, irrigation if plantings are not drought tolerant (may be automatic or other approved method of irrigation), and anticipated planting schedule; and
- f. Other information as deemed appropriate by the City Planning Official. An arborist's report may be required for sites with mature trees that are to be retained and protected.

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## 4.2 – Site Design Review | Application Submission Requirements

6. **Deed restrictions.** Copies of all existing and proposed restrictions or covenants, including those for roadway access control.
7. **Narrative.** Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 4.2.050.
8. **Traffic Impact Analysis,** when required by Section 3.6.020.A(5).
9. **Other information** determined by the City Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this Code.

#### **4.2.050 Approval Criteria**

An application for Site Design Review shall be approved if the proposal meets all of the following criteria. The [City decision-making body], in approving the application, may impose reasonable conditions of approval, consistent with the applicable criteria.

- A. The application is complete, in accordance with Section 4.2.040, above;
- B. The application complies with all of the applicable provisions of the underlying Land Use District (Article 2), including, but not limited to, building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;
- C. The proposal includes required upgrades, if any, to existing development that does not comply with the applicable land use district standards, pursuant to Chapter 1.4 Non-Conforming Uses and Development;
- D. The proposal complies with all of the Development and Design Standards of Article 3, as applicable, including, but not limited to:
  - 1. Chapter 3.3 Access and Circulation;
  - 2. Chapter 3.4 Landscaping, Fences and Walls, Outdoor Lighting;
  - 3. Chapter 3.5 Parking and Loading; [and]
  - 4. Chapter 3.6 Public Facilities[. / ; and]
  - [5. Chapter x Signs.]
- E. For non-residential uses, all adverse impacts to adjacent properties, such as light, glare, noise, odor, vibration, smoke, dust, or visual impact, are avoided; or where impacts cannot be avoided, they are minimized; and
- F. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.

Note: Compliance with other City codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.

#### **4.2.060 Assurances**

Public improvement required as part of a Site Design Review approval shall be subject to the performance guarantee and warranty bond provisions of Section 3.6.090, as applicable.

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## 4.2 – Site Design Review | Compliance With Conditions; Modifications; Permit Expiration

### 4.2.070 Compliance With Conditions, Permit Expiration, and Modifications

Development shall not commence until the applicant has received all applicable land use and development approvals. Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require bonding or other assurances for improvements. Site Design Review approvals are subject to all of the following standards and limitations:

**A. Approval Period.** Site Design Review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:

1. A public improvement plan or building permit application for the project has not been submitted within one year of approval; or
2. Construction on the site is in violation of the approved plan.

**B. Extension.** The City Planning Official, upon written request by the applicant, may grant a written extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved plan;
2. The applicant can show intent of initiating construction on the site within the one-year extension period;
3. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the subject plan does not comply with those changes, then the extension shall not be granted; in this case, a new Site Design Review shall be required; and
4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within one year of site design approval was beyond the applicant's control.

**C. Modifications to Approved Plans and Developments.** Modifications to approved plans are subject to City review and approval under Chapter 4.5.

### Chapter 4.3 - Land Divisions and Property Line Adjustments

**User's Guide:** The following provisions implement ORS 92 Subdivisions and Partitions. This chapter also contains subdivision design standards that are intended to promote transportation efficiency and a range of housing choices within walkable neighborhoods.

#### Sections:

- 4.3.010 Purpose
- 4.3.020 General Requirements
- 4.3.030 Approval Process
- 4.3.040 Pre-Planning for Large Sites
- 4.3.050 Flexible Lot Size and Flag Lots
- 4.3.060 Preliminary Plat Submission Requirements
- 4.3.070 Preliminary Plat Approval Criteria
- 4.3.080 Land-Division-Related Variances
- 4.3.090 Final Plat Submission Requirements and Approval Criteria
- 4.3.100 Filing and Recording
- 4.3.110 Re-platting and Vacation of Plats
- 4.3.120 Property Line Adjustments

#### **4.3.010 Purpose**

The purpose of this chapter is to implement the objectives in subsections A-E, below:

- A.** Provide rules, regulations, and standards governing the approval of subdivisions, partitions, and property line adjustments as follows:
  - 1. Subdivisions are the creation of four or more lots from one parent lot, parcel, or tract, within one (1) calendar year.
  - 2. Partitions are the creation of three or fewer lots from one parent lot, parcel, or tract within one calendar year.
  - 3. Property line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots (includes consolidation of lots).
- B.** Carry out the City's development pattern, as envisioned by the City's comprehensive plan.
- C.** Encourage efficient use of land resources and public services, and to provide transportation options.
- D.** Promote the public health, safety, and general welfare through orderly and efficient urbanization.
- E.** Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards.

### 4.3.020 General Requirements

**A. Subdivision and Partition Approval Through Two-Step Process.** Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:

1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and
2. The final plat must demonstrate compliance with all conditions of approval of the preliminary plat.

Note: Property line adjustments and lot consolidation requests (i.e., no new lot is created) are subject to Section 4.3.120; they are not subject to 4.3.020 through 4.3.110.

**B. Compliance With Oregon Revised Statutes (ORS) Chapter 92.** All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92 Subdivisions and Partitions.

**C. Future Re-division Plan.** When subdividing or partitioning tracts into large lots (i.e., greater than three times or 300 percent the minimum lot size allowed by the underlying land use district), the lots shall be of such size, shape, and orientation as to facilitate future re-division and extension of streets and utilities. The applicant shall submit a future re-division plan, or shadow plan, indicating how re-division of oversized lots and extension of planned public facilities to adjacent parcels can occur in the future. (See also, Section 4.3.040 Pre-Planning for Large Sites.)

**D. Adequate Utilities.** All lots created through land division shall have adequate public utilities and facilities such as streets, water, sewer, gas, and electrical systems, pursuant to Chapter 3.6. These systems shall be located and constructed underground where feasible.

**E. Adequate Drainage.** All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required, pursuant to Chapter 3.6.

**F. Adequate Access.** All lots created or reconfigured shall have adequate vehicle access and parking, as may be required, pursuant to Chapter 3.3.

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## 4.3 – Land Divisions and Property Line Adjustments | Preliminary Plat Approval Process

### 4.3.030 Preliminary Plat Approval Process

- A. Review of Preliminary Plat.** Preliminary plats shall be processed using the Type III procedure under Section 4.1.040. All preliminary plats, including partitions and subdivisions, are subject to the approval criteria in Section 4.3.070.
- B. Preliminary Plat Approval Period.** Preliminary plat approval shall be effective for a period of two years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted or other assurance provided, pursuant to Section 4.3.090, within the two-year period. The Planning Commission may approve phased subdivisions, pursuant to subsection 4.3.030.D, with an overall time frame of more than two years between preliminary and final plat approvals.
- C. Modifications and Extensions.** The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 4.5. The Planning Commission may, upon written request by the applicant and payment of the required fee, grant written extensions of the approval period not to exceed one year per extension, provided that all of the following criteria are met:
1. Any changes to the preliminary plat follow the procedures in Chapter 4.5;
  2. The applicant has submitted written intent to file a final plat within the one-year extension period;
  3. An extension of time will not prevent the lawful development of abutting properties;
  4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
  5. The extension request is made before expiration of the original approved plan.
- D. Phased Subdivision.** The Planning Commission may approve plans for phasing a subdivision, and changes to approved phasing plans, provided the applicant's proposal meets all of the following criteria:
1. In no case shall the construction time period (i.e., for required public improvements, utilities, streets) for the first subdivision phase be more than one year;
  2. Public facilities shall be constructed in conjunction with or prior to each phase;
  3. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that are required as part of the approved development proposal;
  4. The proposed phasing schedule shall be reviewed with the preliminary subdivision plat application; and
  5. Planning Commission approval is required for modifications to phasing plans.

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## 4.3 – Land Divisions and Property Line Adjustments | Pre-planning for Large Sites

### **[4.3.040 Pre-planning for Large Sites**

**User's Guide:** The following provisions are optional. They are intended to encourage advanced planning for areas that may take many years to build out, in order to encourage well planned neighborhoods and avoid piecemeal development.

- A. Purpose.** Section 4.3.040 requires the pre-planning of large sites in conjunction with [requests for annexation, and] applications for [phased] subdivisions and master plan developments; the purpose of which is to avoid piecemeal development with inadequate public facilities.
- B. Applicability.** This section applies to land use applications and annexations affecting more than 40 acres of land under the same contiguous ownership, even where only a portion of the site is proposed for subdividing. For the purposes of this section, the same contiguous ownership means the same individual, or group of individuals, corporations, or other entities, controls a majority share of ownership.
- C. Area Plan Required.** Prior to submittal of an [annexation petition or] land division application for an area subject to Section 4.3.040, a conceptual master plan shall be submitted to the City Planning Official with the required pre-application materials for the project or proposal. The conceptual master plan shall illustrate the type and location of planned streets, utility corridors, parks, open spaces, and land uses for the ultimate buildout of the subject property and all lands under contiguous ownership. The plan shall demonstrate how future development, including any proposed phasing, can meet all the guidelines under subsection D, below.
- D. Criteria.** The conceptual plan required under subsection C, above, is not required to be engineered but shall have a sufficient level of detail so that the City officials can determine that it meets the following design guidelines:
1. Streets are interconnected to the extent practicable; blocks are walkable in scale (generally 200-600 feet in length), except where topography, existing development, or other physical features require longer blocks, in which case pedestrian access ways connect through long blocks;
  2. Water, sewer, and storm drainage facilities logically extend to serve the site at buildout, consistent with adopted public facility plans. Where a public facility plan identifies a need for new capacity-related improvements (e.g., water storage, sewage treatment, pump stations, etc.) in the future, the plan shall describe conceptually how such improvements can be accommodated;
  3. Overall, the plan achieves a housing density that is [within 80% - 100% of planned densities,] consistent with the Comprehensive Plan and Development Code; and
  4. The plan reserves land needed for public use (e.g., schools, parks, fire stations, and other facilities), in accordance with the Comprehensive Plan and to the extent allowed under applicable law.
- E. Implementation.** The City will review the conceptual master plan required by this section and provide input to the applicant during the pre-application meeting for the land use application or annexation petition, as applicable. The City may also refer the plan to outside agencies with jurisdiction for their input. The master plan is not binding, but the applicant is encouraged to refine the plan based on City input before submitting a land use application or annexation petition for the subject property. The applicant is also required to contact adjacent property owners and solicit their input prior to submitting a land use application, pursuant to Section 4.1.040.B.]

**[4.3.050 Lot Size Averaging, Flag Lots, and Infill Development**

**User’s Guide:** The following provisions are optional but recommended, in order to promote a variety housing choices, particularly where development sites are constrained by topography, parcelization (small parcel sizes), irregular boundaries, natural resources, or other challenges. The standards are intended to provide flexibility in these situations and encourage well planned neighborhoods, though they may not be appropriate for some communities.

- A. Lot Size Averaging.** To allow flexibility in subdivision design and to address physical constraints, such as topography, existing development, significant trees, and other natural and built features, the approval body may grant a [10-20] percent modification to the lot area and/or lot dimension (width/depth) standards in Chapter 2.3, provided that the overall density of the subdivision does not exceed the allowable density of the district and the approval body finds that all of the following are met:
1. Granting the modification is necessary to achieve planned housing densities, as allowed by the underlying zone, or to improve development compatibility with natural features or adjacent land uses;
  2. Where a proposed subdivision would abut an existing subdivision with standard-, or larger-, sized lots, the perimeter of the proposed subdivision shall contain standard-, or larger-, sized lots; except that this provision does not apply where the existing lots are larger than [20,000] square feet; and
  3. The (City decision-making body) may require screening, buffering, or other transitions in site design where substandard lots are proposed to abut standard-, or larger-, sized lots.

**User’s Guide:** The standards in subsections B-E should be developed in consultation with your local fire marshal. Note that city standards supersede Fire Code standards.

- B. Flag Lots.** Flag lots may be created only when a through street cannot be extended to serve abutting uses or future development. A flag lot driveway (“flag pole”) shall serve not more than [two / four ] dwelling units, including accessory dwellings and dwellings on individual lots. The layout of flag lots, the placement of buildings on such lots, and the alignment of shared drives shall be designed so that future street connections can be made as adjacent properties develop, to the extent practicable, and in accordance with the transportation connectivity and block length standards of Section 3.6.020.D.
- C. Infill Development and Mid-Block Lanes.** Where consecutive flag lot developments or other infill development could have the effect of precluding local street extensions through a long block, the (City decision-making body) may require the improvement of a mid-block lanes through the block. Mid-block lanes are a private drives serving more than [two / four ] dwelling units with reciprocal access easements; such lanes are an alternative to requiring public right-of-way street improvements where physical site constraints preclude the development of a standard street. Mid-block lanes, at a minimum, shall be paved, have adequate storm drainage (surface retention, where feasible, is preferred), meet the construction standards for alleys, and conform to the standards of subsections D through E.
- D. Emergency Vehicle Access.** A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots it serves. No fence, structure, or other obstacle shall be placed within the drive area. Where required, emergency vehicle apparatus lanes, including any required turn-around, shall conform to applicable building and fire code requirements. Fire sprinklers may also be required for buildings that cannot be fully served by

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## 4.3 – Land Divisions and Property Line Adjustments | [Lot Size Averaging, Flag Lots, Infill]

*fire hydrants (i.e., due to distance from hydrant or insufficient fire flow).*

- E. Maximum Drive Lane Length.** *The maximum length of a drive serving more than one dwelling is subject to requirements of the Uniform Fire Code, but in no case shall it exceed [X] feet or serve more than [Y] dwelling units without providing secondary access/egress.]*

**4.3.060 Preliminary Plat Submission Requirements**

Applications for Preliminary Plat approval shall contain all of the following information:

**A. General Submission Requirements.**

- I. Information required for a Type III review (see Section 4.1.040); and
2. Public Facilities and Services Impact Study. The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study, which shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system (for subdivisions and planned unit developments of 20 or more dwelling units); water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet City standards under adopted ordinances and facility master plans. The City may require a Traffic Impact Analysis pursuant to Section 3.6.020.A(5).

**B. Preliminary Plat Information.** In addition to the general information described in subsection A, above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide all of the following information, in quantities determined by City Planning Official:

**I. General information:**

- a. Name of subdivision (partitions are named by year and file number), which shall not duplicate the name of another land division in [County name] County (check with County Surveyor);
- b. Date, north arrow, and scale of drawing;
- c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
- d. Zoning of parcel to be divided, including any overlay zones;
- e. A title block including the names, addresses, and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey; and
- f. Identification of the drawing as a “preliminary plat.”

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## 4.3 – Land Divisions and Property Line Adjustments | Preliminary Plat Submission

- 2. Existing Conditions.** Except where the City Planning Official deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on existing conditions of the site:
- a. Streets: Location, name, and present width of all streets, alleys, and rights-of-way on and abutting the site;
  - b. Easements: Width, location and purpose of all existing easements of record on and abutting the site;
  - c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;
  - d. Ground elevations shown by contour lines at two-foot vertical intervals. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor; the Planning Commission may waive this standard for partitions when grades, on average, are less than 6 percent;
  - e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
  - f. The Base Flood Elevation, per FEMA Flood Insurance Rate Maps, as applicable;
  - g. North arrow and scale; and
  - h. Other information, as deemed necessary by the City Planning Official for review of the application. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.
- 3. Proposed Development.** Except where the City Planning Official deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on the proposed development:
- a. Proposed lots, streets, tracts, open space, and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
  - b. Easements: location, width and purpose of all proposed easements;
  - c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;

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### 4.3 – Land Divisions and Property Line Adjustments | Preliminary Plat Submission

- d. Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use;
- e. Proposed public street improvements, pursuant to Chapter 3.6;
- f. On slopes exceeding an average grade of 10 percent, as determined by the City Engineer, the preliminary location of development on lots (e.g., building envelopes), demonstrating that future development can meet minimum required setbacks and applicable engineering design standards;
- g. Preliminary design for extending City water and sewer service to each lot, per Chapter 3.6;
- h. Proposed method of storm water drainage and treatment, if required, pursuant to Chapter 3.6;
- i. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;
- j. Evidence of compliance with applicable overlay zones, including but not limited to City of [name] Flood Plain Overlay; and
- k. Evidence of contact with the applicable road authority for proposed new street connections.

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## 4.3 – Land Divisions and Property Line Adjustments | Preliminary Plat Approval Criteria

### 4.3.070 Preliminary Plat Approval Criteria

**A. Approval Criteria.** The Planning Commission may approve, approve with conditions, or deny a preliminary plat. The Planning Commission decision shall be based on findings of compliance with all of the following approval criteria:

1. The land division application shall conform to the requirements of Chapter 4.3;
  2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of Article 2 (Zoning)[, except as modified by the provisions of Chapter 4.3 (e.g., lot size averaging)];
  3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer, and streets, shall conform to Article 3 (Development and Design Standards);
  4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
  5. The proposed streets, utilities, and surface water drainage facilities conform to City of [name] adopted master plans and applicable engineering standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;
  6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;
  7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; [and]
  8. Evidence that improvements or conditions required by the City, road authority, [County name] County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met[; and /.]
- [9. The architectural (housing variety) standards of Section 3.2.030.D are met.]

**B. Conditions of Approval.** The Planning Commission may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations.

### 4.3.080 Land Division-Related Variances

Variances shall be processed in accordance with Chapter 4.7. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted; when practical, the applications shall be reviewed concurrently.

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## 4.3 – Land Divisions and Property Line Adjustments | Final Plat Submission and Approval

### 4.3.090 Final Plat Submission Requirements and Approval Criteria

Final plats require review and approval by the Planning Commission prior to recording with [County name] County. The final plat submission requirements, approval criteria, and procedure are as follows:

**Submission Requirements.** The applicant shall submit the final plat within two years of the approval of the preliminary plat as provided by Section 4.3.070. The format of the plat shall conform to ORS 92.

**B. Approval Process and Criteria.** By means of a Type II Review, the Planning Commission shall review and approve or deny the final plat application based on findings of compliance or noncompliance with the all of the following criteria:

1. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, rights-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;
2. All public improvements required by the preliminary plat have been installed and approved by the City or applicable service provider if different than the City of [name] (e.g., road authority), or otherwise bonded in conformance with Section 3.6.090;
3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
4. All required streets, access ways, roads, easements, and other dedications or reservations are shown on the plat;
5. The plat and deed contain a dedication to the public of all public improvements, including, but not limited to, streets, public pathways and trails, access reserve strips, parks, and water and sewer facilities, as applicable;
6. As applicable, the applicant has furnished acceptable copies of Covenants, Conditions, and Restrictions (CC&R's); easements; maintenance agreements (e.g., for access, common areas, parking, etc.); and other documents pertaining to common improvements recorded and referenced on the plat;
7. Verification by the City that water and sanitary sewer service is available to every lot depicted on the plat; and
8. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of each monument and its reference to some corner approved by the [County name] County Surveyor for purposes of identifying its location.

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## 4.3 – Land Divisions and Property Line Adjustments | Final Plat Submission and Approval

### 4.3.100 Filing and Recording

A new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the subdivision or partition containing the lot is recorded. Requests to validate an existing lot created through means other than a final plat (“lot of record”) shall follow the procedures set forth in ORS 92.010 to 92.190. The final plat filing and recording requirements are as follows:

- A. Filing Plat with County.** Within 60 days of City approval of the final plat, the applicant shall submit the final plat to [County name] County for signatures of County officials, as required by ORS Chapter 92.
- B. Proof of Recording.** Upon final recording with the County, the applicant shall submit to the City a mylar copy and three paper copies of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.
- C. Prerequisites to Recording the Plat.**
  - 1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92.
  - 2. No plat shall be recorded until the County Surveyor approves it in the manner provided by ORS Chapter 92.

### 4.3.110 Re-platting and Vacation of Plats

Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed. Except as required for street vacations, the same procedure and standards that apply to the creation of a plat (preliminary plat followed by final plat) shall be used to re-plat or vacate a plat. Street vacations are subject to ORS Chapter 271. A re-plat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable City standards.

### 4.3.120 Property Line Adjustments

A Property Line Adjustment is the modification of a lot boundary when no lot is created. The City Planning Official reviews applications for Property Line Adjustments pursuant to the Type I procedure under Section 4.1.020. The application submission and approval process for Property Line Adjustments is as follows:

- A. Submission Requirements.** All applications for Property Line Adjustment shall be made on forms provided by the City and shall include information required for a Type I review, pursuant to Section 4.1.020. The application shall include a preliminary lot line map drawn to scale identifying all existing and proposed lot lines and dimensions, footprints and dimensions of existing structures (including accessory structures), location and dimensions of driveways and public and private streets within or abutting the subject lots, location of lands subject to the City of [name] Flood Plain Overlay, existing fences and walls, and any other information deemed necessary by the Planning Commission for ensuring compliance with City codes. The application shall be signed by all of the owners as appearing on the deeds of the subject lots.
- B. Approval Criteria.** The City Planning Official shall approve or deny a request for a property line adjustment in writing, based on all of the following criteria:
1. **Parcel Creation.** No additional parcel or lot is created by the lot line adjustment;
  2. **Lot standards.** All lots and parcels conform to the applicable lot standards of the zoning district (Article 2) including lot area, dimensions, setbacks, and coverage. As applicable, all lots and parcels shall conform the City of [name] Flood Plain Overlay; and
  3. **Access and Road authority Standards.** All lots and parcels conform to the standards or requirements of Chapter 3.3 Access and Circulation, and all applicable road authority requirements are met. If a lot is nonconforming to any City or road authority standard, it shall not be made less conforming by the property line adjustment.
- C. Recording Property Line Adjustments**
1. **Recording.** Upon the City's approval of the proposed property line adjustment, the applicant shall record the property line adjustment documents with [County name] County within 60 days of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.
  2. **Time limit.** The applicant shall submit a copy of the recorded property line adjustment survey map to the City within 15 days of recording and prior to any application being filed for a building permit on the re-configured lots.

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## 4.4 – Conditional Use Permits

### Chapter 4.4 - Conditional Use Permits

#### Sections:

- 4.4.010 Purpose
- 4.4.020 Approvals Process
- 4.4.030 Application Submission Requirements
- 4.4.040 Criteria, Standards, and Conditions of Approval
- 4.4.050 Supplemental Development Standards

#### **4.4.010 Purpose**

There are certain uses which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. Conditional uses are identified in Chapter 2.2 Zoning District Regulations. The purpose of this chapter is to provide procedures and standards for permitting conditional uses.

#### **4.4.020 Approvals Process**

The Planning Commission using a Type III procedure, per Section 4.1.040, reviews conditional use applications. The Planning Commission may require annual, or less frequent, renewal of conditional use permits. Modifications to conditional use permits are subject to Chapter 4.5 Modifications.

#### **4.4.030 Application Submission Requirements**

In addition to the submission requirements for a Type III review under Section 4.1.040, applications for conditional use permits shall include a description of existing conditions, a site plan, and information on any existing and any proposed restrictions or covenants. (For a more detailed description of each item, please refer to Section 4.2.040 Site Design Review Application Submission Requirements.) An application for a Conditional Use Permit shall also contain a narrative report or letter responding to the applicable approval criteria in Section 4.4.040.

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## 4.4 – Conditional Use Permits | Criteria, Standards and Conditions of Approval

### 4.4.040 Criteria, Standards, and Conditions of Approval

The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, including requests to enlarge or alter a conditional use, based on findings of fact with respect to all of the criteria and standards in A. and B., below.

#### A. Use Criteria

1. The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval;
3. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with City standards; and
4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed under Article 2; nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.

**B. Conditions of Approval.** The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following:

1. Limiting the hours, days, place, and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building or structure height, size, lot coverage, and/or location on the site;
5. Designating the size, number, location, and/or design of vehicle access points or parking and loading areas;
6. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable;

## 4.4 – Conditional Use Permits | Criteria, Standards and Conditions of Approval

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7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height, and/or lighting of signs;
9. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting;
10. Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location, and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
13. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with City standards; and
14. The Planning Commission may require review and renewal of conditional use permits annually or in accordance with another timetable as approved pursuant to this chapter. Where applicable, the timetable shall provide for periodic review and renewal, or expiration, of the conditional use permit to ensure compliance with conditions of approval; such period review may occur through a Type III review process, except where the Planning Commission delegates authority to the City Planning Official to issue renewals, who shall do so through a Type I or Type II procedure, as applicable (see Chapter 4.1 for review procedures).

### Chapter 4.5 - Modifications to Approved Plans and Conditions

#### Sections:

- 4.5.010 Purpose
- 4.5.020 Applicability
- 4.5.030 Major Modifications
- 4.5.040 Minor Modifications

#### **4.5.010 Purpose**

The purpose of this chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve City resources.

#### **4.5.020 Applicability**

This chapter applies when an applicant proposes to modify an approved application or condition of approval.

#### **4.5.030 Major Modifications**

**A. Major Modification.** The Planning Commission reviews applications for major modifications through the Quasi-Judicial procedure under Section 4.1.040. Any one of the following changes constitutes a major modification:

1. A change in land use, from a less intensive use to a more intensive use, as evidenced by parking, paved area, an estimated increase in automobile or truck trips (peak and/or average daily trips), an increase in hours of operation, an increased demand for parking, additional paved area, or similar factors, where the increase is [10-20] percent or more, provided the standards of Article 2 and Article 3 are met;
2. An increase in floor area in a commercial or industrial development, or an increase in the number of dwelling units in a multifamily development, by [10-20] percent or more, provided the standards of Article 2 and Article 3 are met;
3. A reduction in required setbacks, or an increase in lot coverage, by [10-20] percent or more, provided the standards of Article 2 and Article 3 are met;
4. A change in the type and/or location of vehicle access points or approaches, driveways, or parking areas affecting off-site traffic when the roadway authority determines the change could cause a significant adverse impact on traffic operations or safety (i.e., requiring mitigation);
5. A reduction to screening, or a reduction to the area reserved for common open space or landscaping by

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## 4.5 – Modifications to Approved Plans and Conditions

[10-20] percent or more;

6. Change to a condition of approval, or a change similar to items 1-5, above, that could have a detrimental impact on adjoining properties. The City Planning Official shall have discretion in determining detrimental impacts triggering a major modification; or
7. Other changes similar to those in subsections 1-6, above, in scale, magnitude, or impact to adjacent properties, as determined by the City Planning Official.

**B. Major Modification Applications; Approval Criteria.** Requests for major modifications shall conform to all of the following procedures and criteria:

1. The applicant shall submit an application form, filing fee, letter describing the modification, and site plan using the same plan format as in the original approval. The City may require other relevant information, as necessary, in evaluating the request;
2. The application shall be subject to the same approval criteria used for the initial project approval; except that a modification adding a conditional use to a project approved without a conditional use shall require findings in conformance with Chapter 4.4;
3. The scope of review shall be limited to the modification request. For example, a request to modify a commercial development's parking lot shall require Site Design Review only for the proposed parking lot and any changes to associated access, circulation, etc. Notice shall be provided in accordance with Chapter 4.1; and
4. The Planning Commission shall approve, deny, or approve with conditions an application for major modification based on written findings on the applicable Code criteria (e.g., subdivision, Site Design Review, conditional use, etc.).

### 4.5.040 Minor Modifications

**A. Minor Modification.** The City Planning Official through a Type I or II procedure, depending on whether the proposal involves the exercise of discretion, shall review proposals for Minor Modifications. Minor modifications include technical corrections to comply with codes and regulations, and changes that fall below the thresholds in 4.5.030, as determined by the City Planning Official. A minor modification is a change to an approved plan or condition of approval that does not meet any of the thresholds for a major modification listed in Section 4.5.030.A.

**B. Minor Modification Applications; Approval Criteria.** An application for minor modification shall include an application form, filing fee, letter describing the modification, and site plan using the same plan format as in the original approval. The City Planning Official may require other relevant information, as necessary, in evaluating the request.

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## 4.5 – Modifications to Approved Plans and Conditions | Minor Modifications

**C. Minor Modification Approval Criteria.** The Planning Commission shall approve, deny, or approve with conditions an application for minor modification based on findings of compliance or noncompliance with the applicable requirements of the Development Code and the conditions of approval of the original decision.

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## 4.6 – Amendments to Zoning Map or Code

### Chapter 4.6 – Amendments to Zoning Map or Code

#### Sections:

- 4.6.010 Purpose
- 4.6.020 Procedure
- 4.6.030 Criteria
- 4.6.040 Record of Amendments
- 4.6.050 Transportation Planning Rule Compliance

#### **4.6.010 Purpose**

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and Zoning Map. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law.

#### **4.6.020 Procedure**

- A. Except for corrections, amendments to Development Code text are Legislative (Type IV).
- B. Amendments to the Zoning Map that affect more than one parcel, or more than one-half of an acre, whichever is greater, are Legislative (Type IV) actions.
- C. Amendments to the Zoning Map that require an amendment to the Comprehensive Plan are Legislative (Type IV) actions.
- D. Amendments that do not meet the criteria under subsections 4.6.020.A, 4.6.020.B, or 4.6.020.C may be processed as Quasi-Judicial amendments, pursuant to the Type III procedure.

#### **4.6.030 Criteria**

Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code, or Comprehensive Plan shall be based on all of the following criteria:

- A. If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;
- B. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning);

- C. The City Council must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or code; and
- D. The amendment must conform to Section 4.6.050 Transportation Planning Rule Compliance.

### **4.6.040 Record of Amendments**

The City Planning Official shall maintain a record of amendments to the text of this Code and the Zoning Map in a format convenient for public use. In the case of a map amendment, the map shall be made part of the ordinance.

### **4.6.050 Transportation Planning Rule Compliance**

Proposals to amend the Comprehensive Plan or Zoning Map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant affect on a transportation facility, the City shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

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## 4.7 – Adjustments and Variances | Variances

### Chapter 4.7 - Adjustments and Variances

#### Sections:

- 4.7.010 Purpose
- 4.7.020 General Provisions
- 4.7.030 Adjustments
- 4.7.040 Variances
- 4.7.050 Expiration

#### **4.7.010 Purpose**

Chapter 4.7 provides standards and procedures for adjustments and variances, which are modifications to development standards that are not otherwise permitted elsewhere in this Code.

#### **4.7.020 Intent**

Adjustments are variances that are intended to provide relief from code standards in specific situations. Both procedures are intended to ensure that the resulting development is compatible with adjacent properties and is consistent with the intent of the Code.

- A. Adjustments.** Adjustments provide relief from specific code provisions when a code provision has the unintended effect of preventing reasonable development in conformance with all other code requirements. Adjustments are allowed in limited situations pursuant to Section 4.7.030.
- B. Variances.** Variances provide greater flexibility to code standards than adjustments, where the physical characteristics of a site or its surroundings prevent reasonable development in compliance with a code standard.

#### **4.7.030 Adjustments**

Adjustments are minor modifications to Code standards that are intended to provide reasonable flexibility for planned land uses and development. Adjustments are subject to the following standards and procedures. Permitted uses, as provided in Article 2, shall not be adjusted.

- A. Applicability.** The City Planning Official or Planning Commission, through a Type II procedure, may adjust the following standards:
  - 1. Setbacks:** Up to a [10-20] percent reduction to a minimum setback.
  - 2. Lot Coverage:** Up to a [10-20] percent increase to the maximum lot coverage.

3. **Lot Dimensions:** Up to a [10-20] percent decrease to a minimum lot dimension.
4. **Lot Area:** Up to a [10-20] percent decrease in minimum lot area.
5. **Other Dimensional Standards:** Up to a 10 percent increase or decrease in a quantitative (numerical) standard not listed above. This option is limited to standards in Article 2 (Table 2.2.030 and Chapter 2.3 Special Uses) and Article 3; it does not include building code requirements, engineering design standards, public safety standards, or standards implementing state or federal requirements, as determined by the City Planning Official.

**B. Approval criteria.** The City may grant an Adjustment only upon finding that all of the following criteria are met. The burden is on the applicant to demonstrate compliance with the criteria.

1. The Adjustment allows for a building plan that is more compatible with adjacent land uses, or it does not create a conflict with adjacent uses;
2. The Adjustment is necessary to allow for normal interior building functions, such as mechanical equipment/utility closets, heating and ventilation systems, restrooms, stockrooms, shelving, and similar interior building functions;
3. Approval of the Adjustment does not create (a) violation(s) of any other adopted ordinance or code standard, and does not create the need for a Variance;
4. An application for an Adjustment is limited to one lot per application;
5. Requests for more than one Adjustment on the same lot shall be consolidated on one application and reviewed concurrently by the City;
6. Not more than three Adjustments may be approved for one lot or parcel in a continuous 12-month period; and
7. All applicable building code requirements and engineering design standards shall be met.

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## 4.7 – Adjustments and Variances | Variances

### 4.7.040 Variances

**A. Applicability.** A Variance is a variance that does not otherwise meet the criteria under Section 4.7.030.

**B. Approval Criteria.** The Planning Commission through a Type III procedure may approve a Variance upon finding that it meets all of the following criteria:

1. The Variance is necessary because the subject Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance;
2. The Variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;
3. The need for the Variance is not self-imposed by the applicant or property owner. (For example, the Variance request does not arise as a result of a property line adjustment or land division approval previously granted to the applicant);
4. The Variance does not conflict with other applicable City policies or other applicable regulations;
5. The Variance will result in no foreseeable harm to adjacent property owners or the public; and
6. All applicable building code requirements and engineering design standards shall be met.

### 4.7.050 Expiration

Approvals granted under Chapter 4.7 shall expire if not acted upon by the property owner within one year of the City approving the variance. Where the owner has applied for a building permit or final plat, has made site improvements consistent with an approved development plan (e.g., Site Design Review or preliminary subdivision plan), or provides other evidence of working in good faith toward completing the project, the City Planning Official may extend an approval accordingly.

## Chapter 4.8 - Master Planned Developments

### Sections:

- 4.8.010 Purpose
- 4.8.020 Applicability
- 4.8.030 Review and Approvals Process
- 4.8.040 Modifications to Development Standards
- 4.8.050 Concept Plan Submission
- 4.8.060 Concept Plan Approval Criteria
- 4.8.070 Expiration
- 4.8.080 Detailed Development Plan Submission
- 4.8.090 Detailed Development Plan Criteria
- 4.8.100 Subsequent Development Reviews

### **4.8.010 Purpose**

The purposes of Chapter 4.8 are to:

- A.** Implement the Comprehensive Plan by providing a means for master planning large development sites as an alternative to piecemeal subdivision development;
- B.** Encourage innovative planning that results in projects that benefit the community, for example, through greater efficiency in land use, improved protection of open spaces, transportation efficiency, and housing choices;
- C.** Encourage housing options for a range of household sizes, incomes, and lifestyles;
- D.** *[Encourage mixed-use development and diversified employment opportunities;]*
- E.** Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
- F.** Preserve to the greatest extent possible the existing landscape features and amenities that may not otherwise be protected through conventional development;
- G.** Encourage energy efficiency and improved air and water quality;
- H.** Implement public facility master plans; and
- D.** Provide flexibility in development standards, consistent with the above purposes.

### **4.8.020 Applicability**

The master planned development designation may be applied over any of the City's *[residential]* zoning districts. It is an option available to developers of land.

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## 4.8 – Master Planned Developments

### 4.8.030 Review and Approvals Process

**A. Review Steps.** There are three required steps to master planned development approval, which may be completed individually or combined for concurrent review:

1. Application for master planned development concept plan approval;
2. Application for detailed development plan approval, which may include a preliminary subdivision plan; and
3. Application(s) for final development plan (e.g., final plat and/or site design review) approval.

**B. Approval Process.**

1. The master planned development concept plan shall be reviewed pursuant to the Type III procedure in Section 4.1.040, the submission requirements in Section 4.8.050, and the approval criteria in Section 4.8.060.
2. The detailed development plan and preliminary subdivision plan shall be reviewed using the Type II procedure in Section 4.1.030 to ensure substantial compliance with the approved concept plan.
3. Site design review applications for approved planned developments shall be reviewed using a Type II procedure in Section 4.1.030 to ensure substantial compliance with the approved concept plan.
4. Steps 1-3, above, may be combined in any manner, so long as the decision-making sequence follows the above order. Notification and hearings may be combined.

### 4.8.040 Modifications to Development Standards

The standards of Article 2 and Article 3 may be modified through the master plan development process without the need for variance under Chapter 4.7. In evaluating this criterion, the *[City decision-making body]* shall consider whether the proposal, on balance, exceeds the City's minimum requirements and provides greater community benefits than would otherwise occur under the base Development Code requirements. In evaluating community benefits, the *[City decision-making body]* shall apply the following criteria; the City may deny an application for Master Planned Development concept plan approval that does not meet all of the following criteria:

**A. Comprehensive Plan.** The modification does not conflict with the Comprehensive Plan. A Master Planned Development may exceed the maximum residential density (minimum lot size) permitted by the underlying zone, provided that the overall density of the project (average of total dwelling units per acre) is not greater than *[110]* percent of the density permitted by the underlying zone.

**B. Purpose and Intent of Development Code.** The modification equally or better meets the purpose and intent of the Development Code section(s) to be modified, as compared to a project that strictly conforms to code standards.

**C. Public Benefit.** The modification provides a net benefit to the public by one or more of the following:

1. Greater variety of housing types or lot sizes than would be achieved under the base Development Code standards;
2. More open space or more usable open space than would be required under the base Development Code standards;
4. Greater protection of natural features than would be required under the base Development Code standards;
5. Avoidance of natural hazards (e.g., geological hazards, river resources, or flood hazards); and
6. Improved transportation connectivity, such as the provision of pathways and/or other transportation facilities, that would not otherwise be provided pursuant to base Development Code requirements.

**D. Engineering Design Standards.** Modifications to the City’s Engineering Design Standards require separate variance to such standards approved by the City Engineer. The City may grant such variances concurrently with the master planned development.

### 4.8.050 Concept Plan Submission

**A. General Submission Requirements.** An application for a Concept Development Plan shall follow the submission requirements for a Type III review under Section 4.1.040, and shall include all of the following:

1. Statement of planning objectives to be achieved by the master planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant;
2. Development schedule indicating the approximate dates when construction of the project and its various phases, if any, including public facilities, are expected to be initiated and completed;
3. Statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development;
4. Narrative report or letter documenting compliance with the applicable approval criteria contained in Section 4.8.060;
5. Maintenance plan for any common areas or lands not dedicated to a public agency or owned in fee simple; and
6. Additional reports or studies prepared by qualified professionals, as required by the City Manager, to

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## 4.8 – Master Planned Developments

determine potential project impacts and mitigation, if any, related to: transportation; public facilities; geologic or other hazards; architecture; noise, light, solar access, air quality, or similar concerns; and natural features.

**B. Additional Information.** In addition to the general information described in subsection A, above, the concept plan, data, and narrative shall include all of the following exhibits and information:

1. Existing conditions map, as defined in Section 4.2.040 Site Design Review Application Submission Requirements;
2. Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);
3. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated);
4. Landscape concept (e.g., shows retention of existing vegetation and general planting areas);
5. Architectural concept (e.g., plans illustrate architectural styles, building heights, and general materials);
6. Sign concept plan (e.g., locations, general size, style, and materials of signs), as applicable; and
7. Copy of all existing covenants and restrictions, and a general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).

### 4.8.060 Concept Plan Approval Criteria

The City, in approving or approving with conditions a Concept Plan, shall make findings that all of the following criteria are met. The City must deny an application where not all of the criteria are met.

**A. Comprehensive Plan.** The proposal conforms to the Comprehensive Plan;

**B. Land Division Chapter.** Except as may be modified under Section 4.8.040, all of the requirements for land divisions, under Chapter 4.3, are met;

**C. Article 2 and Article 3 Standards.** Except as may be modified under Section 4.8.040, all of the requirements of Article 2 and Article 3 are met;

**D. Open Space.** Master plans shall contain a minimum of [20] percent open space, which may be public, private, or a combination of public and private open space. Such open space shall be integral to the master plan and connect to a majority of the proposed residential lots. Plans shall provide space for both active and passive recreational uses, and may include, but are not limited to, neighborhood parks, pathways/trails, natural areas, plazas, and play fields. Open space areas shall be shown on the final plan and recorded with the final plat or separate instrument; the open space shall be conveyed in accordance with one of the following methods:

1. By dedication to the City as publicly owned and maintained open space. Open space proposed for

dedication to the City must be acceptable to the Planning Commission with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide an environmental assessment), and approved by City Council based on budgetary, maintenance, and liability considerations; or

2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association, or other legal entity. The terms of such lease or other instrument of conveyance must include provisions for maintenance and property tax payment acceptable to the City. The City, through conditions of approval, may also require public access be provided, where the open space is deemed necessary, based on impacts of the development and to meet public recreational needs pursuant to the Comprehensive Plan.

### **E. Affordable Housing.** *[Placeholder]*

**User's Guide:** Some cities might want to include affordable housing as a criterion for granting density bonuses or allowing other code adjustments under this chapter. For example, a developer who agrees to provide a percentage of affordable housing units could receive density bonus, which would include the affordable units and possibly some additional market-rate housing as an incentive. Generally, housing is considered affordable where a household spends not more than 30% of their gross monthly income on it. Housing programs aim to serve those earning a certain percentage below the median household income for the area. The Cities of Ashland and Newberg are two Oregon communities that provide regulatory incentives for affordable housing.

- ### **F. Modifications to Standards.** Modifications to Code standards must conform to the criteria in Section 4.8.040.

## **4.8.070 Concept Plan and Expiration**

- A. Filing.** Upon approval of a concept plan, the approved plan, including any conditions of approval, shall be binding on future uses and development of the property, except where an approval expires.
- B. Expiration.** Except as provided by subsection C, below, a concept plan shall become void three years after the date of approval if the applicant, or successor, has not filed with the City an application for detailed development plan and final plat approval in conformance with Sections 4.8.080 and 4.8.090.
- C. Extension.** The City may grant extensions of the concept plan approval period, not to exceed one year per extension, provided that the extension request is made before expiration of the master planned development approval, the applicant can show intent of applying for detailed development plan review within the one-year extension period, and there have been no substantive changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

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## 4.8 – Master Planned Developments

### **4.8.080 Detailed Development Plan Submission**

Detailed development plan submittal requirements are determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan submittal shall meet the minimum requirements for final plat submission under Chapter 4.3 and shall contain information demonstrating compliance with the concept plan. The detailed development plan and preliminary subdivision plan shall be reviewed using the Type II procedure in Section 4.1.030 to ensure substantial conformance to the approved concept plan. Where the proposal is for a multifamily development, Site Design Review is required, pursuant to Chapter 4.2; Site Design Reviews on detailed development plans shall be processed through the Type II procedure.

### **4.8.090 Detailed Development Plan Criteria**

Approval of the detailed development plan shall be based upon a finding that the final plan substantially conforms to the concept plan, including any concept plan conditions of approval. Minor changes to the approved concept plan may be approved with the detailed plan where the City Manager finds that the modification is necessary to correct an error or to address changes in circumstances beyond the applicant's control that have occurred since the date of project approval. Other changes must be reviewed as major modifications under Chapter 4.5.

### **4.8.100 Subsequent Development Reviews**

Notwithstanding the provisions of Section 4.2.030, where the City has previously approved a development project in concept as part of a master planned development approval, as determined by the City Manager, subsequent land use applications for the same project may be processed through a Type I review.

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## ARTICLE 5 – DEFINITIONS

### Chapter 5.1 — Definitions

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5.1.010 Purpose

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5.1.020 Applicability

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5.1.030 Definitions

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**User's Guide:** The following definitions should be reviewed and revised as necessary to ensure consistency with the final version of your code. It may be necessary to add or remove terms.

# Article 5 – Definitions

## Chapter 5.1 — Definitions

### Sections:

- 5.1.010 Purpose
- 5.1.020 Applicability
- 5.1.030 Definitions

### **5.1.010 Purpose**

The purpose of Chapter 5.1 is to define terms that are used in the City of *[name]* Development Code and other terms that may arise in interpreting the Code, particularly those that may be uncommon or have more than one meaning.

### **5.1.020 Applicability**

- A. Definitions.** The definitions in Chapter 5.1 apply to all actions and interpretations under the City of *[name]* Development Code. The meanings of some terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control.
- B. When a Term is Not Defined.** Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. *[Webster’s Third New International Dictionary of the English Language, Unabridged,]* shall be considered a standard reference.
- C. Land Use Categories.** Chapter 5.1 defines the land use categories used in Article 2.
- D. Conflicting Definitions.** Where a term listed in Chapter 5.1 is defined by another section of this Code or by other regulations or statutes referenced by this Code, the term is not redefined herein for purposes of that other code.

### **5.1.030 Definitions**

The following definitions are organized alphabetically.

## **A**

**Abutting.** Contiguous or adjoining.

**Access.** A way or means of approach to provide pedestrian, bicycle, and/or motor vehicular entrances or exits to a property.

**Access Control.** Where the right of access between a property abutting the highway and the highway has been acquired by a roadway authority, or eliminated by law, pursuant to access or approach spacing standards.

**Access Easement.** An easement conveyed for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a lot or parcel across intervening property under separate ownership from the parcel being provided access. **Cross access easement** is an easement providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.

**Access Management.** The systematic control of the location, spacing, design, and operation of driveways, median openings interchanges, and street connections to a roadway to minimize conflicts between turning and through vehicles, bicyclists, and pedestrians. The purpose of access management is to provide vehicular access to land development in a manner that preserves the safety and efficiency of the transportation system. Public facility measures to support access management include roadway design applications, such as median treatments and auxiliary lanes, and the appropriate spacing of traffic signals. Measures that may be included as conditions of approval for development decisions include, but are not limited to, 1) standards such as minimum spacing of driveways and onsite vehicle storage requirements; 2) mitigations related to site conditions such as right-in-right-out only approaches, medians, dedicated turn lanes, and shared driveways; and 3) provision for future opportunities for mitigation by land dedication or easement.

**Access Management Plan.** A plan adopted by the City, or jointly by the Oregon Transportation Commission (OTC) in coordination with the City, for managing access on a designated section of an arterial street or highway[, or within the influence area of a highway interchange.]

**Access Way.** A walkway or multi-use path connecting two rights-of-way to one another where no vehicle connection is made.

**Alternate Access.** The right to access a property by means other than the proposed approach or access connection. It may include an existing public right-of-way, another location on the subject street or highway, an easement across adjoining property, a different street, a service road, a local road, or an alley, and may be in the form of a single or joint approach.

**Access, Reasonable.** Access that does not require excessive out-of-direction travel or pose a safety hazard.

**Access Point.** A connection providing for the movement of vehicles between a lot or parcel and a public roadway.

**Access Spacing / Intersection Spacing.** The minimum required distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

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## 5.1 – Definitions

**Access Way.** A walkway providing a through connection for pedestrians between two streets, between two lots, or between a development and a public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walkway on public or private property (i.e., with a public access easement); it may also be designed to accommodate emergency vehicles. See also, Walkway.

**Accessible.** Two meanings are possible depending on the specific code provision. In general, accessible means approachable by pedestrians, vehicles, or other transportation modes, as applicable. Accessible may also mean approachable and useable by people with disabilities, in conformance with the federal Americans with Disabilities Act. Either or both definitions may apply in a particular situation.

**Accessory Structure.** A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures are detached from the primary structure. Examples of accessory structures include, but are not limited to, garages, decks, fences, arbors, gazebos, heat pumps, workshops, and other structures. See also, Primary Structure.

**Accessory Use.** A use or activity that is a subordinate part of a primary use and that is clearly incidental to a primary use on a site. See also, Primary Use.

**Adjacent.** Abutting or located directly across a street right-of-way or easement.

**Alter/Alteration.** A change in use or occupancy or physical change to a structure or site. Alteration does not include normal maintenance and repair. Alterations may or may not require land use approval, but property owners should check with the City of [name] before preparing project plans or commencing development. Alterations include, but are not limited to, the following:

- Changes in use or occupancy;
- Changes to the exterior of a building;
- Changes to the interior of a building;
- Increases or decreases in floor area of a building;
- Changes to other structures on the site, or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

**Applicant.** A person who applies for a permit or approval under this Code. An applicant can be the owner of the property, a contract purchaser, or someone who is legally authorized to represent the owner, such as a builder, developer, or contract purchaser.

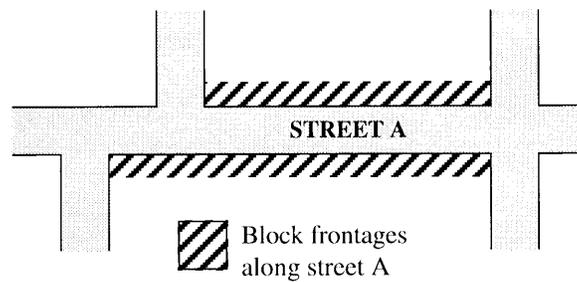
## B

**Bed and Breakfast Inn.** Any establishment located in a structure designed for a single-family residence and structures appurtenant thereto, providing limited overnight lodging and meals for guests pursuant to the special use requirements for bed and breakfast inns.

**Block.** All of the property bounded by streets, rights-of-way (pedestrian or vehicle ways), water features, or any combination thereof, but is not divided or separated in any way by streets or water features.

**Block Face / Street Frontage.** All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines the boundary of the block frontage only on the side of the street that it intercepts. See figure, below.

**Block Frontage**



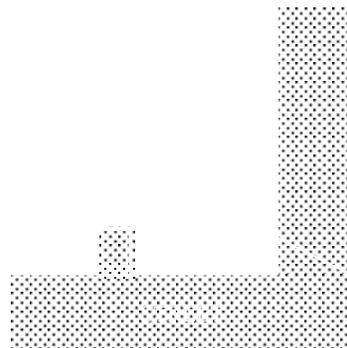
**Building.** See applicable building code.

**Building Footprint.** The outline of a building, as measured around its foundation.

**Building/Structure Height.** The vertical distance from the grade plane to the average height of the highest roof structure.

**Building Line.** A line running parallel to a lot line that is the same distance from the lot line as the closest portion of a building on the site, typically used in reference to required setback yards. See figure, below.

**Building Lines**



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## 5.1 – Definitions

**Building Official.** The person who enforces the building ordinances and regulations for the City, and other ordinances and regulations as assigned.

### C

**Capacity.** Maximum holding or service ability, as used for transportation, utilities, parks, and other public facilities. See also, definition of “Occupancy” in applicable building codes.

**Carport.** A stationary structure consisting of a roof, its supports, and not more than one wall or storage cabinets substituting for a wall, used to shelter motor vehicles, recreational vehicles, or boats; does not include temporary shelters or canopies not affixed to a permanent foundation per applicable building codes.

**Change of Use.** Change in the primary type of use on a site.

**Child Care Facility.** Facilities that provide care and supervision of minor children for periods of less than 24 hours that do not otherwise meet the definition of Family Daycare.

**City.** The City of [name], Oregon.

**Clearing (as in clearing and grading).** Any activity that removes existing vegetation or strips surface material from any portion of the site and exceeding typical yard maintenance for a single-family dwelling.

**Clear and Objective.** Decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

**Club.** Any organization, group, or association supported by the members thereof, the purpose of which is to render a service customarily rendered for members and their guests, but shall not include any organization, group, or association, the chief activity of which is to render a service customarily carried on as a business.

**Commercial.** Land use involving buying/selling of goods or services as the primary activity. See also, Retail Sales and Services.

**Commercial Outdoor Recreation (Land Use).** Includes firing ranges, golf courses, and driving ranges, etc.

**Common Area.** Land jointly owned to include open space, landscaping, or recreation facilities (e. g., may be managed by a homeowners' association).

**Community Services (Land Use).** Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community, except for Schools, which are categorized separately. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Private lodges, clubs, and non-profit organizations that

have membership provisions may be considered a Community Service. Uses providing mass shelter or short term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency may also be considered a Community Service. The use may also provide special counseling, education, or training of a public, nonprofit, or charitable nature. See also, Religious Institutions, and Parks and Open Spaces.

**Comprehensive Plan.** The current adopted Comprehensive Plan of the City of *[name]*.

**Conditional Use.** A use that requires a Conditional Use Permit. See Chapter 4.4.

**Condominium.** Ownership of a single unit in a multi-unit structure that may contain common areas and facilities; includes both residential and commercial condominiums. See ORS 100 for applicable requirements.

**Corner lot.** See Lot, Corner lot.

**Corner Radius.** The radius of a street corner, as measured around the curb or edge of pavement, except as otherwise specified by applicable engineering design standards.

**Council/City Council.** The City Council of *[name]*, Oregon.

**County.** *[name]* County.

## D

**Days.** Calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding federal holidays.

**Dedication.** The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners' association.

**Density(ies).** A measurement of the number of dwelling units in relationship to a specified amount of land based on the minimum lot size per dwelling unit required by the applicable zone.

**Develop.** To construct or alter a structure or to make a physical change to the land, including excavations, clearing, and fills. See also, Alteration.

**Development.** All improvements on a site, including alterations to land and new or remodeled structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities.

**Discontinued Use.** A use that physically left the land it was on, a permitted use that ceased, or a use terminated at the end of a lease or contract. See Chapter 1.4 Non-Conforming Situations.

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## 5.1 – Definitions

**Discretionary.** A permit action or decision that involves substantial judgment or discretion.

**Drive-Through/Drive-Up Facility.** A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. All driveways queuing and waiting areas associated with a drive-through/drive-up facility are similarly regulated as part of such facility.

**Driveway.** The area that provides vehicular access to a site from a street, or the area that provides vehicular circulation on a site.

**Driveway Apron.** The edge of a driveway where it meets a public right-of-way. Note: The design standards of the applicable roadway authority apply.

**Driveway Approach.** A driveway connection to a public street or highway where it meets a public right-of-way. Note: The design standards of the applicable roadway authority apply. See also, Oregon Administrative Rules 734, Division 51, for definitions specific to state highways.

**Driveway, Shared.** When land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) must be created and recorded for this purpose.

**Dwelling.** A structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. If the individual units are self-contained, assisted living facilities for the elderly or disabled as defined by the State of Oregon, having common food preparation, dining, social, recreational, and/or housekeeping facilities are included in this definition. Typical accessory uses include: accessory storage buildings; private garage and parking areas; storage of not more than one commercial vehicle per dwelling unit; common area buildings for residents, guest houses, and guest quarters not in the main building, provided such houses and quarters are and remain dependent upon the main building for either kitchen or bathroom facilities, or both, and the guest facilities are used for temporary lodging only and not as a place of residence; and the taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed *[two]* in any dwelling unit. For the purposes of this Code, the following types of dwelling units are defined:

- **Accessory Dwelling.** A secondary dwelling unit on a lot where the primary use is a single-family dwelling.
- **Attached, Single-Family (Townhome).** A dwelling unit located on its own lot that shares one or more common or abutting walls with one or more dwelling units on adjacent lot(s).
- **Duplex Dwelling.** A structure that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

- **Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.
- **Manufactured Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.
- **Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- **Multifamily Development.** A structure or grouping of structures containing three or more dwellings on the same lot.
- **Multifamily Structure.** A structure containing three or more dwelling units. The land underneath the structure is not divided into separate lots.
- **Residential Trailer.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed before January 1, 1962.
- **Recreational Vehicle (RV).** A vehicle, with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes and is further defined by state law and/or administrative rules.
- **Residential Home** is a residential treatment or training or adult foster home licensed by or under the authority of the Department of Human Services, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 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. (See also, ORS 197.660.).
- **Residential Facility** is defined under ORS 430.010 (for alcohol and drug abuse programs), ORS 443.400 (for persons with disabilities), and ORS 443.880; residential facilities provide housing and care for 6 to 15 individuals who need not be related. Staff persons required to meet state licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents.
- **Senior Housing.** Housing designated and/or managed for persons over a specified age. Specific age

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## 5.1 – Definitions

restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities.

- **Single-Family, Detached Dwelling.** A detached dwelling unit located on its own lot.

### E

**Easement.** A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, such as access, or to locate utilities. Recorded and on record at [name] County.

**Emergency Apparatus Lane or Fire Lane.** Unobstructed area or driveway meeting Uniform Fire Code requirements, typically not be used for parking or loading area.

**Floodplain/Hazard Area.** Area as so indicated by the federal Flood Insurance Rate Map, as amended.

### F

**Family Daycare.** Care for not more than 16 children in a home. See ORS 657A.440(4) for applicable licensing and other requirements.

**Final Plat.** The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division, pursuant to ORS 92 and Chapter 4.3 of this Code.

**Floor Area.** Area of building, which may be described in terms of gross (overall) square feet, or net marketable/leasable space.

### G

**Garage.** A covered permanent structure designed to provide shelter for vehicles, and which is accessory to a dwelling or other primary use. Carports are considered garages.

**Grade.** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building. This is the definition used in the Oregon Structural Specialty Code (the International Building Code as amended by the State of Oregon).

**Grading.** All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

**Ground Cover.** Living or processed plant material (e. g., mulch, bark chips), river rock, and cinders used for aesthetic purposes and to prevent erosion (i.e., cover bare ground) in designated landscape areas. See

Chapter 3.4 Landscaping.

**Group Living.** Group Living is characterized by the long-term (i.e., more than 28 days) residential occupancy of a structure by a group of people. The size of the group typically is larger than the average size of a household. Group Living structures do not include self-contained units but rather have common facilities for residents, including those for dining, social and recreational activities, and laundry. Group Living is divided into two subcategories based on whether or not residents receive any personal care, training, and/or treatment:

Room and board facilities are group living establishments where no personal care, training, and/or treatment is provided. Examples include dormitories, fraternities, sororities, boarding houses, monasteries and convents, residential hotels, lodging houses operated by organizations for members only, and similar uses.

Long-term care facilities are group living establishments where personal care for children, the aged, and special categories of persons with some limits on ability for self-care is provided. In addition to the provision of room and board, services such as supervision; protection; assistance while bathing, dressing, grooming, or eating; management of money; transportation; and recreation are provided. Medical care may or may not be a major element. Examples include hospice, nursing and personal care facilities, homes for the deaf or blind, and similar uses.

## H

**Hazardous Substances.** Any substance, material, or waste listed below:

- Nuclear or radioactive materials or waste
- Chemicals subject to reporting under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, published July 1987, U. S. Environmental Protection Agency
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101
- Other substances as determined by applicable state or federal agency

**Home Occupation, Home Occupation Site.** A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the residential use on the site, subject to the special use provisions of Chapter 2.3.

**Hotel/Motel.** A building or portion thereof designed and used for occupancy of transient individuals lodged with or without meals for a continuous period not to exceed 29 days. (See ORS 446.310.)

## I

**Incidental and Subordinate to.** Secondary to, and less apparent than, the primary use or other portion of the development.

**Intersection.** An at-grade connection of a public or private approach road to the highway.

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## 5.1 – Definitions

**Industrial Service Uses.** Industrial Service firms are engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products. Examples include welding shops; machine shops; tool repair; electric motor repair; sales, repair, salvage, or wrecking of heavy machinery, metal, building materials, autos, or trucks (does not include junk yards); towing and temporary vehicle storage; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing, or electrical contractors; printing, publishing, and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; industrial laundry, dry-cleaning, and carpet cleaning plants; photofinishing laboratories; and similar uses.

### J

**Junk Yard.** (1) Any property or establishment on which one or more persons are engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap or waste materials. (2) Any establishment or place of business on which two or more inoperable motor vehicles or an equivalent volume of waste or refuse are maintained, stored, bought, or sold. Includes wrecking yards, automobile graveyards, garbage dumps, and scrap metal processing facilities.

### K

**Kennel.** Any lot or premises where three or more dogs or cats aged six months or older are boarded or bred for compensation. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

### L

**Land Division.** The process of dividing land to create parcels or lots. See Chapter 4.3.

**Landscaping.** Any combination of living plants such as trees, shrubs, plants, vegetative ground cover, or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains, or the like. Also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection, and replacement of trees.

**Land Use.** The activity or activities that occur on a piece of land. Activities may be individually identified as primary or accessory uses.

**Land Use Decision.** A final decision or determination made by the City of [name] (or other agency with jurisdiction) that concerns the adoption, amendment, or application of the Statewide Planning Goals, the Comprehensive Plan, or any land use regulation (i.e., this Code) where the decision requires the interpretation or exercise of policy or legal judgment (ORS 197.015). Note: All decisions requiring Quasi-Judicial review by the City of [name] are Land Use Decisions. Decisions subject to Administrative review are

considered Limited Land Use Decisions, pursuant to ORS 197.015.

**Legislative.** A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e. g., adoption of, or amendment to, a comprehensive plan or development regulation). See also, Section 4.1.050.

**Level of Service ("LOS").** A quantitative standard for transportation facilities describing operational conditions. See City of [name] Transportation System Plan.

**Loading Area.** The area available for the maneuvering and standing of vehicles engaged in delivering and loading goods, freight, or other articles. See also, Chapter 3.5 Parking and Loading.

**Lot.** A lot is a legally defined piece of land other than a tract that is the result of a land division. The following definitions for “lot” apply to the state definition of both lot (result of subdividing) **and** parcel (result of partitioning). See figures, below.

- **Corner Lot.** A lot that has frontage on more than one intersecting street. A street that curves with angles of 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See figures, below.
- **Flag Lot.** A lot with two distinct parts:
  - The flag, which is the only building site and is located behind another lot; and
  - The pole, which connects the flag to the street, provides the only street frontage for the lot, and at any point is less than the minimum lot width for the zone.
- **Through/Reverse Frontage Lot.** A lot that has frontage on two parallel or approximately parallel streets.

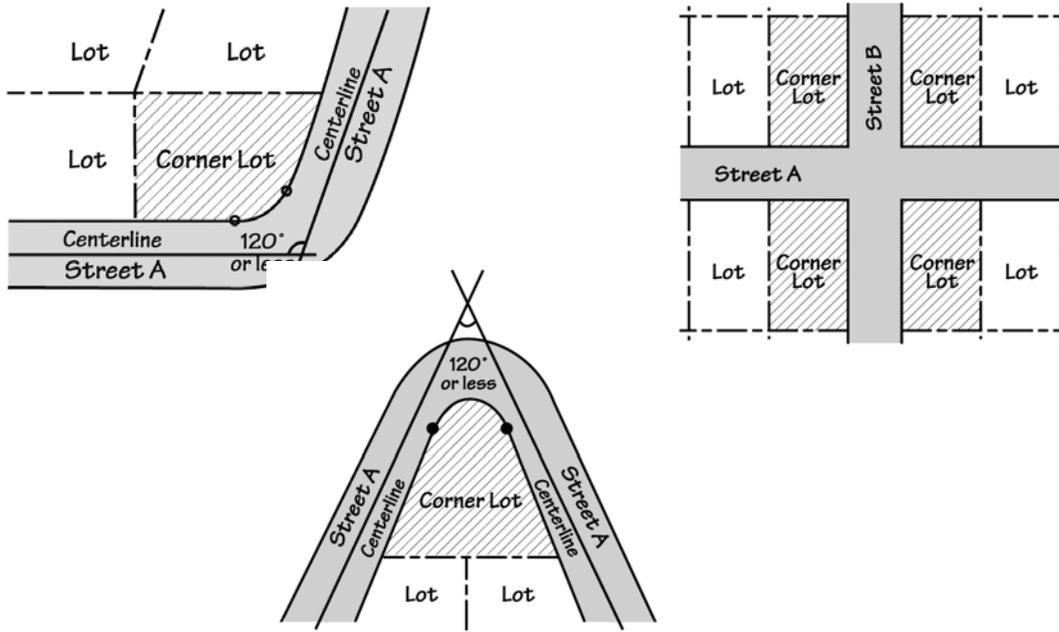
**Lot Lines / Property Lines.** The property lines along the edge of a lot or site. See figures, below.

- **Front Lot Line.** A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front lot line for the purpose of determining required setbacks. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. See figures, below.
- **Rear Lot Line.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See figures, below.
- **Side Lot Line.** A lot line that connects front and rear lot lines. On a corner lot, the longer lot line that abuts a street is a side lot line. See figures, below.
- **Side Street Lot Line.** A lot line that is both a side lot line and a street lot line. See figures, below.

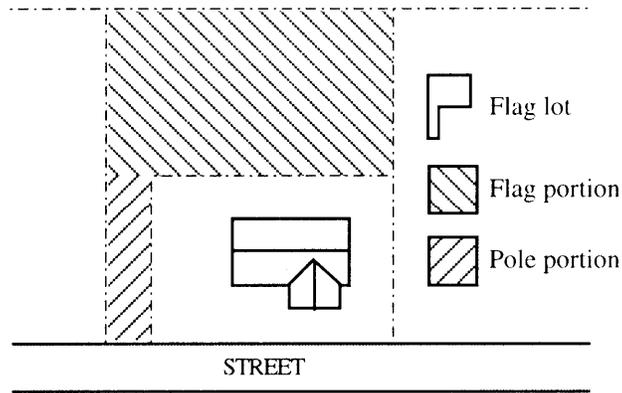
## 5.1 – Definitions

- **Street Lot Line.** A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut a dedicated alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines, however, both are considered front yards for the purpose of measuring required setbacks. See figures, below.

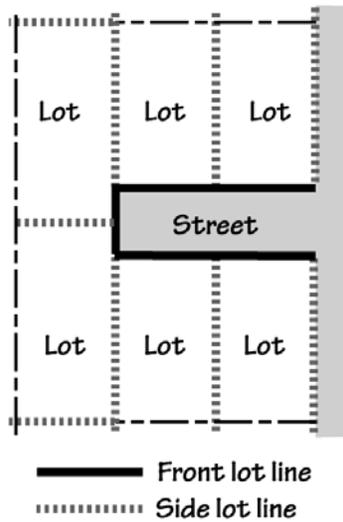
### Corner Lots



### Flag Lot

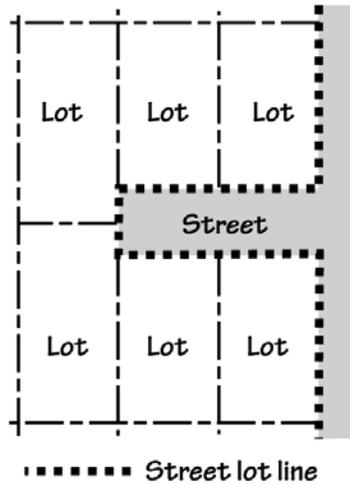


### Front and Side Lot Lines

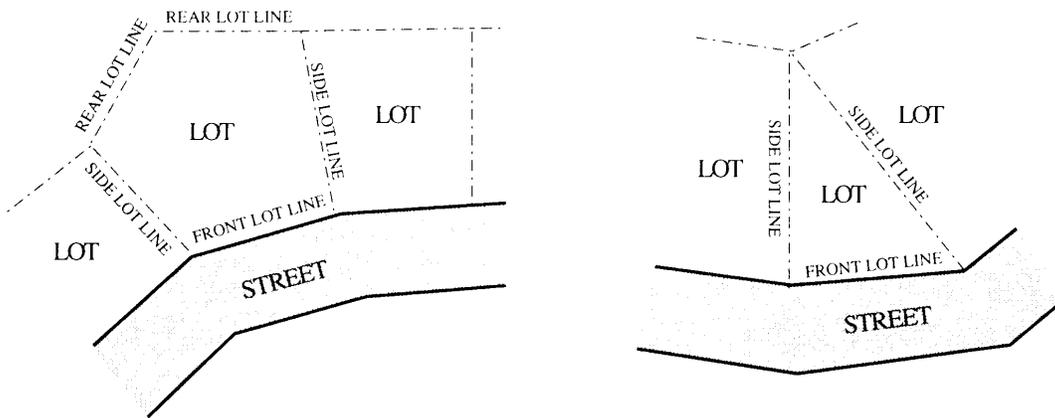


## 5.1 – Definitions

### Street Lot Lines



### Lot Lines on Irregular Lots



- **Lot of Record.** A legally created lot or parcel meeting all applicable regulations in effect at the time of creation and held in separate ownership, or any other lot deemed a legal lot under Chapter 1.3.

**Lot, Double-Frontage.** See Lot, Through/Reverse Frontage Lot.

**Lot Area.** The total surface area (measured horizontally) within the boundary lines of a lot.

**Lot Consolidation.** The reduction in the number of lots, i.e., the creation of one lot from two or more existing lots.

**Lot Coverage.** The total area of a lot covered by building(s) or impervious surfaces, as provided by the applicable land use district development standards.

**Lot Line Adjustment.** See Property Line Adjustment.

## M

**Main/Primary Building Entrance.** A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance; however, some buildings may have more than one primary entrance or may have entrances that open directly into the building's lobby or principal interior ground level circulation space.

**Ground Floor.** Building floor closest to street level and within four feet of finished grade.

**Major Remodeling.** Projects where the floor area or the developed area of the site increases by [#] percent or more.

**Maneuvering Area/Aisle.** The driving area in a parking lot where motor vehicles are able to turn around and access parking or loading spaces.

**Manufactured and Mobile Homes.** See definitions under Dwelling.

**Manufactured Dwelling and Mobile Home Park (Land Use).** Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space, or keep space for rent or lease, to any person for a charge or fee paid, or to be paid, for the rental or lease or use of facilities, or to offer space free in connection with securing the trade or patronage of such person. Manufactured dwelling park does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by one manufactured dwelling per lot. See also, ORS Chapter 446.

**Manufacturing and Production (Land Use).** Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Examples include processing of food and related products; breweries and distilleries when not accessory to a commercial use; slaughter houses or meat packing; taxidermist; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone,

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## 5.1 – Definitions

or glass materials or products; concrete batching and asphalt mixing; production or fabrication of metals or metal products, including enameling and galvanizing; manufacture or assembly of machinery, equipment, vehicles, appliances; sign making; production of prefabricated structures, including mobile homes; and the production of energy.

**Mixed-Use.** The combination of residential uses with commercial (e.g., office, retail, or services), civic, or light industrial uses on a site.

**Multifamily Development and Structure.** See definitions under Dwelling.

## N

**Nonconforming Development.** An element of a development, such as lot area, setback, height, lot coverage, landscaping, sidewalk, or parking area, or lack thereof, that was created in conformance with development regulations but which subsequently, due to a change in the zone or applicable Code standards, is no longer in conformance with the current applicable development regulations. See Chapter 1.4.

**Nonconforming Situation.** A Nonconforming Development or Nonconforming Use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development. See also, Nonconforming Development and Nonconforming Use. See Chapter 1.4.

**Nonconforming Use.** A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of floor area of the use is now prohibited in the zone. See Chapter 1.4.

## O

**Office (Land Use).** Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.

**Off-street Parking.** All off-street areas designed, constructed, used, or required, or intended to be used, for the parking of motor vehicles. See Chapter 3.5 for parking standards.

**On-street Parking.** Parking in the street right-of-way, typically in parking lanes or bays, when allowed by the applicable roadway authority. See Chapter 3.5 for parking standards.

**Orientation.** To cause to face toward a particular point of reference (e.g., “A building oriented to the street”).

**Owner.** The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder

or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale signed by the owner of record.

### P

**Parcel.** A legally defined area of land created through a partition.

**Parks and Open Space (Land Use).** Parks and Open Space Areas are public parks or private common areas consisting mostly of recreational facilities, community gardens, or natural areas.

**Parking Area.** A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading or fire apparatus lanes.

**Parking Lot Perimeter.** The boundary of a parking lot area that usually contains a landscaped buffer area.

**Parking Space.** An improved space designed to provide standing area for a motor vehicle. See Chapter 3.5 for parking space standards.

**Parking Versus Storage.** Parking is to leave a motor vehicle for a temporary time. Storage is to place or leave in a location for storage, maintenance, repair, future sale, or rental, or future use for an indefinite period of time.

**Partition.** To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. See ORS 92.010(8).

**Pathway.** A walkway, bikeway, or access way conforming to City standards and separated from the street right-of-way, that may or may not be within a public right-of-way.

**Planned Road or Street.** A highway, road, street, or alley identified in an adopted corridor plan, comprehensive plan or transportation system plan in accordance with administrative procedures of OAR 660-012 and ORS Chapter 197, but that has not been constructed.

**Planter Strip.** A landscape area for street trees and other plantings within the public right-of-way, usually a continuous planter area between the street and a sidewalk.

**Plat.** Diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the state law definitions of “partition plat” and “subdivision plat.” See also, Chapter 4.3, Land Divisions.

**Posted Speed.** The statutory speed established by ORS 811.105 or ORS 811.180, or the designated speed

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## 5.1 – Definitions

established by ORS 810.180.

**Practicable.** Capable of being done after taking into consideration reasonable cost, existing technology, and logistics in light of overall project purposes.

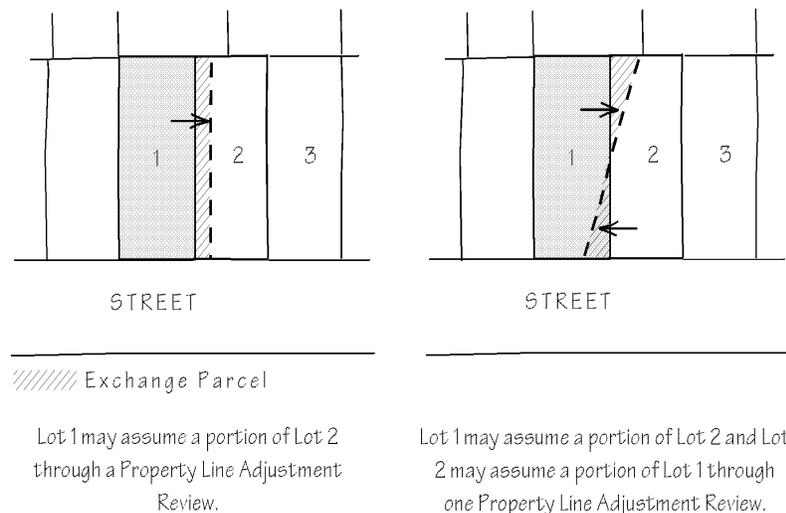
**Primary Structure.** A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, design, appearance, and the orientation of the structures on a site.

**Primary Use.** An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

**Project.** An existing or proposed use or development subject to one or more land use approvals.

**Property Line Adjustment.** The relocation of a single common property line between two abutting properties not resulting in an increase in the number of lots, pursuant to Chapter 4.3. See figure, below.

### Property Line Adjustment



**Public Access Easement.** A public access easement is an easement granted to the public for vehicular and pedestrian access, or for non-motorized access.

**Public Improvements.** Development of public infrastructure, as required by the City, a special district, or road authority, as applicable. See Chapter 3.6.

## Q

**Quasi-judicial.** An action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code to the facts of a development or land use proposal, and requires a public hearing. See Section 4.1.040.

## R

**Radio Frequency Transmission Facilities (Land Use).** Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures, or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.

**Recreational Vehicle Park (Land Use).** A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park, however, the City may establish the maximum length of stay. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks.

**Religious Institutions and Places of Worship (Land Use).** Uses primarily providing meeting areas for religious activities; may include schools as an accessory use.

**Residential Use (Land Use).** Long-term (i.e., more than 28 days) occupancy of a dwelling unit, which may be owner-occupied or rented. Occupancy of a dwelling unit for shorter periods of time is considered an overnight accommodation.

**Retail Sales and Service Uses (Land Use).** Retail Sales and Service uses sell, lease, or rent new or used products, goods, or services. They include services such as barber/salon, accountant, restaurant, bar, repair service, and similar uses. See also, Vehicle Servicing.

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## 5.1 – Definitions

**Right-Of-Way.** Real property or an interest in real property owned by a roadway authority for the purpose of constructing, operating, and maintaining public facilities.

**Roadway.** The portion of a right-of-way that is improved for motor vehicle and bicycle travel, subject to applicable state motor vehicle licensing requirements. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

**Road/Roadway Authority.** The City or other agency (e. g., Oregon Department of Transportation, City of [name], or [name] County) with jurisdiction over a road or street.

## S

**Schools (Land Use).** Public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level.

**Self-Service Storage.** Mini-storage or other storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.

**Setback / Setback Yard.** The minimum distance required between a specified object, such as a building, and another point, measured from lot lines to a specified object. Typically, a setback refers to the minimum distance (yard dimension) from a building to a specified property line.

**Shared Driveway.** A driveway used to access two or more parcels.

**Shared Parking.** Required parking facilities for two or more uses, structures, or lots or parcels, which are satisfied jointly with the same facilities. See Chapter 3.5.

**Sidewalk.** A paved walkway within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb[, *drainage facility (e.g., ditch or swale),*] or planter strip.

**Sight Distance.** The unobstructed viewing distance measured from one object or location to another object or location, usually required for the purpose of traffic safety (e.g., a length of street or highway that a driver can see with an acceptable level of clarity, pursuant to the standards of the applicable roadway authority).

**Sign.** Any outdoor device, or device visible from outdoors, providing identification, advertising, or directional information for a specific business, group of businesses, service, product, brand, person, organization, place or building. included in this definition of signs are: graphic devices such as logos and trademarks; attention-attracting objects such as wind-driven spinners, portable sign devices, logo sculptures, banners, balloons, streamers, strobe lights, flags, inflatable structures, projected picture signs, holographic projection signs, and laser projected designs/images/copy; and other attention attracting media and devices.

**Site.** For land divisions, property line adjustments, and lot consolidations, the site is the lots, lots of record, parcels, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

- If a proposed development includes multiple ownerships, then the site is the combined area of all contiguous ownerships.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

**Site Frontage.** The part of a site that abuts a street. See also, Block/Street Frontage.

**Spacing Standards.** The minimum distance required between a proposed street or driveway connection, as applicable, and the center of the nearest existing street or driveway connection on the same side of the highway in both directions, as set forth by the standards of the applicable roadway authority. Spacing standards for state highways are contained in OAR 734-051-4020.

**Street.** A right-of-way that is intended for motor vehicle, pedestrian, or bicycle travel; or for motor vehicle, bicycle, or pedestrian access to abutting property. For the purposes of this Code, street does not include alleys and rail rights-of-way that do not also allow for motor vehicle access, or freeways and their ramps.

**Street Connectivity.** Expressed as the number of street and/or access way connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

**Street-Facing / Oriented to Street.** A wall plane of a structure that faces or is oriented within 45 degrees or less from a street lot line.

**Street Stub.** A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

**Structure.** Except as provided by applicable building codes, any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, utility vaults, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

**Subdivision.** To divide land into four or more lots within a single calendar year. See also, Chapter 4.3 Land Divisions, and ORS 92.010.

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## 5.1 – Definitions

### T

**Through Street.** A street that connects to other streets at both ends or is planned to do so in the future, pursuant to a comprehensive plan, transportation system plan, access management plan, or land use approval.

**Topographical Constraint.** Where existing slopes, landforms (e.g., streams, canals, rock outcropping, etc.) or existing man-made feature (e.g., embankment or berm) make conformance with a Code standard impracticable.

**Tract.** A piece of land within a platted subdivision reserved for open space, utility corridor, recreation facilities, sensitive lands, or other purpose; may be dedicated to a homeowner’s association or other entity for maintenance.

**Traffic Impact Analysis.** A report prepared by a professional engineer that analyzes existing and future roadway conditions, and which may recommend transportation improvements and mitigation measures.

**Turnaround.** A vehicle maneuvering area at the end of a dead-end street (e.g., hammerhead, cul-de-sac, or other configuration) that allows for vehicles to turn around.

**Travel Trailer.** A vacation structure or self-propelled vehicle equipped with wheels for street or highway use; intended for human occupancy; equipped with plumbing, sink, or toilets; used for vacation and recreational purposes; and not used as a residence. See ORS 446.003(5), (24), and Recreational Vehicle.

### U

**Use (Land Use).** The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

**Utilities.** For the purposes of this Code, there are two types of utilities: 1) Private: telephone, electric, telecommunication, and similar franchise facilities; and 2) Public: water and wastewater conveyance and treatment facilities.

**Utilities (Land Use).** Utilities are infrastructure services, which need to be located in or near the area where the service is provided. Basic Utility uses may or may not have regular employees at the site. Services may be public or privately provided. Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; suspended cable transportation systems; public safety facilities; district heating and cooling systems; solar, wind, or geothermal power generation facilities that are not accessory to a primary use; and emergency communication broadcast facilities. Larger-scale utility facilities, and those that do not conform to the above definition (e.g., biomass power generation), may be classified as Industrial uses or “Other” uses (e.g., Utility Corridor) as applicable.

**V**

**Variance.** A City Council decision to lessen or otherwise modify the requirements of this Code. See Chapter 4.7.

**Vehicle Areas.** All of the areas on a site where vehicles may circulate or park, including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.

**Vehicle Repair.** Repair of passenger vehicles, trucks or other motor vehicles such as motorcycles, boats and recreational vehicles.

**Vehicle Servicing.** Gas stations, unattended card key stations, car washes, commercial vehicle maintenance and/or oil and lubrication services, and similar uses.

**Vision Clearance Area.** Areas near intersections of roadways and motor vehicle access points where a clear field of vision is required for traffic safety and to maintain adequate sight distance. See Chapter 3.3.

**W**

**Walkway.** A sidewalk or path, including any access way, improved to City standards, or to other roadway authority standards, as applicable. See also, Access Way, Pathway, and Sidewalk.

**Waste/Trash Collection Areas.** Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

**Waste-Related Use.** Waste-related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-related uses also include uses that receive, store, sort, and distribute post-consumer recyclable materials; and those that receive hazardous wastes from others and are subject to the regulations of OAR 340-100-110, Hazardous Waste Management.

**Warehouse, Freight Movement and Distribution.** The storage or movement of goods, except as accessory to a primary permitted use on the subject site.

**Wireless Communication Equipment.** Cellular towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

**X** [reserved]

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## 5.1 – Definitions

### Y

**Yard.** The area defined by setbacks (i.e., between the setback line and nearest property line).

**Z** [reserved]