ORDINANCE NO. 323

AN ORDINANCE ESTABLISHING COMPREHENSIVE PLANNING REGULATIONS FOR THE CITY OF AUMSVILLE, OREGON, ADOPTING AN OFFICIAL ZONING MAP FOR THE CITY OF AUMSVILLE, PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENTS, IN ACCORDANCE WITH ORS CHAPTER 227. REPEALING ORDINANCE 210 AND 211 IN THEIR ENTIRETY, AND STATING PENALTIES. IT IS FURTHER THE PURPOSE OF THIS ORDINANCE TO COORDINATE THE CITY REGULATIONS CONTROLLING THE DIVISION, DEVELOPMENT AND USE OF LAND AND TO IMPLEMENT THE COMPREHENSIVE PLAN.

The city of Aumsville ordains as follows:

Short Titles
Ordinance No. 323 may be referred to as the "Aumsville Development Ordinance" and is also referenced as the Development Ordinance.

Ordinance No. 324 may be referred to as the "Aumsville Comprehensive Plan" and is also referenced as the Comprehensive Plan.

[Title page amended by Ord. No. 437, sec. 1, passed March 12, 1997; Ord. No. 540, sec. 1, passed August 9, 2004]

Amended By:

Ordinance No. 326 passed July 28, 1986
Ordinance No. 343 passed November 7, 1987
Ordinance No. 385 passed July 8, 1991
Ordinance No. 395 passed January 11, 1993
Ordinance No. 396 passed January 11, 1993 [Repealed]
Ordinance No. 400 passed June 14, 1993 [Repealed]
Ordinance No. 407 passed May 9, 1994 [Repealed]
Ordinance No. 408 passed April 25, 1994
Ordinance No. 416 passed May 8, 1995
Ordinance No. 419 passed July 24, 1995
Ordinance No. 437 passed March 12, 1997
Ordinance No. 438 passed March 12, 1997
Ordinance No. 471 passed June 26, 2000
Ordinance No. 496 passed October 25, 2001
Ordinance No. 540 passed August 9, 2004
Ordinance No. 552 passed August 8, 2005
Ordinance No. 562 passed January 23, 2006
Ordinance No. 566 passed August 14, 2006
Ordinance No. 577 passed November 19, 2007
Ordinance No. 594 passed December 14, 2009
Ordinance No. 604 passed October 25, 2010
Ordinance No. 608 passed March 14, 2011
Ordinance No. 622 passed November 13, 2012
Ordinance No. 632 passed November 12, 2014
Ordinance No. 636 passed March 30, 2015
Ordinance No. 649 passed May 9, 2016
Ordinance No. 650 passed May 24, 2016

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[Table of Contents amended by Ord. No. 540, sec. 2, passed August 9, 2004; Ord. No. 552, passed August 8, 2005; Ord. No. 562, passed January 23, 2006; amended by Ord. No. 608, sec. 1, passed March 14, 2011]

SECTION 1.00

DEFINITIONS

1.00 Definitions

SECTION 1.00

Definitions

1.00 General. For the purpose of this ordinance, certain terms or words used in this ordinance shall be interpreted as follows:

The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word “shall’ is mandatory, the word “may” is permissive.

The word “used” or “occupied” include the words “intended, designed or arranged to be occupied".

The word "lot” includes the words “plot” and “parcel".

Abut: Contiguous to, for example, two lots with a common property line. However, "abut” does not apply to buildings, uses or properties separated by public rights-of-way.

Access: The place, means or way by which pedestrians or vehicles shall have ingress and/or egress to a property or parking space.

Accessory Structure: A structure, incidental and subordinate to the primary use or structure, built or used for the shelter or enclosure of persons, animals, chattels, or property of any kind.

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.

Administrative Official. The city administrator is designated by the Council as the Administrative Official to administer and enforce this ordinance. The city administrator may designate others to provide assistance.

Alteration, Structural: Any change or repair which would affect or materially change a supporting member of a building, such as a bearing wall, column, beam, or girder.

Basement/Cellar: That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. If such portion of a building is not a basement, then it shall be considered a story. (See 1.57, Story, see also Illustrations.)

Block: An area of land containing one or more lots or parcels surrounded by streets, railroad rights-of -way, unsubdivided acreage or combination thereof.

Buildable Area: The portion of a lot remaining after the required yards have been provided.

Child Day Care Home: The home of a child care provider of 12 or fewer children. For state of Oregon requirements contact the Children’s Services Division.

Child Day Care Center: A facility which provides child care, pre-school, or kindergarten for 13 or more children.

Club: An organization, group, or association supported by the members, the purpose of which is to render a service primarily 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.

Commission: The city of Aumsville Planning Commission.

Council: The city of Aumsville City Council.

Covenant: A written agreement or promise under seal between two or more parties especially for the performance of some action.

Criteria: A general rule or test on which a judgment or decision can be based.

Cul-de-sac: A short street which has one end open to traffic and being terminated by a vehicle turn-around.

Density: The number of living units per acre of land.

Development: Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of a building or other structures, land division, establishment or termination of a right to access, storage on the land, drilling and site alteration such as that due to land surface mining, dredging, paving, excavation or clearing.

Development Permit: A permit issued by the city for a particular development which is in compliance with this ordinance and the Comprehensive PIan.

Development Plan: Any plan adopted by the commission for the guidance of growth and improvement of the city. The Commission may make adjustments in any such plan from time to time to meet unanticipated problems and conditions affecting the public and land owners.

Development Site: A tract of land either unsubdivided or consisting of two or more contiguous lots of record which on the effective date of this ordinance or subsequently, came under single or common ownership and continued to be so owned at the time a development permit was applied for.

Dwelling: A building or part thereof designed for, used for residential occupancy, and containing one or more dwelling units.

Dwelling, Multiple-Family: A residential building or group of buildings on a single lot designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling, Single-Family: A detached residential dwelling unit designed for and occupied by one family only.

Dwelling, Single-Family Attached: A residential dwelling unit designed for and occupied by one family only which is attached by a common wall at the lot line to a similar unit on a separate lot.

Dwelling, Duplex, or Two Family: A detached residential building containing two dwelling units.

Dwelling Unit: One or more rooms constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease; and physically separated from any other room or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Easement: A record interest in land owned by another that entitles its holder to a specified limited use.

Family**:** An individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) not related by blood or marriage, living together in a dwelling unit. Family shall include two or more handicapped persons as defined in the Fair Housing Amendments Act of 1988 living as a single housekeeping unit. (According to the Act "handicapped" means: with respect to a person; (1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance, as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

Floodway: The normal stream channel and that adjoining area of the natural flood plain needed to convey the waters of a regional flood while causing less than 1 foot increase in upstream flood elevations.

Floodway Fringe: The area of the flood plain lying outside of the floodway.

Flood Plain: The area adjoining a stream that is subject to inundation by a regional flood.

Garage, Private: A detached accessory building or portion of a dwelling for the parking or temporary storage of resident vehicles or supplies and in which no business, occupation, or service is provided for or is in any way conducted except as permitted by an approved home occupation.

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

Group Care Facility: A private institution maintained and operated for the care, boarding and training of sixteen or more persons who require special care, but does not include correctional homes, detention facilities, or residential homes.

Height of Building: The vertical distance from the finished grade to the highest point of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof. (See illustrations).

Home Occupations: An occupation, profession, craft or hobby, which is customarily incidental to or carried on in a dwelling place or premises and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on, and which occupation is carried on by an immediate member of the family residing within the dwelling place; provided, however, there shall be no structural alterations or changes in the dwelling or on the premises which can be seen from the exterior of the dwelling. Any instruction shall be limited to one pupil at a time. Noise, odor, smoke, gases, fall out, vibration, heat, or glare resulting from the use shall not be of the intensity as to be detected outside of the containing structure. Home occupation activities include but are not limited to: dressmaking, lawyer, notary public, public accountant, artist, writer, teacher, musician, home office of a physician, dentist or other practitioner of any of the healing arts, or practices of any art or craft of a nature to be conveniently, unobtrusively, and inoffensively pursued in a family dwelling.

Kennel: Any lot or premises on which four or more dogs and/or cats over the age of four months are kept for sale, lease, boarding or racing.

Land Divisions: The creation of a lot or parcel of land through the process of subdividing or partitioning land or through the leasing of land for more than three years, or less than three years if the lease may be renewed under the terms of the lease for a total period of more than three years; or through the sale of interest in a condominium as that term is defined in ORS Chapter 91; or through the sale of any security interest under a land sales contract, trust deed or mortgage.

Landscaping or Landscaped Area: lawn, ground cover plants, shrubs, annuals, perennials and trees, or desirable native vegetation. It includes landscape elements including 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. It also includes irrigation systems, mulches, decorative rock ground cover, topsoil, and re-vegetation or the preservation, protection and replacement of trees.

Loading/Unloading Space: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lot: A parcel of land occupied, or to be occupied, by a building or unit group of buildings, and its accessory buildings, together with such yards or open spaces as are required by this ordinance, and having a frontage on an improved public or private street.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under Yards in this section.

Lot Lines: (See Illustrations)

Front: The line separating the lot from the street and/or city right of way. Where no street separations exists, it is the lot line which the architecturally designed front of the building faces; and in the case of a corner lot, a line separating the lot from the street on which the improvements or contemplated improvements will face. In the case of a flag lot, the line running parallel to the access road shall be considered the front yard line and shall be used to calculate front yard setback requirements.

Rear: A lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, the rear lot line, for building purposes, shall be assumed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

Side: Any lot line which is not a front or rear lot line. Interior side lot lines separate lots. Exterior side lot lines separate a lot from the right of way.

Lot Measurement: (See Illustrations)

Lot Area: The total area measured on a horizontal plane within the lines of a lot.

Lot Depth: The horizontal distance between the front line and the rear lot line measured at a point halfway between the side lot lines.

Lot width: The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Lot Types: (See Illustrations)

Corner Lot: Any lot located at the intersection of two or more streets.

Interior Lot: A lot other than a corner lot. Through lots abutting two streets may be referred to as double frontage lots.

Lot of Record: A lot which is part of a subdivision or a lot or parcel described by metes and bounds, which has been recorded in the office of the County Clerk.

Magazine Parking: a physical situation where two or more parking spots abut at the ends of the parking spots such that a vehicle parked in one spot cannot move unless a vehicle parked in the other spot moves out of the way.

Major Partition: A partitioning of property into 2 or three 3 parcels in a calendar year including the creation of a road or street.

Manufactured Dwelling:

(A) A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and, was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), in effect after June 15, 1976.

(B) Manufactured Home:

1. For any purpose other than that set forth in subparagraph (2) of this paragraph, “manufactured home” means 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 (HUD code) in effect after June 15, 1976; or
2. For purposes of implementing any contract pertaining to manufactured homes between the city and the federal government, “manufactured home” has the meaning given the term in this contract.

"Manufactured dwelling” does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 and 455.450 or any unit identified as a recreational vehicle by the manufacturer.

Manufactured Home Park: Any place where four or more manufactured homes or occupied recreational vehicles 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 manufactured homes, occupied recreational vehicles, or manufactured home space or keep the same for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. Residential dwellings and manufactured home spaces in a manufactured home park must be rented for a minimum time period of one month. A person shall not construct a new manufactured home park or add lots to an existing manufactured home park without approval by the Department of Commerce. Manufactured home park does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured home per lot if the subdivision was approved pursuant to Section 20.

Marijuana Processor: Facility for processing, compounding, or converting marijuana into products, concentrates, or extracts that is registered by the Oregon Health Authority or licensed by the Oregon Liquor Control Commission.

Marijuana Producer: Facility for planting, cultivating, growing, trimming, harvesting, or drying of marijuana provided that the marijuana producer is registered by the Oregon Health Authority to produce marijuana for use by a registry identification cardholder or licensed by the Oregon Liquor Control Commission.

Marijuana-Related Use(s): Marijuana Processor, Marijuana Producer, Marijuana Retailer, Marijuana Testing Laboratory, and Marijuana Wholesaler.

Marijuana Testing Laboratory: Facility for testing of marijuana items that is licensed by the Oregon Liquor Control Commission.

Marijuana Retailer: Facility for sale of marijuana items to a consumer that is licensed by the Oregon Liquor Control Commission. Also, location of a medical marijuana dispensary that is registered by the Oregon Health Authority.

Marijuana Wholesaler: Facility for resale of marijuana items to a person other than a consumer that is licensed by the Oregon Liquor Control Commission.

Medical Clinic: A building where one or more healthcare providers licensed by the State of Oregon provide medical care. Further, there will be a licensed healthcare professional on duty (on premise) during all hours open to patients/clients. All medical care shall be in compliance with all local, state and federal laws/regulations. A properly licensed professional includes: MD, DD, DC, DO, NP, ND, Acupuncturist, LMT, or other licensed health care professional.

Minor Partition: A partitioning of property into 2 or 3 parcels in a calendar year that does not include the creation of a road or street.

Mobile Food Vendor means any trailer, vehicle, wagon, cart, stand, or other similar mobile or temporary device or structure which is used for the purpose of preparing, processing, or converting food for immediate consumption as a drive-in, drive-through, curb, or walk-up service. Mobile Food Vendor also means the site occupied by a mobile food vendor if a mobile food vendor occupies the site daily for more than 72 hours even if the mobile device or structure does not occupy the site 24 hours per day. Specific types of Mobile Food Vendors are defined as follows:

- Food Stands - in a location and operating for a limited duration. Examples include a hot dog stand that operates on a street during the lunch hour or a lemonade stand in a neighborhood. Maximum size is 48 square feet. Customer access is walk up only.

- Food Carts - in a location and operating for a limited duration. Includes both mobile carts, and also temporary stands with a maximum size of 100 square feet. Examples include a food stand erected for an event, such as a food stand put up and operated for the duration of the Harvest Festival. Customer access is walk up only.

- Food Trucks/Trailers - in which food is prepared and from which food is served. Food Trailers and Trucks park generally in parking lots and may move from the business site daily, or may locate in the same site for several weeks at a time. Maximum size is 200

square feet. There is no indoor seating. Customer access can be walk up or drive-up window.

- Food Kiosks - located on a site in a long-term or permanent manner such as a drive-up coffee stand. These may be structures or trailers. There is no kitchen or indoor seating. Customer access can be walk up or drive-up window.

Modification, Major: The Administrative Official shall determine that a major modification is required if one or more of the changes listed below are proposed:

(A) A change in land use;
(B) An increase in the number of dwelling units;
(C) An increase in the floor area proposed for nonresidential use by more than 25% where previously specified;
(D) A reduction of more than 30% of the area reserved as open space;
(E) A reduction to specified setback requirements by more than 25%, or to a degree that the minimum setback standards of the land use zone cannot be met; or
(F) Changes similar to those listed, which are likely to have an adverse impact on adjoining properties.

Modification, Minor: Any modification to a land use decision or approval site plan which is not within the description of a major modification as defined above, shall be considered a minor modification.

Modular Home: Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

Non-Conforming:

Structure: Any structure lawfully placed prior to the effective date of this ordinance but fails to comply strictly with these newly adopted requirements.

Lot: A parcel of land legally created as a lot prior to the effective date of this ordinance but does not conform to the lot size, area, or dimensions for the zone in which it is now located.

Use: Any lawfully existing use established prior to the adoption of this ordinance but fails to comply with adopted permitted uses.

Owner: The owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel of property under written contract.

Parking Area, Public: An open area , building or structure, other than a street or alley used for the parking of automobiles, and other motor vehicles, but not to include trucks, and available for use by the public or by persons patronizing a particular building or establishment.

Plat: The map, drawing or chart on which the plan of subdivision or partition is presented and which is submitted for approval and which in final form would be recorded.

Public Need: A conclusion based on the presentation of factual evidence which demonstrates that a particular request for a change is in the best interest of the public, for social, economic and environmental reasons.

Recreational Vehicle: 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 specifically includes camping trailers, camping vehicles, motor homes, recreational park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers, combination vehicles which include a recreational vehicle use, and any vehicle converted for use or partial use as a recreational vehicle. Recreational Vehicles contain eating and sleeping facilities and are equipped with one or more of the following:

(A) Holding tank(s);
(B) Liquid petroleum gas; or
(C) A 110 to 240 volt electrical systems.

Regional Flood: Inundation during periods of higher than normal stream flows, high tides, or combination thereof, that has a one percent chance of occurrence in any single year (100 Year Flood).

Reserve Strip: A strip of land, usually one foot in width, reserved across the end of a street and terminating at the boundary of a subdivision or a strip of land between a dedicated street of less than full width and adjacent acreage, in either case reserved or held for future street extension and widening.

Residential Facility: A private institution providing care, treatment, training for six to fifteen individuals who need not be related, but does not include correctional homes, detention facilities, or residential homes.

Residential Home: Means a residence for 5 or fewer unrelated physically, mentally handicapped persons and for staff persons in addition to residents who need not be related to each other or to any other home resident.

Right-of-Way: The area between boundary lines of a street or other easement.

Setback: The distance between a structure foundation and a lot line. Setback distance shall be measured perpendicular to all portions of a lot line.

Signs: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way. Sign does not include house numbers. For purposes of Section 19.00 et seq., the following definitions apply:

Building Frontage: for the purpose of determining allowable sign area in a commercial district, the building frontage is the full width of the building wall where the primary customer entrance is located. This is generally facing the public street, but may face an internal parking lot. If there is more than one major customer entrance with entrances on differing frontages, only the single longest frontage is used to determine allowable sign area.

Canopy Sign: A sign hanging from a canopy or eave, at any angle relative to the adjacent wall, the lowest portion of which is at least 8 feet above the underlying grade.

Flashing Sign: A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.

Figure 1 - Free Standing Sign

Free-Standing Sign: A sign supported by one or more uprights, poles, or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign and may include a free-standing monument sign.

Graffiti: Markings, such as initials, slogans, or drawings, written, spray-painted, or sketched on a sidewalk, wall of a building, or public restroom, or the like.

Incidental Signs: A sign, not temporary, which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, A-frame or sandwich board signs, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed.

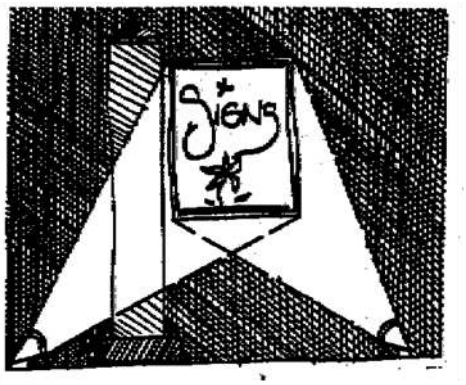

Figure 2 - Indirect Illumination

Indirect Illumination: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign.

Integrated Shopping Center – a unified complex with three or more commercial establishments occupying three or more distinct spaces in a single building or three or more freestanding buildings on a single property or on separate properties but with the business frontages all facing a common parking area.

Message Sign: A sign which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature.

Monument Sign: A square or rectangular sign that sits directly on the ground without pole or uprights. It may advertise one or more businesses.

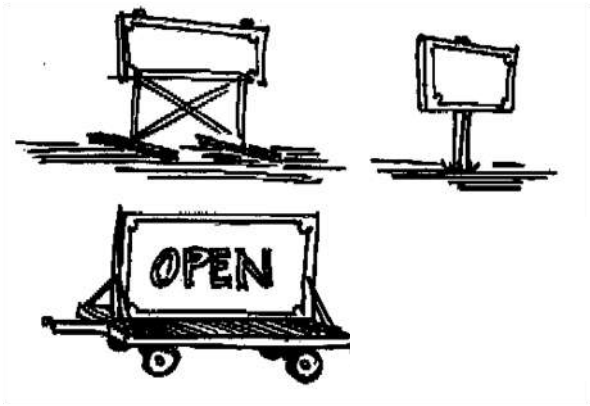

Figure 3 - Portable Signs

Off-Site Sign: A sign which advertises goods, products, businesses, services, or facilities which are not sold, manufactured, or distributed on or from the property or facilities on which the sign is located, and which is supported by a substantial permanent sign structure with a display surface or display surfaces designated primarily for the purpose of painting or posting a message thereon at periodic intervals.

Portable Sign: Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs primarily include, but are not

limited to, signs attached to wood or metal frames and designed to be self-supporting and movable, and also including trailer reader boards. Portable signs are not to be considered temporary signs as defined and used in this ordinance.

Figure 4 – Projecting Sign

Projecting Sign: A sign the face of which is not parallel to the wall on which it is mounted, projecting more than 12 inches from a structure.

Roof Sign: A sign or any portion of which is displayed above the highest point of the roof, whether or not such a sign also is a wall sign.

Figure 5 - Roof signs

Sign Alteration or Altered: Any change in the size, shape, method or illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration.

Sign Area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet, the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or the triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only 1/2 the total area of all sign faces.

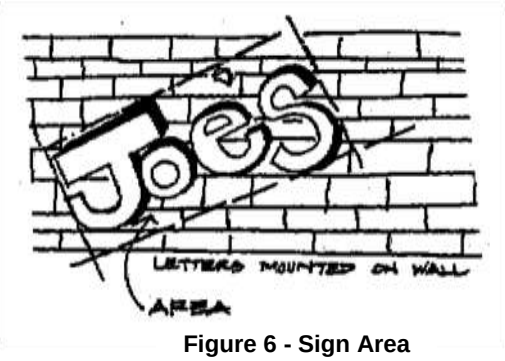

Figure 6 - Sign Area

Temporary Sign: A sign, or signs not permanently affixed to a structure on a property which is visible for not more than 90 days in any 365-day period and is changed not more than every 90 days. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support. No temporary sign shall be erected or maintained which, by reason of its size, location, or construction constitutes a hazard to the public.

Figure 7 - Temporary Sign

Wall Sign: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than 12 inches. A sign painted on an awning in which the face of the sign is approximately parallel to and within 3.5 feet of the wall shall also be considered a wall sign.

Figure 8 – Wall Sign

Story: That portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar or unused under-floor space shall be considered a story. (See Definitions, Basement/Cellar. See also Illustrations).

Street: A public road; or right-of-way dedicated, deeded or condemned, other than an alley; which affords the principal means of access to abutting property, including avenue, place, way, drive, land, boulevard, highway, road and other thoroughfare. The word “street” shall include all arterial highways, freeways, traffic collector streets, road systems, and local streets.

Structure: Anything constructed or built, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivision of Land: The division of a parcel of land into 4 or more lots or parcels of less than 5 acres, each for the purpose of transfer of interest or ownership, whether immediate or future, when such parcel exists as a unit of contiguous units under a single ownership as shown on the tax roll for the year preceding the division.

Substantial Conformance: When a final plat meets all the conditions of a preliminary plat and no characteristic that met City standards in the approved preliminary plan is varied to the extent that a City standard is no longer met. The final plat also has no more lots than approved in the preliminary plan; streets are generally in the same number, location, and alignment as approved in the preliminary plan; and open spaces are generally in the same location and of the same size as was in the approved preliminary plan.

Trailers, Travel or Vacation: A vehicle equipped with wheels for highway use that is intended for occupancy which is not being used for residential purposes and is being used for vacation and recreation purposes. For the purposes of this ordinance, a travel trailer shall not be considered as a mobile home.

Vehicle: A unit designed and built to transport people or objects from one place to another.

Wrecking or Junk Yard: A lot used for the storage or sale of used automobile parts or for the storage, dismantling, or abandonment of junk, obsolete automobiles, trailers, trucks, machinery, or parts.

Yard: Any open space, which is required, created or is maintained on a lot.

Yard, Front: The yard extending across the full width of the lot, between the front property line and the nearest point of the primary building on the same lot.

Yard, Side: The yard between the primary building and the side lot line extending from the front yard to the rear property line.

Yard, Rear: The yard extending across the full width of the lot, between the rear property line and the nearest point of the primary building on the same lot.

[Section 1, amended by Ord. No. 343, passed November 17, 1987; Ord. No. 385, secs. 1-8, passed July 8, 1991; Ord. No. 408, sec. 1, passed April 25, 1994 and Ord. No. 471, sec. 1 & 2, passed June 26, 2000; Ord. No. 496, sec. 1, passed October 25, 2001; Ord. No. 540, sec. 3, passed August 9, 2004; Ord. No. 552, sec. 2, passed August 8, 2005; Ord. No. 594, sec. 2, passed December 14, 2009, October 25, 2010; amended by Ord. No. 622, sec. 1, passed November 13, 2012; Ord. No. 632, sec. 1, passed November 10, 2014; Ord. No. 636, sec. 1, passed March 30, 2015; Ord. No. 649, sec. 1, passed May 9, 2016; Ord. No. 650, sec. 1, passed May 24, 2016]

SECTION 2.00

ESTABLISHMENT OF ZONES: PROVISIONS FOR OFFICIAL ZONING MAP

2.01 Official Zoning Map
2.02 Official Zoning Map Changes
2.03 Official Zoning Map Copies
2.04 Replacement of Official Zoning Map

SECTION 2.00

Establishment of Zones: Provisions for Official Zoning Map

2.01 Official Zoning Map: The city of Aumsville is hereby divided into zones as shown on the Official Zoning Map which together with all explanatory matter, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map of the city of Aumsville shall be identified by the signature of the Mayor, attested by the Administrative Official, and bearing the seal of the city under the following words: "THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP REFERRED TO IN SECTION 2.00 OF ORDINANCE NUMBER 323 OF THE CITY OF AUMSVILLE, OREGON" together with the date of the adoption of this ordinance.
[Section 2.01 amended by Ord. No. 540, sec. 4, passed August 9, 2004]

2.02 Official Zoning Map Changes: If, in accordance with the provisions of this ordinance, changes are made in zone boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Council, with an entry on the Official Zoning Map, as follows: "ON (date), BY OFFICIAL ACTION OF THE CITY COUNCIL, THE FOLLOWING CHANGES WERE MADE IN THE OFFICIAL ZONING MAP: (cite nature of change)," which entry shall be signed by the Mayor and attested by the city administrator.
[Section 2.02 amended by Ord. No. 437, sec. 2, passed March 12, 1997; Ord. No. 508, passed July 18, 2002; Ord. No. 509, passed August 12, 2002; Ord. No. 510, passed September 9, 2002; Ord. No. 540, sec. 4, passed August 9, 2004]

2.03 Official Zoning Map Copies: Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in city hall, shall be in the final authority as to the current zoning of land and water areas, buildings, and other structures in the city.
[Section 2.03 amended by Ord. No. 540, sec. 4, passed August 9, 2004]

2.04 Replacement of Official Zoning Map: In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendments.

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendments. [Section 2.04 amended by Ord. No. 540, sec. 4, passed August 9, 2004]

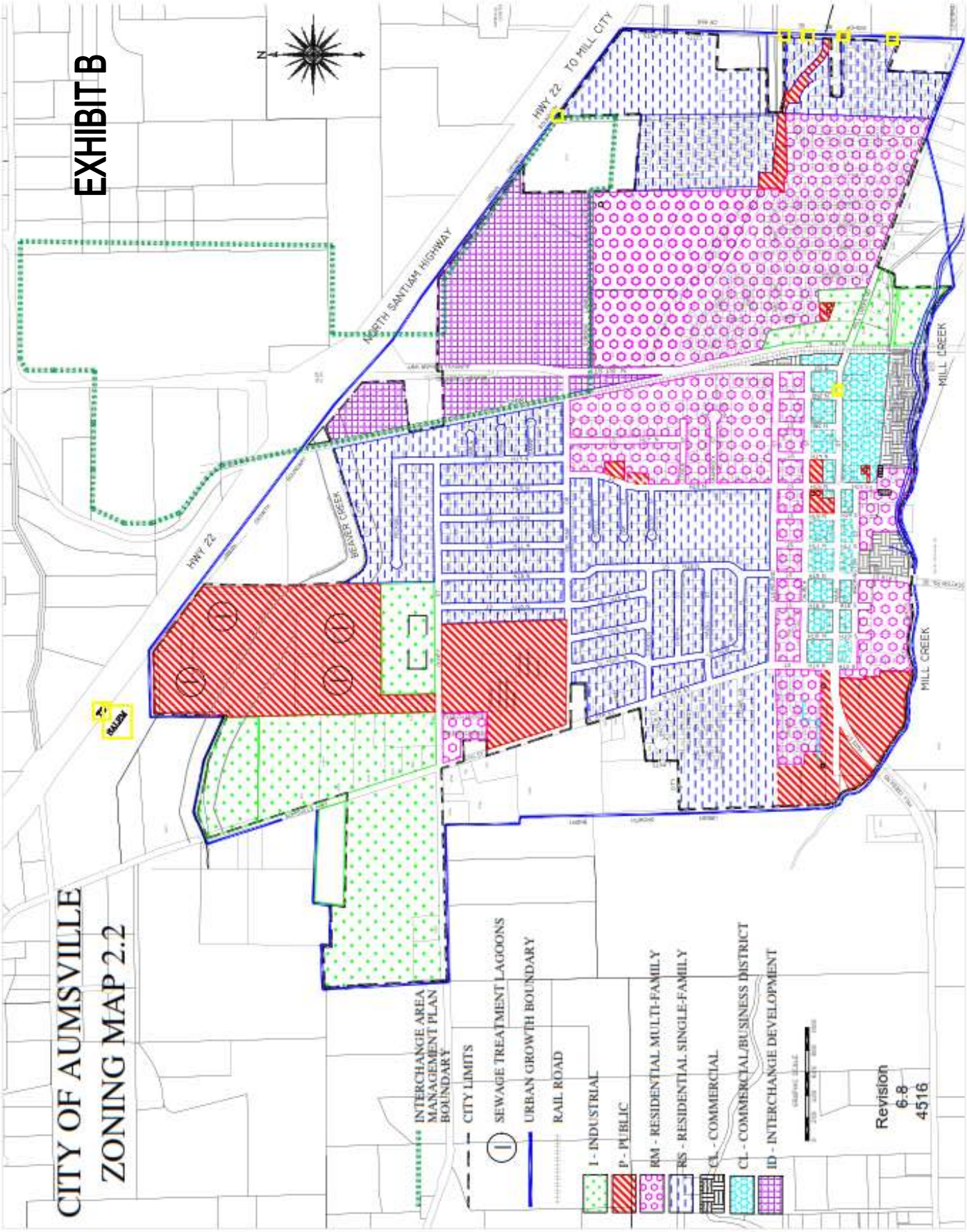
EXHIBIT B
CITY OF AUMSVILLE
ZONING MAP 2.2
HWY 22
NORTH SANTIAM HIGHWAY
HWY 22 TO MILL CITY
BEAVER CREEK
MILL CREEK
MILL CREEK
SALEM
INTERCHANGE AREA MANAGEMENT PLAN BOUNDARY
CITY LIMITS
SEWAGE TREATMENT LAGOONS
URBAN GROWTH BOUNDARY
RAIL ROAD
I - INDUSTRIAL
P - PUBLIC
RM - RESIDENTIAL MULTI-FAMILY
RS - RESIDENTIAL SINGLE-FAMILY
CL - COMMERCIAL
CL - COMMERCIAL/BUSINESS DISTRICT
ID - INTERCHANGE DEVELOPMENT
Revision
6-8
4516

SECTION 3.00

RULES FOR INTERPRETATION OF ZONE BOUNDARIES

3.01 Rules

SECTION 3.00

Rules for Interpretation of Zone Boundaries

3.01 Rules: Where uncertainty exists as to the boundaries of zones as shown on the Official Zoning Map, the following rules shall apply:

(A) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

(B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(C) Boundaries indicated as approximately following city limits shall be construed as following such city limits.

(D) Boundaries indicated as following railroad lines shall be construed to be midway between the train tracks.

(E) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

(F) Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

(G) The Commission shall interpret the zoning boundaries.

(H) Where a zone boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Commission may adjust the line without resorting to a rezone procedure.

[Section 3.01 amended by Ord. No. 540, sec. 5, passed August 9, 2004]

SECTION 4.00

APPLICATION OF ZONING REGULATIONS

4.01 Purpose and Intent
4.02 Minimum Requirements
4.03 Maintenance of Ordinance Requirements
4.04 Effects on Other Requirements
4.05 Establishment of Major Zoning Districts
4.06 Overlay Districts
4.07 Access
4.08 Conformance and Permits Required
4.09 Authorization or Similar Uses
4.10 Non-Conforming Uses
4.11 Non-Conforming Building
4.12 Non-Conforming Lot

[Amended by Ord. No. 632, sec. 2, passed November 10, Ord. No. 636, sec. 2, passed March 30, 2015]

SECTION 4.00

Application of Zoning Regulations

4.01 Purpose and Intent: The purpose of this ordinance is to implement the City of Aumsville Comprehensive Plan, as acknowledged by the Land Conservation and Development Commission on May 3, 1979, through the coordination of the regulations governing the use and development of land; and, it is further the intent that all use and development of land within the city of Aumsville be consistent with the adopted Comprehensive Plan and with all other applicable county, state and federal regulations.
[Section 4.01 amended by Ord. No. 540, sec. 6, passed August 9, 2004]

4.02 Minimum Requirements: In interpreting and applying the provisions of this ordinance within each zone, the provisions shall be minimum requirements and shall apply uniformly to each class or kind of structure or land.

4.03 Maintenance of Ordinance Requirements: No lot area, yard, or other open space, required off-street parking or loading area or other site condition existing on or after the effective date of this ordinance shall be reduced in area, dimension or size below the minimum required by this ordinance, nor shall any site condition which is required by this ordinance for one development be used to meet a requirement for any other development, except as authorized.

4.04 Effects on Other Requirements: This ordinance shall not repeal, impair or modify private covenants or other public laws, except that it shall apply whenever it imposes stricter regulations.

4.05 Establishment of Major Zoning Districts: All lands within the city of Aumsville is within one of the zoning districts as set forth in this ordinance and shown on the Official Zoning Map. Abbreviated notations of the district has the same meaning as the entire classification title.

4.06 Overlay Districts:
(A) Overlay districts may be combined with any major zoning district.
(B) The requirements of an overlay district apply in addition to the major zoning district.
(C) Conflicts of regulations and standards are resolved to the more restrictive requirements.

4.07 Access: Every dwelling and every main building other than a dwelling on a lot with less than 30 feet of public street frontage shall have direct vehicular access to a public street or approved private street. Provisions related to access spacing standards between streets and/or driveways is provided in Section 22.13 Supplementary Zone regulations, Access Spacing Standards.
[Section 4.07 amended by Ord. No. 540, sec. 6, passed August 9, 2004; amended by Ord. No. 608, sec. 3, passed March 14, 2011]

4.08 Conformance and Permits Required: No new building structure or manufactured home shall be used or occupied; and no building or part shall be erected, constructed, moved, altered, or enlarged unless in conformity with all the regulations specified for the zone in which it is located, and then only after applying for, securing and complying with all permits, agreements, licenses and paying the fees required by all laws and this ordinance. The granting of a permit by the city shall not constitute a representation,

guarantee or warranty of the suitability of lands, practicability or safety of any structure, use or other plan proposed.
[Section 4.08 amended by Ord. No. 496, sec. 2, passed October 25, 2001]

4.09 Authorization or Similar Uses: The Commission may permit in a zone, a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another district.
[Section 4.09 amended by Ord. No. 540, sec. 6, passed August 9, 2004]

~~4.10 Abatement and Penalty:~~
[Section 4.10 amended by Ord. No. 437, sec. 3, passed March 12, 1997; Ord. No. 496, sec. 3, passed October 25, 2001; Ord. No. 540, sec. 6, passed August 9, 2004; Ord. No. 594, sec. 3, passed December 14, 2009; deleted and remaining sections renumbered by Ord. No. 632, sec. 2, passed November 10, 2014]

4.10 Non-Conforming Uses: A non-conforming use may be continued, but not replaced by another non-conforming use. A non-conforming use, if discontinued for a period of six months, may not be resumed.
[Section 4.11 (sic) amended by Ord. No. 437, sec. 4, passed March 12, 1997; Ord. No. 540, sec. 6, passed August 9, 2004; Amended and renumbered by Ord. No. 632, sec. 2 & 3, passed November 10, 2014; Ord. No. 650, sec. 2, passed May 24, 2016]

4.11 Non-Conforming Building: A non-conforming building may be structurally altered, repaired or enlarged provided such alterations, repairs or enlargements conforms to all applicable building code requirements. A non-conforming building damaged or destroyed by fire, flood, wind or other acts of God may be restored if such restoration conforms to all applicable building code requirements.
[Section 4.12 (sic) amended by Ord. No. 540, sec. 6, passed August 9, 2004; renumbered by Ord. No. 632, sec. 2, passed November 10, 2014]

4.12 Non-Conforming Lot: If, at the time of adoption of these standards, a lot, or the aggregate of contiguous lots or parcels held in a single ownership, has an area or dimension which does not meet size requirements, the lot or aggregate holdings may be developed subject to all other requirements, and providing, if there is an area deficiency, residential use shall be limited to a single-family residence.
Section 4.13 (sic) renumbered by Ord. No. 632, sec. 2, passed November 10, 2014

4.14 [Section 4.14 amended by Ord. No. 540, sec. 6, passed August 9, 2004; repealed by Ord. 594, sec. 4, passed December 14, 2009]

4.15 [Section 4.15 repealed by Ord. No. 496, sec. 4, passed October 25, 2001]

SECTION 5.00

RS – RESIDENTIAL SINGLE-FAMILY

Purpose: The single-family residential zone is intended to preserve and protect the development of residential uses that are exclusively owner occupied; single lot development that enhances the livability of the city. It is further intended and recognized that certain accessory uses and activities will be permitted and that there are compatible and necessary uses to be permitted only through a public hearing process that will insure their acceptability by the public.

5.01 Uses Permitted Outright

5.02 Accessory Uses and Structures

5.03 Conditional Uses

5.04 Minimum Lot Area

5.05 Minimum Lot Width

5.06 Maximum Lot Coverage

5.07 Minimum Setbacks

5.08 Maximum Height of Structure

5.09 [Repealed]

5.10 Parking

5.11 General Requirements

[Amended by Ord. No. 471, sec. 5, passed June 26, 2000; Ord. No. 650, sec. 3, passed May 24, 2016]

SECTION 5.00

RS – Residential Single-Family

5.01 Uses Permitted Outright:
(A) Single-family dwellings;
(B) Public right-of-way;
(C) Home occupations;
(D) Child day care home;
(E) Residential home;
(F) Manufactured home;
(G) Food Stand, Food Cart, Food Van/Trailer, or Food Kiosk (Must meet all city requirements and regulations. See also Section 22.17 Food Vendor Classifications and Vendors).
[Section 5.01 amended by Ord. No. 385, sec. 9, passed July 8, 1991; Ord. No. 408, sec. 2, passed April 25, 1994; Ord. No. 540, sec. 7, passed August 9, 2004; Ord. No. 632, sec. 4, passed November 10, 2014]

5.02 Accessory Uses and Structures, subject to Section 22.04, including:
(A) Garages and carports;
(B) Garden;
(C) Fences;
(D) Home occupations;
(E) Greenhouses, hot houses;
(F) Utility buildings.
[Section 5.02 amended by Ord. No. 471, Sec. 3, passed June 26, 2000; Ord. No. 540, sec. 7, passed August 9, 2004; Ord. No. 594, sec. 5, passed December 14, 2009, Ord. No. 604 passed October 25, 2010 Ord. No. 632, sec. 5, passed November 10, 2014; Ord. No. 650, sec. 4, passed May 24, 2016]

5.03 Conditional Uses:
(A) Parks and playgrounds;
(B) Schools;
(C) Private swimming pool;
(D) Public and semi-public uses and structures;
(E) Child day care center;
(F) House of worship;
(G) Residential facility;
(H) Group care facility;
(I) Other similar developments that the city may find to be similar to those listed as permitted in this zone and which are not inconsistent with its purpose.
[Section 5.03 amended by Ord. No. 385, sec. 10, passed July 8, 1991; Ord. No. 540, sec. 7, passed August 9, 2004; Ord. No. 594, sec. 6, passed December 14, 2009]

5.04 Minimum Lot Area:
(A) 7,000 square feet.
(B) Group care facilities; 8,000 square feet plus 500 square feet for each patient over 4.
[Section 5.04 amended by Ord. No. 540, sec. 7, passed August 9, 2004; Ord. No. 594, sec. 7, passed December 14, 2009]

5.05 Minimum Lot Width:
(A) 70 feet.

[Section 5.05 amended by Ord. No. 540, sec. 7, passed August 9, 2004]

5.06 Maximum Lot Coverage:

(A) 45 percent, all principal and accessory structures.

[Section 5.06 amended by Ord. No. 540, sec. 7, passed August 9, 2004]

5.07 Minimum Setbacks:

(A) Front: 20 feet
(B) Side, Interior: 5 feet – one story; 8 feet – two stories
(C) Side, Adjacent to Street: 20 feet
(D) Rear: 5 feet – one story; 8 feet – two stories

[Section 5.07 amended by Ord. No. 437, sec. 5, passed March 12, 1997; Ord. No. 540, sec. 7, passed August 9, 2004; Ord. No. 552, sec. 3, passed August 8, 2005; Ord. No. 594, sec. 8, passed December 14, 2009; Ord. No. 650, sec. 4, passed May 24, 2016]

5.08 Maximum Height of Structure:

(A) 35 feet or 2 ½ stories for approved public and semi-public uses.

[Section 5.08 amended by Ord. No. 540, sec. 7, passed August 9, 2004]

5.09 Signs: [Section 5.09 amended by Ord. No. 400, sec. 1, passed June 14, 1993; Ord. No. 437, sec. 6, passed March 12, 1997 and repealed by Ord. No. 471, sec. 4, passed June 26, 2000]

5.10 Parking:

(A) A minimum of 2 off-street parking spaces are required for each single-family residence;
(B) Public and semi-public uses requiring off-street parking shall be determined by the Commission based upon the requirements of Section 18.00, Off-Street Parking, and Loading, of this ordinance.

[Section 5.10 amended by Ord. No. 540, sec. 7, passed August 9, 2004]

5.11 General Requirements: Single-family dwellings and manufactured homes shall meet the following requirements:

(A) It is required that the owner of the property and of the dwelling be the same person(s).
(B) Dwellings shall have a pitched roof with a slope of not less than 3/12 (i.e. a vertical rise of 3 inches for every 12 inches of horizontal run/span).
(C) Dwellings shall utilize at least two of the following design features to provide visual relief along the front of the home:

1. Dormers
2. Roof gables (excluding dormer gables) with a minimum 18" projection
3. Recessed entries
4. Covered porches entry with same roofing as home
5. Pillar or posts at front entry
6. Bay or Bow windows
7. Eaves (minimum 18" projection)
8. Off sets on building face or roof (minimum 16")

(D) External systems for heating and cooling shall be installed only at ground level, and not within the required front yard.
(E) All hitches, travel light/clearance lights, wheels, axles are to be removed from the exterior of dwellings.
(F) A manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.

(G) A manufactured home shall be placed on an excavated, prepared level site and supported on a continuous concrete footing. After setting and blocking, the home shall be enclosed at the entire perimeter with a standard finish concrete block set on the continuous concrete footing. After backfilling as required, the bottom of the home shall be no more than 12" above the surrounding finished grade. All foundation, blocking, pier and footing requirements in addition to those outlined in this paragraph shall conform to Marion County Building Code requirements.

(H) A manufactured home 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 façade or roof;
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 Aumsville Planning Commission through a Type II procedure.

(I) A manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

[Section 5.11 added by Ord. No. 408, sec. 4, passed April 25, 1994 and amended by Ord. No. 471, sec. 5, passed June 26, 2000; Ord. No. 540, sec. 7, passed August 9, 2004; Ord. No. 594, sec. 9, passed December 14, 2009; amended by Ord. No. 622, sec. 2, passed November 13, 2012; Ord. No. 650, sec. 6, passed May 24, 2016]

SECTION 6.00

RM – RESIDENTIAL MULTI-FAMILY

Purpose: It is the intent of the RM – Residential Multi-Family zone to provide for more concentrated and diverse living arrangements.

6.01 Uses Permitted Outright

6.02 Accessory Uses and Structures

6.03 Conditional Uses

6.04 Minimum Lot Area

6.05 Minimum Lot Width

6.06 Maximum Lot Coverage

6.07 Minimum Setbacks

6.08 Maximum Height of Structure

6.09 [Repealed]

6.10 Parking

6.11 General Requirements

6.12 Manufactured Home Parks General Requirements

6.13 Manufactured Home Park Minimum Site Requirements

6.14 Standards of Mobile Homes in Manufactured Home Parks

6.23 [Repealed]

6.24 Renumbered

6.25 [Repealed]

6.50 [Repealed]

[Amended by Ord. No. 471, sec. 7, passed June 26, 2000; Ord. No. 594, sec. 10, passed December 14, 2009; Ord. No. 650, sec. 7, passed May 24, 2016]

SECTION 6.00

RM – Residential Multi-Family

6. 01 Uses Permitted Outright:

(A) Single-family dwelling;
(B) Duplexes; triplexes;
(C) Apartments;
(D) Rooming and boarding houses;
(E) Public right-of-way;
(F) Home occupations;
(G) Child day care home;
(H) Residential home;
(I) Manufactured home, subject to the general requirements of Section 6.11;
(J) Manufactured home parks;
Proposed manufactured home parks must satisfy the requirements set forth in Sections 6.12; 6.13; and 6.14 of this ordinance, and these criteria must be addressed at the public hearings by the applicant when processing an application for site development review; and within manufactured home parks only the following uses are permitted outright:

1. Manufactured homes and occupied recreational vehicles, if lawfully connected to City water supply systems and sewage disposal systems and placed on a designated manufactured home space;
2. A caretaker dwelling, recreation building, a manager office, or other general use buildings needed for operations typical of a manufactured home park.

(K) Residential facilities;
(L) Food Stand, Food Cart, Food Van/Trailer, or Food Kiosk (Must meet all city requirements and regulations. See also Section 22.17 Food Vendor Classifications and Vendors).

[Section 6.01 amended by Ord. No. 385, sec. 11, passed July 8, 1991; Ord. No. 408, sec. 3, passed April 25, 1994; Ord. No. 540, sec. 8, passed August 9, 2004; Ord. No. 594, sec. 11, passed Dec. 14, 2009; amended by Ord. No. 622, sec. 3, passed November 13, 2012; Ord. No. 632, sec. 6, passed November 10, 2014]

6.02 Accessory Uses and Structures: (See Setbacks in Section 22.08)

(A) Garages and carports;
(B) Off-street parking lots;
(C) Storage buildings or areas for boats, campers, and trailers;
(D) Fences, gardens, greenhouses and hot houses.

[Section 6.02 amended by Ord. No. 471, sec. 6, passed June 26, 2000; Ord. No. 540, sec. 8, passed August 9, 2004; Ord. No. 594, sec. 12, passed Dec. 14, 2009; Ord. No. 632, sec. 7, passed November 10, 2014; Ord. No. 650, sec. 8, passed May 24, 2016]

6.03 Conditional Uses:

(A) Group care facilities;
(B) Public and semi-public uses and structures;
(C) Hospitals;
(D) All uses listed under 5.03, Residential Single-Family;
(E) House of worship;
(F) Single-family attached dwelling: In addition to the criteria of Section 14, conditionally permitted single-family attached dwellings shall not be approved unless the proposal satisfies the following specific criteria:

1. Prior to building permit approval, attached single-family dwellings require a recorded written agreement between adjoining property owners guaranteeing rights of construction and maintenance; it shall be recorded with the Marion County Clerk.
2. Lot size shall have minimal adverse impact on the livability, value and appropriate development of abutting properties and surrounding area; and in no case shall a lot be smaller than 4200 square feet.
3. Attached single-family dwellings shall meet the requirements of enclosing a space of not less than 1,000 square feet.
4. Each dwelling shall have a garage;
5. Whenever possible, dwellings shall be designed to minimize conflicts between uses on separate lots along the common wall.

(G) Other similar developments that the city may find to be similar to those listed as permitted in this zone and which are not inconsistent with its purpose.

[Section 6.03 amended by Ord. No. 326, sec. 1, passed July 28, 1986; Ord. No. 540, sec. 8, passed August 9, 2004; Ord. No. 594, sec. 13, passed Dec. 14, 2009]

6.04 Minimum Lot Area:

(A) 8,000 square feet;
(B) 1,000 square feet for each dwelling unit over 2;
(C) Group care facilities; 8,000 square feet plus 500 square feet for each patient over 4.
(D) Single-family attached dwellings: 4,200 square feet, subject to approved conditional use; (See Section 6.03 (G)).

[Section 6.04 amended by Ord. No. 540, sec. 8, passed August 9, 2004; Ord. No. 594, sec. 14, passed Dec. 14, 2009]

6.05 Minimum Lot Width:

(A) 80 feet.
(B) Single-family attached dwellings: 40 feet.

[Section 6.05 amended by Ord. No. 540, sec. 8, passed August 9, 2004; Ord. No. 594, sec. 15, passed Dec. 14, 2009]

6.06 Maximum Lot Coverage:

(A) 50 percent.

[Section 6.06 amended by Ord. No. 437, sec. 7, passed March 12, 1997; Ord. No. 540, sec. 8, passed August 9, 2004]

6.07 Minimum Yard Requirements:

(A) Front: 20 feet;
(B) Side, Interior: One story, 5 feet;
Two story, 7 feet;
Three story, 8 feet;
Four stories and above, 8 feet plus 1 foot for each story over 3.
(C) Rear Yard: 10 feet plus 1 foot for each story over 3.
(D) Single-Family Attached Dwelling: No setback is required along the interior lot line where the unit is attached to an adjacent single-family- attached unit on a separate lot.

[Section 6.07 amended by Ord. No. 540, sec. 8, passed August 9, 2004; Ord. No. 552, sec. 4, passed August 8, 2005; Ord. No. 594, sec. 16, passed Dec. 14, 2009; Ord. No. 650, sec. 9, passed May 24, 2016]

6.08 Maximum Height of Structure:

(A) Residential: 35 feet or 2 1/2 stories;

(B) Approved Public and Semi-Public Uses: 70 feet or 6 stories.

[Section 6.08 amended by Ord. No. 540, sec. 8, passed August 9, 2004]

6.09 Signs: [Section 6.09 amended by Ord. No. 400, sec. 1, passed June 14, 1993; Ord. No. 437, sec. 8, passed March 12, 1997 and repealed by Ord. No. 471, sec. 7, passed June 26, 2000]

6.10 Parking:

(A) A minimum of 2 off-street parking spaces are required for each dwelling unit;

(B) Public and semi-public and conditional uses requiring off-street parking shall be determined by the Commission based upon the requirements of the Off-Street Parking and Loading section of this ordinance. (See Section 18.00).

[Section 6.10a added by Ord. No. 408, sec. 5, passed April 25, 1994; Ord. No. 540, sec. 8, passed August 9, 2004 and deleted by Ord. No. 594, sec. 17, passed Dec. 14, 2009]

6.11 General Requirements: Single-family dwellings, attached single family dwellings, duplexes and manufactured homes shall meet the following requirements:

(A) It is required that the owner of the property and of the dwelling be the same person(s), except in manufactured home parks where ownership can be separated.

(B) Dwellings shall have a pitched roof with a slope of not less than 3/12 (i.e. a vertical rise of 3 inches for every 12 inches of horizontal run/span).

(C) Dwellings shall utilize at least two of the following design features to provide visual relief along the front of the home:

1. Dormers
2. Roof gables (excluding dormer gables) with a minimum 18" projection
3. Recessed entries
4. Covered porches entry with same roofing as home
5. Pillar or posts at front entry
6. Bay or Bow windows
7. Eaves (minimum 18" projection)
8. Off sets on building face or roof (minimum 16")

(D) External systems for heating and cooling shall be installed only at ground level, and not within the required front yard.

(E) All hitches, travel light/clearance lights, wheels, axles are to be removed from the exterior of dwellings.

(F) A manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet.

(G) A manufactured home shall be placed on an excavated, prepared level site and supported on a continuous concrete footing. After setting and blocking, the home shall be enclosed at the entire perimeter with a standard finish concrete block set on the continuous concrete footing. After backfilling as required, the bottom of the home shall be no more than 12” above the surrounding finished grade. All foundation, blocking, pier and footing requirements in addition to those outlined in this paragraph shall conform to Marion County Building Code requirements.

(H) A manufactured home shall incorporate not fewer than four architectural features per dwelling unit from 1-11 below. Applicants are encouraged to use those elements that best suit the proposed building style and design.

1. 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;

2. 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;
3. Recessed entrance: not less than three feet deep;
4. Windows: not less than 30 percent of surface area of all street-facing elevation(s);
5. Window trim: minimum four-inch width (all elevations);
6. Eaves: overhang of not less than 12 inches;
7. Offset: offset in façade or roof;
8. Bay window: projects from front elevation by 12 inches;
9. Balcony: one per dwelling unit facing street;
10. Decorative top: e.g. cornice or pediment with flat roof or brackets with pitched roof;
11. Other: feature not listed but providing visual relief or contextually appropriate design similar to options a-j, as approved by the Aumsville Planning Commission through a Type II procedure.

(I) A manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010..

[Section 6.11 added by Ord. No. 594, sec. 21, passed Dec. 14, 2009; amended by Ord. No. 622, sec. 4, passed November 13, 2012; Ord. No. 650, sec. 10, passed May 24, 2016]

6.12 Manufactured Home Parks General Requirements:

(A) All manufactured home parks shall consist of a minimum of 5 acres.

(B) Each manufactured home space shall contain not less than 2,500 square feet. Streets, play areas, service areas or other areas required by this ordinance shall not be considered as providing any part of the required manufactured home space.

(C) The maximum density of a manufactured home park shall not exceed 12 manufactured home spaces per gross acre.

(D) A manufactured home park shall be built to state and federal standards in effect at the time of construction, including American Disabilities Act standards.

(E) No manufactured home or occupied recreational vehicle in the park shall be located closer than 10 feet from another manufactured home, occupied recreational vehicle, or from a general use building in the park. No accessory building or other building or structure on a manufactured home space shall be closer than 6 feet from an accessory building or other building or structure on another manufactured home space. Accessory buildings adjacent to property lines see Setback Measurement in Section 22.08(B).

(F) There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.

(G) The land, which is used for park purposes, shall be surrounded except at entry and exit places, by a sight-obscuring fence or hedge not less than 6 feet in height. The fence or hedge shall be maintained in a neat appearance.

(H) If the park provides for 25 or more manufactured home spaces, each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets in the city. A map of the named vehicular ways shall be provided to the city for notification to appropriate agencies.

(I) If a manufactured home space or permanent structure in the park is more than 300 feet from a public fire hydrant, the park shall have water supply mains designed to

serve fire hydrants and fire hydrants shall be provided within 300 feet of such space or structure. Each hydrant within a park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the city.

[Section 6.11 amended by Ord. No. 496, sec. 5, passed October 25, 2001; Ord. No. 540, sec. 8, passed August 9, 2004; renumbered to Section 6.12 and amended by Ord. No. 594, sec. 18, passed Dec. 14, 2009; amended by Ord. No. 622, sec. 5, passed November 13, 2012]

6.13 Manufactured Home Park Minimum Site Requirements:

(A) The road system of the park shall be paved, improved with curb and gutter, and connected to an existing public street according to plans approved.

(B) The improvements of driveways, walkways, streets, drainage, and other utilities shall conform to adopted state standards or to adopted city standards, whichever is more restrictive.

(C) The minimum surfaced width of the roads within the park shall be:
1. 24 feet where no parking is allowed;
2. 30 feet if parking is allowed on one side only; and
3. 36 feet if parking is allowed on both sides.

(D) A minimum of 200 square feet per manufactured home space of outdoor recreation area shall be provided which may be in one or more locations in the park.

(E) A minimum of 100 square feet per manufactured home space for unoccupied recreational vehicles or other equipment storage used by park residents shall be provided. Such areas are to be surfaced and drained, fenced and lighted and maintained in a neat and orderly manner.

(F) Each designated space, recreation building, managers office or other public or private structure shall be serviced by underground services of water, sewer and power.

(G) A minimum of 4 foot wide walkways shall connect each manufactured home space with public streets, adjacent public sidewalk systems, common areas, and recreation areas.

(H) All streets and walkways within the park shall be lighted at night to provide a minimum of 0.35 foot candles of illumination.

(I) Manufactured home pads and placement shall be in accordance with state building codes requirements.

(J) At each entrance to a manufactured home park, a permanent, non-illuminated sign not to exceed 32 square feet shall be allowed. Such sign shall display the name of the park and shall show by map the layout of the sites and addresses or space number of each manufactured home.

(K) Manufactured home spaces shall be indicated on the development plan and each space clearly identified by number of the site. Such spaces shall not exceed the density and coverage limitations of this ordinance. In the design of a manufactured home park, it shall be demonstrated that planned spaces can reasonably accommodate a variety of manufactured home types with accessory structures and required setbacks.

(L) All common areas within a manufactured home park, exclusive of required buffer areas, buildings and roadways, shall be landscaped and maintained. All manufactured home spaces shall be landscaped within 6 months of manufactured home placement.

(M) Manufactured home parks shall be designed to include 2 off-street parking spaces for each manufactured home space, which may include a garage or carport space and the driveway. In addition, one guest space shall be provided for every 5

manufactured home spaces in a park, which shall be provided in bays of at least 4 spaces. Office and common buildings shall be provided with 1 space for each 300 square feet of floor area which may be combined with required guest parking if located within 300 feet of such building.

[Section 6.12 amended by Ord. No. 540, sec. 8, passed August 9, 2004; renumbered to Section 6.13 and amended by Ord. No. 594, sec. 19, passed Dec. 14, 2009; amended by Ord. No. 622, sec. 6, passed November 13, 2012]

6.14 Standards of Manufactured Homes in Manufactured Home Parks:: A manufactured home and occupied recreational vehicle in a manufactured home park, in addition to conforming to state installation standards, shall conform in the following:

(A) The manufactured home shall bear the Department of Housing and Urban Development insignia indicating compliance with manufactured home construction standards in effect at the time of manufacture and with a date not previous to June 15, 1976.

(B) Notwithstanding deterioration which may have occurred due to misuse, neglect, accident or other cause, the manufactured home shall meet the Department of Housing and Urban Development Standards for manufactured home construction evidenced by the insignia.

(C) Each manufactured home shall contain not less than 500 square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device.

(D) Each manufactured home or occupied recreational vehicle shall be provided with a continuous skirting and shall be tied down with devices that meet state standards and tie-down devices.

(E) Occupied recreational vehicles require a placement permit from the City before a vehicle can be connected to City sewer and water. Recreational vehicle may not dump waste and waste chemicals into the Aumsville Sewer system. Documentation of proper dumping must be documented by the manufactured home park before a placement permit is granted by the City.

[Section 6.13 amended by Ord. No. 540, sec. 8, passed August 9, 2004; renumbered to Section 6.14 and amended by Ord. No. 594, sec. 18, passed Dec. 14, 2009; amended by Ord. No. 622, sec. 7, passed November 13, 2012]

[Sections 6.15 to 6.22 Reserved for Expansion]

6.23 PUD – Planned Unit Development. [Section 6.23 repealed by Ord. No. 540, sec. 9, passed August 9, 2004]

6.24 General Requirements. [Section 6.24 repealed by Ord. No. 540, sec. 9, passed August 9, 2004; Renumbered to 6.11 by Ord. 594, sec. 21, passed Dec. 14, 2009]

6.25 Standards. [Section 6.25 repealed by Ord. No. 540, sec. 9, passed August 9, 2004]

6.50 Development Standards. [Section 6.50 amended by Ord. No. 326, sec. 2, passed July 28, 1986; Ord. No. 385, sec. 12, passed July 8, 1991; Ord. No. 437, sec. 9, passed March 12, 1997 and repealed by Ord. No. 540, sec. 9, passed August 9, 2004]

SECTION 7.00

CL– COMMERCIAL

Purpose: The CL – Commercial zone is intended to maintain the business and limited commercial activities to one area of the city, and to encourage the placement of a variety of new businesses that offer a greater service to the residents of the city.

7.01 Uses Permitted Outright

7.02 Accessory Uses and Structures

7.03 Conditional Uses

7.04 Minimum Lot Area

7.05 Minimum Lot Width

7.06 Maximum Lot Coverage

7.07 Yard Requirements

7.08 Maximum Height of Structure

7.09 [Repealed]

7.10 Parking and Loading

7.11 Business District

[Amended by Ord. No. 471, sec. 10, passed June 26, 2000; amended by Ord. No. 622, sec. 8, passed November 13, 2012]

SECTION 7.00

CL– Commercial

7.01 Uses Permitted Outright:
The following uses are permitted outright subject to the provisions of Site Development Review (Section 21)
(A) Beauty or barber shop;
(B) Medical and dental offices;
(C) Banks;
(D) Furniture and appliance stores;
(E) Drugstores;
(F) Food stores;
(G) Sporting goods stores;
(H) Hardware;
(I) Television and radio sales and service;
(J) Self-service laundromat or cleaners or pick-up and delivery station;
(K) Professional or business office or any use that is demonstrated to the satisfaction of the city to be of a similar character and impact;
(L) Restaurant;
(M) Public right-of-way;
(N) Home occupation;
(O) Child day care home and center;
(P) Retail establishment of similar character and impact as the above;
(Q) Apartments above a permitted ground floor commercial use.
(R) A classroom and small instruction facility; other than a public or private elementary, middle, or high school or college or university, or house of worship (see Section 7.03).
(S) Mobile Food Vendor operating a Food Stand, Food Cart, or Food Van/Trailer, or Food Kiosk (Must meet all city requirements and regulations. See also Section 22.17 Food Vendor Classifications and Vendors)

[Section 7.01 amended by Ord. No. 385, sec. 13, passed July 8, 1991; Ord. No. 437, sec. 10, passed March 12, 1997; Ord. No. 540, sec. 10, passed August 9, 2004; Ord. No. 594, sec. 22, passed Dec. 14, 2009; amended by Ord. No. 622, sec. 9, passed November 13, 2012; Ord. No. 632, sec. 8, passed November 10, 2014]

7.02 Accessory Uses and Structures: (See Setbacks in Section 22.08)
No accessory uses or structures, containing more than 600 square feet of floor area, are permitted outside of the main building or use without site development review approval by the city.
[Section 7.02 amended by Ord. No. 471, sec. 8, passed June 26, 2000; Ord. No. 496, sec. 6, passed October 25, 2001; Ord. No. 540, sec. 10, passed August 9, 2004; Ord. No. 594, sec. 23, passed Dec. 14, 2009; Ord. No. 632, sec. 9, passed November 10, 2014 – *scrivner's error 7.2 instead of 7.02*]

7.03 Conditional Uses:
The following uses are permitted as conditional uses in accordance with Section 14. They are also subject to the provisions of Site Development Review (Section 21):
(A) Automobile or motorcycle sales and service;
(B) Automobile service station, garage or car wash;

(C) Any establishment selling alcohol to be consumed on the premises;
(D) Amusement and recreation related businesses, such as bowling alley, pool halls, video arcades, skating rinks, miniature golf, motion picture theaters;
(E) Equipment sale or rental yard, used car lot;
(F) Hotel and motel;
(G) Public and semi-public uses;
(H) Gymnasium, athletic and health facilities;
(I) Small animal clinics;
(J) Group care home, residential facilities, and residential homes not abutting an arterial street and not in the business district described in Section 7.11;
(K) Apartment house, containing a minimum of 4 housing units, not abutting an arterial street and not in the business center described in Section 7.11;
(L) House of worship;
(M) Retail or wholesale trade (warehouse, distribution, and/or sales factory); or research and development laboratory facility which meets the following additional requirements:
(1) Total square footage of all areas for such use not to exceed 2000;
(2) Must comply with Section 8.03, but to a higher degree so as to be compatible with surrounding commercial and residential uses.
(N) Other similar developments that the city may find to be similar to those listed, as permitted in this zone, and which are not inconsistent with its purpose.

[Section 7.03 amended by Ord. No. 396, sec. 1, passed January 11, 1993; Ord. No. 437, sec. 11, passed March 12, 1997 and Ord. No. 471, sec. 9, passed June 26, 2000; Ord. No. 496, sec. 7, passed October 25, 2001; Ord. No. 540, sec. 10, passed August 9, 2004; Ord. No. 594, sec. 24, passed Dec. 14, 2009; amended by Ord. No. 622, sec. 10, passed November 13, 2012; Ord. No. 632, sec. 10, passed November 10, 2014]

7.04 Minimum Lot Area: None required.

7.05 Minimum Lot Width: 20 feet.
[Section 7.05 amended by Ord. No. 540, sec. 10, passed August 9, 2004]

7.06 Maximum Lot Coverage: Unrestricted.

7.07 Yard Requirements:
(A) Front: 3 feet (See Section 22.07 (D));
(B) Where the commercial zone abuts a residential zone, interior yards shall be provided equal to the minimum of the abutting residential yard(s).
[Section 7.07 amended by Ord. No. 594, sec. 25, passed Dec. 14, 2009]

7.08 Maximum Height of Structure: 6 stories or 70 feet.
[Section 7.08 amended by Ord. No. 540, sec. 10, passed August 9, 2004]

7.09 Signs: [Section 7.09 amended by Ord. No. 400, sec. 1, passed June 14, 1993; Ord. No. 407, sec. 1, passed May 9, 1994; Ord. No. 437, sec. 12, passed March 12, 1997 and repealed by Ord. No. 471, sec. 10, passed June 26, 2000]

7.10 Parking and Loading: See the Parking and Loading section of this ordinance (Section 18.00).

7.11 Business District:

(A) The Business District is defined as all commercial zoned properties contained within the following boundaries:

1. West of the railroad tracks, east of 5th Street, south of Church Street, and north of the Mill Race.
2. West of 5th Street, East of 11th Street, South of Church Street, and north of Washington Street.

(B) Business District Design Standards. Buildings in the Business District must adhere to the following additional requirements:

1. Design and construct buildings incorporating a minimum of 20 percent brick coverage on the ground floor facades facing a street. The brick facade can utilize actual brick, concrete block, or stone block but must be in a brick red tone or painted in a brick red tone.
2. Design and construct buildings incorporating a minimum of 20 percent window coverage on the ground floor facades facing a street.
3. Design and construct buildings no farther than 10 feet from the public right-of-way. In cases of lots with frontage on multiple streets, design and construct buildings no farther than 10 feet from at least one of the public right-of-ways.

(C) In a site development review approval the Planning Commission may allow alternatives to the Business District Design Standards of up to 50% of any measurable requirement, if an applicant demonstrates a practical difficulty in adhering to the defined standard. To allow such an alternative the Planning Commission must make findings justifying the alternative, including finding the intent of these provisions are still met and the adjustment is the least necessary to accommodate the difficulty.

[Section 7.11 added by Ord. No. 622, sec. 11, passed November 13, 2012; Amended by Ord. No. 32, sec. 11, passed November 10, 2014]

SECTION 8.00

I – INDUSTRIAL

Purpose: It is the intent of the I – Industrial zone, commensurate with the availability of water and sewer facilities, to help attract industrial and commercial users that are diversified, non-polluting and of the greatest opportunities for residents of the city for employment while strengthening the city's tax base.

8.01	Uses Permitted Outright, but not Limited to
8.02	Conditional Uses
8.03	Industrial Performance Standards
8.04	Minimum Lot Area
8.05	Minimum Lot Width
8.06	Maximum Lot Coverage
8.07	Maximum Height of Structure
8.08	[Repealed]
8.09	Yard Requirements
8.10	Parking and Loading

[Amended by Ord. No. 471, sec. 11, passed June 26, 2000]

SECTION 8.00

I – Industrial

8. 01 Uses Permitted Outright, but not Limited to:

(A) Agriculture and Forestry:
(1) Agriculture production crops;
(2) Forest nurseries and tree seed gathering and extracting.

(B) Construction:
(1) Construction including building construction general contractors.

(C) Manufacturing:
1. Grain mill products;
2. Food preparation and kindred products;
3. Textile mill products;
4. Cabinet or carpentry shop;
5. Paperboard containers and boxes;
6. Printing, publishing and allied industries;
7. Glass, pottery and related products;
8. Cut stone and stone products;
9. Cutlery, hand tools and general hardware;
10. Heating equipment and plumbing fixtures;
11. Manufactured housing;
12. Miscellaneous fabricated metal products;
13. Metalworking machinery and equipment;
14. Office, computing and accounting machines;
15. Refrigeration and service industry machinery;
16. Measuring, analyzing and controlling instrument, photographic, medical and optical goods, watches and clocks.

(D) Transportation and Electric Services:
1. Railroad transportation;
2. Local and suburban transit and interurban highway passenger transportation;
3. Motor freight transportation and warehousing;
4. Transportation services;
5. Electric services.

(E) Other Uses
Retail and Wholesale Trade:
1. Agriculture equipment sales and service, wholesale or retail;
2. Automobile, motorcycle, boat, trailer or truck rental, sales and service;
3. Lumber or building supplies equipment storage or sales, retail;
4. Storage or sales of frozen or refrigerated food;
5. Warehouse or wholesale distribution and sales factory;
6. Eating and drinking places;
7. Mobile Food Vendor operating a Food Stand, Food Cart, or Food Van/Trailer (Must meet all city requirements and regulations. See also Section 22.17 Food Vendor Classifications and Vendors)

(F) Services:
1. Veterinary services;
2. Mailing, reproduction, commercial art and photography and stenographic services;
3. Cleaning and maintenance services to dwellings and other buildings, not

elsewhere specified;
4. Welding repair;
5. Industrial machinery service;

(G) Public Administration:
1. Public and semi-public uses and structures.

(H) Other Uses:
1. Utilities - truck and equipment storage and parking and material storage yard;
2. Accessory buildings, structures and uses normal and incidental to the uses permitted in this district;
3. Dwelling unit or guest room for a caretaker or watchman on the premises being cared for or guarded;
4. Public right-of-way;
5. Other similar developments which the city may find to be similar to those listed as permitted in this zone and which are not inconsistent with its purpose.

[Section 8.01 amended by Ord. No. 385, sec. 14, passed July 8, 1991; Ord. No. 496, sec. 8, passed October 25, 2001; Ord. No. 540, sec. 11, passed August 9, 2004; Ord. No. 632, sec. 12, passed November 10, 2014]

8.02 Conditional Uses:

(A) Agriculture:
1. Soil preparation services;
2. Crop services;

(B) Manufacturing:
1. Dairy products;
2. Canned and preserved fruits and vegetables;
3. Leather and leather products;
4. Transportation equipment;
5. Millwork, veneer, plywood and structural wood members;
6. Rubber, concrete, gypsum and plastic products;
7. Rolling, drawing and extruding of nonferrous metals;
8. Metal forgings and stampings;
9. Engines and turbines;
10. Farm and garden machinery and equipment;
11. Energy plant.

(C) Services:
1. Laundry, cleaning and garment services;
2. Research and development laboratories;
3. Vocational schools.
4. Automotive repair, services and garages;
5. Child day care home and center;
6. Tire retreading and vulcanizing shop;

(D) Other Uses:
1. Recycling depots;
2. Planned industrial unit development;
3. Marijuana processor, marijuana producer, marijuana retailer, marijuana testing laboratory, marijuana wholesaler, subject to Section 22.18.

[Section 8.02 amended by Ord. No. 496, sec. 8, passed October 25, 2001; Ord. No. 540, sec. 11, passed August 9, 2004; Ord. No. 636, sec. 3, passed March 30, 2015; Ord. No. 649, sec. 2, passed May 9, 2016]

8.03 Industrial Performance Standards: The discharge of solids, liquids or gases which are detrimental to the public health, safety and welfare causing injury to human, plant or animal life or to property is prohibited in this industrial zone. In an I zone no land or structure shall be used or occupied unless therein continuing compliance with the following standards:

(A) Heat, glare and light:

1. All operations and facilities producing heat, glare or light, including exterior lighting, shall be so directed or shielded by walls, fences, evergreen plantings, that such heat, glare or light is not reflected onto adjacent properties or streets.

(B) Noise:

1. No noise or sound in an I zone shall be of a nature, which will constitute a nuisance as documented by the chief of police.

(C) Sewage:

1. No categorical wastewater discharges are allowed. Adequate provisions shall be in place for the disposal of sewage and waste materials and such provisions shall meet the requirements of the city of Aumsville sewage disposal system.

(D) Vibration:

1. No vibration other than that caused by highway vehicles and trains shall be permitted which is discernible without instruments at or beyond the property line for the use concerned.

[Section 8.03 amended by Ord. No. 496, sec. 9, passed October 25, 2001; Ord. No. 540, sec. 11, passed August 9, 2004]

8.04 Minimum Lot Area: None.

8.05 Minimum Lot Width: None.

8.06 Maximum Lot Coverage: None.

8.07 Maximum Height of Structure: 70 feet.
[Section 8.07 amended by Ord. No. 540, sec. 11, passed August 9, 2004]

8.08 Signs: [Section 8.08 amended by Ord. No. 437, sec. 13, passed March 12, 1997 and repealed by Ord. No. 471, sec. 11, passed June 26, 2000]

8.09 Yard Requirements: None.

8.10 Parking and Loading: See the Parking and Loading section of this ordinance (Section 18.00).

SECTION 9.00

P - PUBLIC

9.01	Purpose
9.02	Permitted Uses
9.03	Conditional Uses
9.04	Minimum Lot Area
9.05	Minimum Lot Width
9.06	Maximum Lot Coverage
9.07	Building Setbacks
9.08	Maximum Height of Structure
9.09	Signs
9.10	Parking and Loading

SECTION 9.00

P- Public

9.01 Purpose. To recognize existing public land uses and to provide for the development of public services.
[Section 9.01 added by Ord. No. 540, sec. 12, passed August 9, 2004]

9.02 Permitted Uses. All uses listed below are subject to site development review procedures pursuant to Section 21.00 of this ordinance.
(A) Public and private utility buildings and structures, including electric substations, telephone exchanges, and communications antennas or towers.
(B) Publicly owned and operated facilities or structures, including government offices and stations, and public use buildings.
(C) Governmental, educational, administrative, or public facility uses including:
1. Public parks and recreation areas.
2. Public schools, including elementary, middle and high schools.
3. Public storage yards for machinery, equipment and other materials.
4. Sewer system and lagoon areas.
5. Water system facilities.
6. Uses clearly accessory and subordinate to the above.
(D) Mobile Food Vendor operating a Food Stand, Food Cart, or Food Van/Trailer (Must meet all city requirements and regulations. See also Section 22.17 Food Vendor Classifications and Vendors).
[Section 9.02 added by Ord. No. 540, sec. 12, passed August 9, 2004; Ord. No. 632, sec. 13, passed November 10, 2014; Ord. No. 650, sec. 11, passed May 24, 2016]

9.03 Conditional Uses. All uses listed below are subject to conditional use approval procedures pursuant to Section 14.00 of this ordinance, and require site development review pursuant to Section 21.00.
(A) Public or private airport or heliport.
(B) Other similar developments that the city may find to be similar to those listed as permitted in this zone and which are not inconsistent with its purpose.
[Section 9.03 added by Ord. No. 540, sec. 12, passed August 9, 2004]

9.04 Minimum Lot Area. Sufficient area to provide for the use and minimum required setbacks. [Section 9.04 added by Ord. No. 540, sec. 12, passed August 9, 2004]

9.05 Minimum Lot Width. None required.
[Section 9.05 added by Ord. No. 540, sec. 12, passed August 9, 2004]

9.06 Maximum Lot Coverage. Unrestricted.
[Section 9.06 added by Ord. No. 540, sec. 12, passed August 9, 2004]

9.07 Building Setbacks. The following setbacks shall apply to development within the public zone:
(A) Any yard abutting a residential zone: 10 feet
[Section 9.07 added by Ord. No. 540, sec. 12, passed August 9, 2004]

9.08 Maximum Height of Structure. 50 feet.
[Section 9.08 added by Ord. No. 540, sec. 12, passed August 9, 2004]

9.09 Signs. Signs shall be subject to the requirements in Section 19.00.
[Section 9.09 added by Ord. No. 540, sec. 12, passed August 9, 2004]

9.10 Parking and Loading. Parking and loading shall be subject to the requirements in Section 18.00.
[Section 9.10 added by Ord. No. 540, sec. 12, passed August 9, 2004]

SECTION 10.00

ID – INTERCHANGE DEVELOPMENT ZONE

10.01	Purpose
10.02	Permitted Use
10.03	Conditional Uses
10.04	Prohibited Activities
10.05	Performance Standards
10.06	Minimum Lot Area and Dimensions
10.07	Maximum Height of Structure
10.08	Setbacks
10.09	Design Requirements
10.10	Landscaping
10.11	Signs
10.12	Parking and Loading
10.13	Transportation Impact Analysis
10.14	Site Development Review Required
10.15	Trip Budget

[Section 10.00 amended by Ord. No. 552, sec. 4, passed August 8, 2005; Ord. No. 594, sec. 26, passed Dec. 14, 2009; amended by Ord. No. 608, sec. 3, passed March 14, 2011]

SECTION 10.00

ID – Interchange Development Zone

10.01 Purpose. To provide for industrial, commercial and office uses on property located at the State Highway 22 interchange. The transportation amenities offered by Highway 22 will be a factor in attracting industrial and commercial users. However, the community views the interchange area as the key entry point into the City. For this reason, the quality of the site design will be emphasized. In providing for the development of the interchange area, it is essential that the principal function of the intersection be preserved.

10.02 Permitted Use: The following uses are permitted, subject to a Site Development Review and conformance with the provisions in the Section. In interpreting this Section, these uses are considered allowed unless the Planning Commission determines the activity or use as implemented will violate provisions in Section 23.04(S):

(A) Industrial-Related Activities
1. Manufacturing: Warehouses and distribution facilities; assembly, including light manufacturing, processing and packaging of non-edible products, treatment, fabrication of goods or merchandise; and similar uses.
2. Research centers and laboratories.
3. Telecommunication centers, including call centers.

(B) Retail and Services
1. Commercial and government offices.
2. Restaurants with drive-in facilities and specialty restaurants. Other eating and drinking places are conditional uses.
3. Banks.
4. Business services, such as photocopy and mailing centers.
5. Traveler accommodations, including hotels and motels; but excluding camping and recreational vehicle parks.
6. Veterinary Services
7. Cleaning and maintenance services to dwellings and other buildings
8 Mobile Food Vendor operating as a Food Stand, Food Cart, Food Van/Trailer, or Food Kiosk (Must meet all city requirements and regulations. See also Section 22.17 Food Vendor Classifications and Vendors). Other eating and drinking places are conditional uses.

(C) Other Uses:
1. Accessory buildings, structures and uses normal and incidental to the uses permitted in this district;
2. Public right-of-way;
3. Other similar developments which the city may find to be similar to those listed as permitted in this zone and which are not inconsistent with its purpose.

[Section 10.02 amended by Ord. No. 632, sec. 14, passed November 10, 2014 – *scriveners error 10.02, not 10.2*]

10.03 Conditional Uses: The following activities are conditionally allowed in the ID zone:

(A) Convenience stores.
(B) Service stations; but excluding repair facilities.
(C) Towing services; but excluding storage of vehicles.
(D) Eating and drinking places, other than drive through and specialty restaurants.
(E) Retail activities that are designed to serve the community or region.

(F) Construction, including building construction general contractors.
(G) House of worship or gymnasium
(H) Other uses determined by the Planning Commission to be of similar character to those specified above.
(I) In addition to the criteria of Section 14, conditionally permitted uses shall not be approved unless the proposal satisfies the following specific criteria:
1. There is a demonstrated need in the interchange development area for such a use.
2. The use will primarily service interchange development area customers.
3. Traffic will not be generated by the use, which would substantially hinder or impair truck circulation in the area.
4. There is no suitable commercial land located elsewhere within the City.

[Section 10.03 amended by Ord. No. 594, sec. 27, passed Dec. 14, 2009; Ord. No. 632, sec. 15, passed November 10, 2014]

10.04 Prohibited Activities: The following uses are prohibited in the ID Zone
(A) Agriculture and Forestry:
1. Agriculture production crops;
2. Forest nurseries and tree seed gathering and extracting.
(B) Tanneries.
(C) Energy plant.
(D) Rendering plants.
(E) Wrecking, demolition, junk yards, including recycling firms.
(F) Waste transfer stations.
(G) Chemical manufacturing plants
(H) Cement, concrete, lime or gypsum manufacturing.
(I) Asphalt plants; aggregate plants.
(J) Fertilizer manufacturing or distribution.
(K) Manufacturing activities involving primary metal industries such as foundries/forge shops, smelters, blast furnaces, boiler-works, and rolling mills; manufacture of flammable, hazardous, or explosive materials; creosote and related products; coal tar and related products
(L) Storage warehouses for public use.
(M) Manufacture or storage of oil, gasoline, or petroleum products for distribution, not including service stations.
(N) Processing and packaging of food products.
(O) Commercial outdoor recreational uses, amusement parks, or sports arenas, not including golf courses or country clubs.
(P) Truck, trailer, heavy machinery, or farm equipment storage.
(Q) Any other use which is or can be operated in such a manner as to create a dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt, or other forms of air pollution; electrical or other disturbance; glare; or other substance, condition or element is such amount as to adversely affect the surrounding area or premises, as may be determined by the Planning Commission.

[Section 10.04 amended by Ord. No. 562, sec. 1, passed January 23, 2006; Ord. No. 594, sec. 28, passed Dec. 14, 2009]

10.05 <u>Performance Standards</u>: The discharge of solids, liquids or gases which are detrimental to the public health, safety and welfare causing injury to human, plant or animal life or to

property is prohibited in the ID Zone. Further, no land or structure shall be used or occupied unless therein continuing compliance with the following standards:

(A) Heat, glare and light: All operations and facilities producing heat, glare or light, including exterior lighting, shall be so directed or shielded by walls, fences, evergreen plantings, that such heat, glare or light is not reflected onto adjacent properties or streets.

(B) Noise: No noise or sound shall be of a nature, which will constitute a nuisance as documented by the chief of police.

(C) Sewage: No categorical wastewater discharges are allowed. Adequate provisions shall be in place for the disposal of sewage and waste materials and such provisions shall meet the requirements of the city of Aumsville sewage disposal system.

(D) Vibration: No vibration other than that caused by highway vehicles and trains shall be permitted which is discernible without instruments at or beyond the property line for the use concerned.

10.06 Minimum Lot Area and Dimensions: None.

10.07 Maximum Height of Structure: 50 feet.

10.08 Setbacks:

(A) Highway 22: 30-feet

(B) Designated arterial or collector: 20-feet

(C) Local Street: 15-feet

(D) Side yard: 15-feet

(E) Rear yard: 15-feet

(F) Setback Exceptions: Notwithstanding the requirements set forth in this subsection, the following exceptions apply:

1. Setbacks from any street may be reduced by 5-feet when landscaping, screening material, or other mitigation techniques are provided, to a degree greater than that called for in this section, which effectively screen the parking areas and building service areas from the street.
2. Setbacks of up to zero feet along all local designated streets and property lines may be provided in commonly planned projects which exhibit characteristics of an urban village which includes extensive amenity areas, strong pedestrian, transit, and bicycle orientation, varied and high quality building materials, complex and interesting building massing, and extensive landscaping.

10.09 Design Requirements: Building design shall be subject to the following:

(A) Building material should be of high quality and attractive appearance using matte texture earth tones. Masonry, brick, and stone in their natural state are preferred as principal cladding materials. Textured concrete, architectural block, stucco, modulated in jointed patterns and pre-cast concrete with appropriate detailing are also acceptable materials. Materials, detailing, and colors should be repeated on all building facades.

(B) Unpainted or un-textured concrete or masonry, metal buildings, and unpainted metal are prohibited.

(C) The use of roof or facade offsets or breaks is encouraged. Roof planes should be varied. Facade lines should be broken at least every forty feet on all building sides.

(D) All mechanical equipment to be screened from view in a manner consistent with the design of the structure and site.

(E) The color palette should be simple and consistent within projects. Colors should be compatible with neighboring development. Bright or primary colors shall be limited to accent elements.

10.10 Landscaping. All rights-of-way and setbacks are to be landscaped and maintained by property owners as follows: (See also Section 23.00, Landscaping Design)

(A) Sites shall include landscaped areas, hard surface landscapes, public plazas, walks, and sidewalks.

(B) All setback areas shall be landscaped; parking or other physical improvements shall be prohibited within required setback areas.

(C) Street trees: At least one tree per forty lineal feet shall be provided between the sidewalk and back of curb. An additional tree and ten shrubs per forty lineal feet must be provided within ten feet of the sidewalk.

10.11 Signs: Signs shall be subject to the provisions in Section 19. The following additional provisions shall apply to development within the ID zone. Where conflicts occur, the more restrictive regulations shall apply.

(A) A sign plan is required for all development. All signs shall be architecturally integrated with the overall project design.

(B) Permitted freestanding signs are limited to monument signs. Monument signs shall not exceed thirty-two square feet per face nor shall the sign area exceed four feet in height or six feet total for the sign structure, and the horizontal length shall not exceed eight feet. A sign not complying with these provisions may be established through a Conditional Use Permit pursuant to provisions in Section 14.

(C) Wall signs may not extend above roof line and shall be consistent throughout the project.

10.12 Parking and Loading: See the Parking and Loading section of this ordinance (Section 18.00). In addition to compliance with the provisions in Section 18.00, all lots exceeding 50 spaces shall include the following landscaping provisions:

(A) At least 5% of the parking area shall be landscaped. The landscaping improvements may count toward the minimum landscaping requirements.

(B) The ends of parking rows must have six-foot wide planting islands with a minimum of two shade trees and eight shrubs.

(C) Landscaped medians shall be required between every fourth parking row with at least one shade tree and eight shrubs for every thirty lineal feet of median.

10.13 Transportation Impact Analysis. In addition to the site development review provisions in Section 21.00, the City may request a transportation impact analysis for development within the ID zone. This study shall be based on the requirements of the Oregon Department of Transportation.

[Section 10.13 amended by Ord. No. 594, sec. 29, passed Dec. 14, 2009; amended by Ord. No. 608, sec. 3, passed March 14, 2011]

10.14 Site Development Review Required. All new uses and any expansion of existing structures or uses shall be subject to a Site Development Review.

10.15 Trip Budget. A trip budget is established for uses within the ID zone that limits the aggregated trip-making to a total of 1,361 peak hour trips (inbound and outbound). To manage the trip budget, the City shall maintain a cumulative tally of AM and PM peak hour trip-making associated with all development within the ID zone. At least every five years (to be specifically defined in a subsequent IGA between ODOT and the City of

Aumsville), the City shall report the cumulative AM and PM peak hour trip tally to the ODOT Region 2 Transportation Planning Manager. When the PM peak hour trips, the City shall coordinate with ODOT to determine the need to modify the City's TSP or the OR 22/Shaw Highway IAMP to accommodate future traffic volume growth expectations. [Section 10.15 added by Ord. No. 608, sec. 6, passed March 14, 2011]

SECTION 11.00

ADMINISTRATION AND ENFORCEMENT

11.01	Administrative Official
11.02	Building Permits Required
11.03	Application for Building Permits
11.04	Building Permit Applications and Renewal
11.05	Expiration of Building Permits and Renewal
11.06	Refund of Permits
11.07	Construction and Use to be as Provided in Applications, Plans and Permits

[Amended by Ord. No. 491, passed October 25, 2001]

SECTION 11.00

Administration and Enforcement

11.01 Administrative Official:

(A) The city administrator is designated by the Council as the Administrative Official to administer and enforce this ordinance. The city administrator may designate others to provide assistance.

(B) If any provisions of this ordinance or the Comprehensive Plan are being violated, the Administrative Official shall give written notice to the person(s) responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct.

(C) Abatement and Penalty: A person violating a provision of this ordinance shall be subject to a fine of not more than $1,000 dollars per day, as determined by a court of competent jurisdiction. A violation shall be considered a separate violation on each day it continues. The Administrative Official (see Section 11.01 (A)) or the chief of police shall each have jurisdiction to enforce this ordinance by letter and/or citation. It is the responsibility of the city attorney to cause a person cited under this ordinance to appear before a court of competent jurisdiction for determination of appropriate action and/or fine.

(D) See Section 12.09, Revocation of Decision.

[Section 11.01 amended by Ord. No. 437, sec. 17, passed March 12, 1997; Ord. No. 496, sec. 15, passed October 25, 2001; Ord. No. 540, sec. 14, passed August 9, 2004; Ord. No. 632, sec. 16, passed November 10, 2014]

11.02 Building Permits:

(A) A permit shall be obtained before beginning construction or repairs, other than ordinary repairs, using application forms furnished by the Administrative Official. Ordinary repairs are nonstructural repairs and do not include addition to, alteration of, or replacement or relocation of water supply, sewer, drainage or similar piping, electrical wiring, or mechanical or other work for which a permit is required by the Administrative Official.

(B) No building permit shall be issued except in conformity with the provisions of the city of Aumsville's Comprehensive Plan and Development Ordinance, unless written communications are received from the Commission in the form of review, variance, conditional use, or building permits not meeting parcel requirements exception in Section 20.63, as provided by this ordinance.

[Section 11.02 amended by Ord. No. 471, sec. 15, passed June 26, 2000; Ord. No. 496, sec. 15, passed October 25, 2001; Ord. No. 540, sec. 14, passed August 9, 2004]

11.03 Application for Building Permits:

(A) All applications for building permits shall be on forms provided by the city and shall be accompanied by such fees as are required and plans, drawn to scale, in duplicate or triplicate and containing:

1. The actual dimensions and shape of the lot to be built upon;
2. The locations on the lot of buildings already existing, if any, and the distances from all property lines; and
3. The location and dimensions of the proposed building or alterations; and
4. Other information as may be necessary to determine conformance with, and provide for the enforcement of this ordinance and the Comprehensive Plan.

(B) One copy of the plan shall be returned to the applicant as approved or disapproved with appropriate notations and attest to the same by signature and date. The original, similarly marked, shall be retained by the Administrative Official or designated building official.

[Section 11.03 amended by Ord. No. 437, sec. 18, passed March 12, 1997; Ord. No. 496, sec. 15, passed October 25, 2001; Ord. No. 540, sec. 14, passed August 9, 2004]

11.04 Building Permit Applications and Renewal:

(A) Building permit applications are kept in the review process for a period of 180 days following the date of the application. If not issued within this time they shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Administrative Official.

(B) Expired applications may be extended for a period not exceeding 180 days upon the written request of the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once.

(C) Once an application has expired it becomes invalid and all fees are forfeited.

(D) Any fee erroneously paid or collected may be refunded. No refunds shall be made for less than $6.00. No fee shall be refunded except upon written request by the original applicant, not later than 180 days after the date of the fee payment and before a permit has been processed. The Zoning Review Fee shall not be refunded and refund of other fees will be based on the review work completed.

[Section 11.04 added by Ord. No. 496, sec. 15, passed October 25, 2001; Ord. No. 540, sec. 14, passed August 9, 2004]

11.05 Expiration of Building Permits and Renewal:

(A) Permits are not transferable and expire by limitation and become null and void if:

1. Work is not commenced within 180 days from the date the permit is issued, or
2. Work is suspended or abandoned at anytime after the work is commenced for a period of 180 days. The burden of proof to show that substantial work has been done rests with the property owner. Written notice of expiration shall be given to the permittee by the Administrative Official.

(B) Any permitee holding an unexpired permit may submit a written request for an extension showing that circumstances beyond the control of the permittee have prevented action from being taken. The permit may be extended for not more than 180 days. No permit shall be extended more than once.

(C) An expired permit must be renewed before any work can be recommenced. A new permit shall be first obtained with the fee determined by the Administrative Official.

[Section 11.04 amended by Ord. No. 437, sec. 19, passed March 12, 1997; Section 11.04 renumbered to 11.05 and amended by Ord. No. 496, sec. 15, passed October 25, 2001; Ord. No. 540, sec. 14, passed August 9, 2004]

11.06 Refund of Permits:

(A) Any fee erroneously paid or collected may be refunded.

(B) No refunds shall be made for less than $6.00.

(C) No fee shall be refunded except upon written request by the original permittee when no construction work has been done, not later than 180 days after the date of the fee payment. Once payment has been made by the city to Marion County, refund request must be made directly to Marion County Building Inspection.

(D) No zoning review, state surcharge or plans review fees shall be refunded.

[Section 11.06 added by Ord. No. 496, sec. 15, passed October 25, 2001]

11.07 Construction and Use to be as Provided in Applications, Plans and Permits: Building permits issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violations of this ordinance. [Section 11.06 renumbered to 11.07 by Ord. No. 496, sec. 15, passed October 25, 2001; Ord. No. 540, sec. 14, passed August 9, 2004]

11.08 [Section 11.08 repealed by Ord. No. 496, sec. 15, passed October 25, 2001]

SECTION 12.00

ADMINISTRATIVE PROCEDURES

12.01	Summary of Application Types and Review Procedures
12.02	General Procedures
12.03	Public Notice Requirements
12.04	Public Hearing Before the Commission
12.05	Review and Public Hearings by Council
12.06	Appeal Provisions
12.07	Fees
12.08	Type IV Actions
12.09	Revocation of Decision

[Amended by Ord. No. 416, passed May 8, 1995]

SECTION 12.00

Administrative Procedures

12.01 Summary of Application Types and Review Procedures: All development permits and land use actions are processed under the city's administrative procedures provided for in this section. There are four types of actions, each with its own procedures.

(A) Type I Action. An administrative action reviewed by staff based on clear and objective standards. The notice of the decision is sent only to the applicant. Appeal is to the Commission. The following actions are processed under the Type I procedure:
1. Property Line Adjustment (Section 20.10)
2. Home Occupation (Section 1.34)
3. Sign Permit (Section 19.00)
4. Non-Conforming Use (Sections 4.11 to 4.13)
5. Minor Modifications to approved site plan
6. Accessory Structures (Section 21.06)

(B) Type II Actions. A Type II action is a quasi-judicial review in which the Commission applies a mix of objective and subjective standards that allow considerable discretion. Public notice and a public hearing are provided**,** see Section 12.03 (B). Appeal of a Type II decision is to the Council. The following actions are processed under a Type II procedure:
1. Partition (Section 20.30)
2. Conditional Use Permit (Section 14.00)
3. Manufactured Home Park (Section 6.03 (D))
4. Similar Use (Section 4.09)
5. Variance (Section 13.00)
6. Site Development Review (Section 21.00)
7. Major modifications to approved site plan (Section 21.09(B))

(C) Type III Actions. A Type III action is a quasi-judicial process in which the Council applies a mix of objective and subjective standards. The Commission has an advisory role. Public notice is provided and public hearings are held at the Commission and Council**,** see Section 12.03 (B). Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure:
1. Annexation (Section 17.00)
2. Zone Change (Section 16.00)
3. Comprehensive Plan Map Amendment (Section 16.00)
4. Subdivision (Section 20.40)
5. Development Agreements, as set forth in ORS 94.504 to 94.528

(D) Type IV Actions. A Type IV action is a legislative review in which the city considers and enacts or amends laws and policies. Private parties cannot request a Type IV action, except as set forth in Section 15.00 of the development ordinance and Oregon initiative law (ORS 250.305). It must be initiated by city staff, Commission, or Council. Public notices and hearing are provided in a Type IV process. The following actions are processed under a Type IV procedure:
1. Comprensive Plan amendments and revisions.
2. Development Ordinance amendments**.**

(E) Applications requesting vacation of public rights-of-way shall be processed according to the applicable Oregon Revised Statutes.

(F) Whenever an applicant requests more than one approval, including different approval types, the proceedings may be consolidated at the discretion of the City, so that one approval authority shall decide all applications. In such cases, the review procedure and approval authority will be that of the highest numbered approval type involved in the applications. Type IV legislative actions cannot be combined with Types I-III quasi-judicial actions.

[Section 12.01 amended by Ord. No. 385, sec. 15, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 471, sec. 16, passed June 26, 2000; Ord. No. 496, sec. 16, passed October 25, 2001; Ord. No. 540, sec. 15, passed August 9, 2004; Ord. No. 594, sec. 30, passed Dec. 14, 2009, Ord. No. 604, passed October 25, 2010]

12.02 General Procedures:

(A) Procedure for Type I Review: Applications subject to administrative review shall be reviewed and decided by the Administrative Official.

1. Upon receipt of an application for a Type I land use action, the city staff shall review the application for completeness.
   (a) Incomplete applications shall not be reviewed until all required information has been submitted by the applicant.
   (b) If incomplete, city staff shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application, and allow the applicant to submit the missing information.
2. The application shall be deemed complete either:
   (a) Upon receipt of the missing information; or
   (b) Upon receipt of some of the missing information and written notice from the applicant that no other information will be provided; or
   (c) Upon receipt of written notice from the applicant that none of the missing information will be provided.
3. On the 181st day after the application was first submitted the application is void if: as required under subsection (2) of this section, the applicant has been notified of the missing information and applicant has not responded appropriately.
4. Referrals may be sent to interested agencies such as city departments, police and fire departments, school district, utility companies, and applicable state or federal agencies.
5. If the staff finds that the facts of the particular case require interpretation of existing standards, then a public hearing before the Commission shall be scheduled. The procedures for conducting the public hearing shall comply with the requirements in Section 12.03(A) and Section 12.04.
6. Staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this ordinance.
7. The city may place conditions related to ensuring the applicant complies with standards and requirements.
8. A Type I land use decision may be appealed by the applicant to the Commission. The appeal shall be filed within 12 days from the date of the decision, following the provisions of Section 12.06.
9. The timing requirements established by this section are intended to allow a final action, including resolution of any appeals, within 120 days of receipt of a complete application. The 120 time period may be extended for a specified period of time at the written request of the applicant. The total of all extensions

may not exceed 245 days.

10. If for any reason it appears that such final action may not be completed within the 120 day period, unless the time period is voluntarily extended by the applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this ordinance.
    (a) The city staff shall notify the Council of the timing conflict by the 95th day. The Council may, in accordance with its own procedures, set a time for an emergency meeting within the 120 period.
    (b) Public notice may be mailed to affected parties as specified in Section 12.03(B).
    (c) The Council shall hold a public hearing on the specified date, if applicable, in accordance with the provisions of Section 12.05 and render a decision approving or denying the request within the 120-day period. Such action shall be the final action by the city on the application.

(B) Procedures for Type II and Type III Actions:

1. Upon receipt of an application for Type II or Type III land use action, the city staff shall review the application for completeness.
    (a) Incomplete applications shall not be scheduled for Type II or Type III review until all required information has been submitted by the applicant.
    (b) If incomplete, city staff shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application, and allow the applicant to submit the missing information.
2. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:
    (a) Upon receipt of the missing information; or
    (b) Upon receipt of some of the missing information and written notice from the applicant that no other information will be provided; or
    (c) Upon receipt of written notice from the applicant that none of the missing information will be provided.
3. On the 181st day after the application was first submitted the application is void if: as required under subsection (2) of this section, the applicant has been notified of the missing information and applicant has not responded appropriately.
4. Applications for more than one Type II or Type III land use action for the same property may, at the applicant's discretion, be combined and heard or reviewed concurrently.
5. Referrals may be sent to interested agencies such as city departments, police and fire departments, school district, utility companies, post office, and applicable state or federal agencies.
6. The public hearing shall be scheduled and notice shall be mailed or delivered to the applicant and adjacent property owners. Notice requirements shall comply with Section 12.03(B).
7. Any staff report or written recommendations shall be available at least 7 days prior to the hearing. This report shall be mailed or delivered to the applicant and be available at city hall for all interested parties.
8. The public hearing before the Commission shall comply with the provisions in Section 12.04.
9. Approvals of any Type II or Type III action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals:
    (a) Conditions shall be designed to protect public health, safety and general

welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:

1. Protection of the public from the potentially deleterious effects of the proposed use; or
2. Fulfillment of the need for public service demands created by the proposed use.

(b) Changes or alterations of conditions shall be processed as a new administrative action.

(c) Whenever practical, all conditions of approval required by the city shall be completed before the issuance of an occupancy permit. When an applicant provides information which demonstrates to the satisfaction of the Commission that it is not practical to fulfill all conditions prior to issuance of such permit, the Commission may require a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.

1. Types of Guarantees. Performance guarantees may be in the form of performance bond payable to the city of Aumsville, cash, certified check, time certificate of deposit, or other form acceptable to the city. The form must be approved by the city attorney and appropriate documents filed with the Administrative Official.
2. Amount of Guarantee. The amount of the guarantee must be equal to at least 110% of the estimated cost of the performance. The applicant must provide a written estimate acceptable to the city, which must include an itemized estimate of all materials, labor, equipment and other costs of the required performance.
3. Time Periods. The Administrative Official may grant a waiver of performance for a period not to exceed 6 months. A request for extension of any waiver granted must be submitted to and approved by the Council.

10. The Commission or Council shall render a decision that either approves or denies the application. City staff shall prepare the decision in writing and include:

(a) A brief statement that explains the criteria and standards considered relevant to the decision;

(b) A brief statement of the facts relied upon in rendering the decision and an explanation or the justification for the decision based on the criteria;

(c) If applicable, any conditions placed on an approval; and

(d) Signature of the decision-maker's chair.

11. A Type II land use decision may be appealed to the Council by an aggrieved party with standing. The appeal shall be filed within 12 days from the date of the final written decision, following the provisions of Section 12.06. Type III land use applications are automatically reviewed by the Council.

12. The timing requirements established by this section are intended to allow final action, including resolution of appeals, for all Type II or Type III land use actions (except Annexations and Comprehensive Plan Map amendments) within 120 days of receipt of a complete application. The 120 time period may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed 245 days.

13. If for any reason it appears that such final action may not be completed within the 120 day period, unless the time period is voluntarily extended by the

applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this ordinance.

(a) The city may shall notify the Council of the timing conflict by the 95th day. The Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120-day period.

(b) Public notice may be mailed to affected parties as specified in Section 12.03(B).

(c) The Council shall hold a public hearing on the specified date, if applicable, in accordance with the provisions of Section 12.05 and render a decision approving or denying the request within the 120-day period. Such action shall be the final action by the city on the application.

[Section 12.02 amended by Ord. No. 385, sec. 15, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 437, sec. 20 and 21, passed March 12, 1997; Ord. No. 471, sec. 17, passed June 26, 2000; Ord. No. 496, sec 17, passed October 25, 2001; Ord. No. 540, sec. 15, passed August 9, 2004; Ord. No 594, sec. 31, passed Dec. 14, 2009, Ord. No. 604, passed October 25, 2010; Ord. No. 650, sec. 12, passed May 24, 2016]

12.03 Public Notice Requirements:

(A) Type I Actions. Written notice of any Type I hearing shall be mailed or delivered to the applicant.

(B) Type II and Type III Actions.

1. Notice of any public hearings before the Commission or Council for a Type II or Type III land use action required by this ordinance shall be posted on the subject property at least 10 days prior to the public hearing.
2. Written notice of the initial public hearing shall be mailed or delivered at least 20 days prior to the hearing date to the owners of property within 100 feet of the boundaries of the subject property. Where a multiple hearing application is scheduled, only a 10-day written notice shall be required.
3. Notice of the hearing shall be printed in the Aumsville Newsletter, except for Annexations. Annexation notice of hearing shall be published in accordance with Oregon Revised Statutes. An affidavit of publication of the notice shall be made a part of the administrative record.
4. Applicants for a Type II or III action shall be responsible for providing a certified list of property owners within the notice area, prepared by Marion County or a title company, within 100 feet of the subject property.

(C) Type IV Actions. Notice of the time, place and purpose of the first public hearing shall be mailed at least 20 days but not more than 40 days prior to the hearing date to all owners of property within the city whose property would be rezoned by a Type IV action. “Re-zoned” includes any action that amends or adopts new provisions to the Comprehensive Plan or Development Ordinance in a manner that limits or prohibits land uses previously allowed in an affected zone. Notice of all hearings shall be published in the Aumsville Newsletter. Public notices must also appear 10 days prior to the hearing date in a newspaper of general circulation within the city if it amends any Partition or Subdivision standards and procedures governing approval of plats, and may if it is deemed advisable, or if the current citywide newsletter is discontinued.

(D) Notice of Appeals. Notice of hearings on appeal to either the Commission or Council shall be pursuant to Subsection (2) above, and shall include written notice at least 10 days prior to hearing to the appellant, the applicant, and any other individual who received notice of the original decision, and any others requesting

notice.

(E) Notice Requirements.

1. Public notice shall:
   (a) Explain the nature of the application and the proposed use or uses which could be authorized;
   (b) Cite the applicable criteria from the ordinance and the plan which apply to the application at issue;
   (c) Set forth the street address or other easily understood geographical reference to the subject property;
   (d) State the date, time and location of the hearing;
   (e) State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;
   (f) Include the name of the city representative to contact and the telephone number where additional information may be obtained;
   (g) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost at least 20 days prior to the public hearing. Where a multiple hearing application is scheduled, only at least 10 days shall be required for availability of the above material;
   (h) State that a copy of any staff report will be available for inspection at no cost at least 7 days prior to the hearing and a copy will be available at reasonable cost;
   (i) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearing.
   (j) For Type IV actions requiring individual written notices to property owners:
      1. Contain the following language in boldfaced type extending from the left-hand margin to the right-hand margin across the top of the face page of the notice: This is to notify you that Aumsville has proposed a land use regulation that will affect the permissible uses of your land.
      2. Contain substantially the following language in the body of the notice: On (date of public hearing), (city) will hold a public hearing regarding the adoption of Ordinance Number ___. The city has determined that adoption of this ordinance will affect the permissible uses of your property and may reduce the value of your property.

(F) Failure to Receive Notice. Failure to receive notice prescribed in this section shall not invalidate such proceedings if the city can demonstrate by affidavit that such notice was given. The notice provisions of this section shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.

[Section 12.03 amended by Ord. No. 385, sec. 15, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 437, sec. 22, passed March 12, 1997; Ord. No. 471, sec. 18, passed June 26, 2000; Ord. No. 496, sec. 18, passed October 25, 2001; Ord. No. 540, sec. 15, passed August 9, 2004; Ord. No 594, sec. 32 and 33, passed Dec. 14, 2009]

12.04 Public Hearing Before the Planning Commission.

A) General Provisions.

1. Land use actions which require a public hearing by the Commission under the

provisions of this ordinance shall be initially heard by the Commission within 60 days of the receipt of a complete application or appeal.

2. The Commission or Council may continue a public hearing for additional, information, testimony, decision, or to serve further notice. Upon recessing the hearing, the Commission or Council shall announce the time and place when the hearing will be resumed. When the hearing body reopens the record to admit new evidence or testimony, any person may raise new issues that relate to the new evidence, testimony, or criteria for decision-making which apply to the matter at issue.
3. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing.
4. The decisions of the Commission on applications for Type II actions shall be final unless appealed to the Council pursuant to Section 12.06.
5. The recommendations of the Commission on applications for Type III actions shall be referred to the Council for final determination, pursuant to Section 12.05.
6. An issue which may be the basis for an appeal to the Land Use Board of Appeals (LUBA) may be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the Council or Commission, and the parties, an adequate opportunity to respond to each issue.
7. Appeal of a Type I action shall be heard by the Commission in accordance with provisions of Section 12.04. Findings of the Commission on such appeal shall be final unless further appealed to the Council.

(B) <u>Public Hearing Procedures</u>.

1. Open Public Hearing: The presiding officer shall open the record, announce the nature and purpose of the hearing, and summarize the rules of conduct of the hearing and appeal rights.
2. Declaration of Interests: The presiding officer shall inquire whether any member of the Council or Commission has any conflicts of interest concerning the issue before the city. All Councilors and Commissioners are required to declare conflicts of interest, bias, and ex parte contacts, and to state on the record their decision regarding their ability to vote on the application.

   All declarations shall be made publicly at the commencement of the first public hearing following the date when the Councilor or Commissioner first learned of or had an interest which must be declared

   The declaration shall contain a detailed statement of the content of any interest of contact, including who was involved, the time of discovery or happening, and the result, if any, of the interest. The members shall declare whether or not he/she can make an impartial decision on the issue before the city.

   Immediately following all declarations, the presiding officer at the hearing shall allow an opportunity for any interested party to rebut the substance of the declaration.
3. Preliminary Matters: Immediately following the declaration of interest section of the hearing, the presiding officer shall determine if there are other preliminary matters that need to be addressed prior to taking testimony and evidence on the case. Preliminary matters may include quality and/or quantity of the notice of

public hearing; jurisdictional questions; or legal objections to procedure.

4. Opening Statement: Following the determination of all preliminary matters, the presiding officer shall read into the record an opening statement that includes the following:
   (a) A list of the applicable substantive approval criteria.
   (b) That testimony and evidence submitted at the hearing must be directed toward the approval criteria listed in the notice of public hearing and as read in item (4)(a) hereof, or to other criteria which the person believes to apply to the decision.
   (c) A disclaimer that failure to raise an issue with sufficient specificity to afford the decision-maker and the parties an opportunity to respond to the issue precludes appeal to LUBA on that issue.
   (d) Note that any person may request either a continuance of the hearing if additional evidence in support of the application is presented, or that the record be left open for submission of additional evidence, then the record shall remain open for at least 7 days.
   (e) Notify those that will be testifying to provide their name and full mailing address if they wish to receive the notice of decision, be notified of a continuance, appeal, or other action on the application.
5. Staff Report (if available): A representative of the city shall present a staff report summarizing the nature of the application, citing applicable standards and criteria, and making a recommendation with or without conditions as to whether the application should be granted or denied.
6. Applicant or Appellant: The person(s) filing the application or the appeal shall present evidence in support of the application or appeal. In cases where the appellant is other than the applicant, the burden of proof remains with the applicant to show that the land use application is entitled to approval. In such cases where the appellant is not the applicant, the appellant shall testify first, followed by the applicant.
7. Proponents: Any person in favor of the application, followed by Commission/Council questions.
8. Opponents: Any person opposed to the application, followed by Commission/Council questions.
9. Governmental Agencies: A representative of any governmental agency or department may present testimony or other evidence concerning the application at issue.
10. General Testimony: Any person who has not previously testified on the issue shall be given an opportunity to be heard.
11. Questions from the Public: Any member of the public who wishes to ask questions about the issue may direct questions to the presiding officer who may respond to the inquiry or call upon the applicant, staff, or any other party to respond.
12. Questions from the Council or Commission: After recognition by the presiding officer, any member of the Council or Commission may direct questions to the applicant, staff, or any other party.
13. Applicant Summary: The applicant will be allowed to summarize briefly the proposal and shall be given the opportunity to present rebuttal testimony or evidence.
14. Staff Summary: The city staff representative shall restate the staff recommendation, any conditions of approval, and shall summarize the actions

required by the city.

15. Closing the Hearing: Generally, the record will be closed at the conclusion of the hearing unless the presiding officer has declared that the record will be held open to receive additional evidence, or to continue the hearing to a date and time certain.
16. Discussion by members and determination of the findings of fact.
17. Decision, including any conditions of approval and a restatement of appeal procedures.

(C) Evidence.

1. All evidence offered and not objected to may be received unless excluded by the Commission on its own motion. Evidence may be received subject to a later ruling as to its admissibility.
2. The Commission or Council may exclude irrelevant, unduly repetitious, immaterial or cumulative evidence; but erroneous admission of evidence by the Commission shall not preclude action or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party. When a hearing will be expedited, any part of the evidence may be received in written form.
3. All evidence shall be offered and made a part of the public record in the case.
4. The Commission may take notice of judicially recognizable facts, and members may take notice of general, technical or scientific facts within their specialized knowledge. Parties shall be notified at any time during the proceeding, but in any event prior to the final decision, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. The Commission members may utilize their experience, technical competence and specialized knowledge in evaluation of the evidence presented.
5. Every party is entitled to an opportunity to be heard and to present and rebut evidence.
6. All interested persons shall be allowed to testify.

(D) Burden of Proof. The proponent(s) of a matter at public hearing before the Commission or Council shall have the burden of proving the jurisdiction of the request. The greater the impact of the request on an area, the greater the burden of proof. The proposal must be supported by proof that it conforms with the applicable provisions of this ordinance.

(E) Record of Hearing. A verbatim record of the proceeding shall be made by written, mechanical or electronic means, which record need not be transcribed except upon review of the record.

(F) Limits on Oral Testimony. The Commission chair may set consistent, reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing.

(G) Exhibits. All exhibits received shall be marked so as to provide identification upon review. Such exhibits shall be retained by the city.

(H) General Conduct of the Hearing. Each person appearing before the Commission and Council shall give their name and address. No person shall speak without obtaining the permission from the chair. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.

[Section 12.04 amended by Ord. No. 385, sec. 15, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 437, sec. 23, passed March 12, 1997; Ord. No. 471, sec. 19, passed June 26, 2000; Ord. No. 496, sec. 19, passed October 25, 2001; Ord. No. 540, sec. 15, passed August 9, 2004; Ord. 594, sec. 34, passed Dec. 14, 2009]

12.05 Review and Public Hearings by Council.

(A) Hearings by Council.

1. Council shall hold public hearings on all Type III and Type IV actions.
2. The hearings shall follow ORS 197.763 procedures.
3. All decisions shall be made within the timeframe mandated by state law, unless the applicant agrees to extend the 120-day review period.
4. The decision of the Council of a Type III or Type IV action shall be final and in accordance with Section 12.02(B)(9).

[Section 12.05 amended by Ord. No. 385, sec. 15, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 437, sec. 24, passed March 12, 1997; Ord. No. 471, sec. 20, passed June 26, 2000; Ord. No. 496, sec. 20 passed October 25, 2001; added to Section 12.06 and renumbered by Ord. No. 540, sec. 15, passed August 9, 2004]

12.06 Appeal Provisions. The appeal period starts on the date of the Notice of Decision.

(A) Appeals.

1. The Commission shall hear appeals of all Administrative Official decisions on a Type I Action.
2. The Council shall hear appeals of all Commission decisions on a Type II Action.
3. The appeal must be perfected as is required by Section 12.06. The action of the Administrative Official or Commission shall be final and the appeal shall not be heard if the appeal period has lapsed.
4. Submission of New Testimony and De Novo Hearings: The Council may admit additional testimony and other evidence by holding a de novo hearing. Upon the decision to admit additional testimony or other evidence and to hear the entire matter de novo, the presentation of such testimony and evidence shall be governed by the procedures applicable to the presentation of such matters at the initial hearing.
5. The Council may affirm, rescind or amend the action of the Commission and may grant approval subject to conditions necessary to carry out the Comprehensive Plan. The Council may also remand the matter back to the Commission for additional information, subject to the agreement of the applicant to extend the 120-day review period.

(B) Appeal Period.

1. The decision of the Administrative Official shall be final for a Type I land use decision unless a notice of appeal from an appropriate aggrieved party is received by the city within 12 days of the date of the final written decision, or unless the Council, on its own motion, orders review within 12 days of the written decision. An appeal stays the proceedings in the matter appealed until the determination of the appeal. The 120-day deadline for final action by the city remains in effect unless the time period is voluntarily extended by the applicant.
2. The decision of the Commission for a Type II land use decision, or the appeal of a Type I decision, shall be final unless a notice of appeal from an appropriate aggrieved party is received by the city within 12 days of the date of the final written decision, or unless the Council, on its motion, order review within 12 days of the written decision. An appeal stays the proceedings in the matter appealed until the determination of the appeal. The 120-day deadline for final action by the city remains in effect unless the time period is voluntarily extended by the applicant.
3. All appeals from the Council's decision on a Type III or Type IV action shall be to the state Land Use Board of Appeals**.** The appeal must be perfected following

applicable state law.

(C) Form of Appeal. Appeal requests shall be made on forms provided by the city and shall state the alleged errors in the Commission action.

(D) Transcript Fees. In addition to any cost or fees set forth in Section 12.07 below, the city may charge a fee for the preparation of any transcript that may be required for the appeal. The fee shall be determined based on the current city hall per page rate for the copying and personnel costs as an hourly rate equivalent to the salary plus benefits (computed at an hourly rate) of each employee involved in the preparation of the transcript.

(E) Costs of Appeal.

1. The other fees for administrative costs of appeal requests shall be determined based on the current city hall per page rate for the copying and personnel costs at an hourly rate equivalent to the salary plus benefits (computed at an hourly rate) of each employee involved in the appeal work; and
2. The city shall estimate the cost of the appeal and receive a deposit from the appellant in that amount. The appellant shall be billed for actual costs more than the deposit or receive a refund for surplus deposit funds, whatever the case may be.

[Section 12.06 amended by Ord. No. 385, sec. 15, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 437, sec. 25, passed March 12, 1997; Ord. No. 471, sec. 21, passed June 26, 2000; Ord. No. 540, sec. 15, passed August 9, 2004]

12.07 Fees.

(A) Purpose. Fees are for the purpose of defraying administrative costs.

(B) General Provisions.

1. Fees shall be payable at the time of application and shall be as set forth by ordinance or resolution of the Council. There shall be no fee required for an application initiated by the Commission or the Council.
2. The failure to submit the required fee with an application or notice of appeal, including return of checks unpaid or other failure of consideration, will constitute an incomplete application.
3. Fees are not refundable unless the application is withdrawn before the notification of the hearing. Refund of any fees will be based on the review work completed.
4. The Council may reduce or waive the fees upon showing of just cause to do so.

[Section 12.07 amended by Ord. No. 385, sec. 15, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 496, sec. 21, passed October 25, 2001; Ord. No. 540, sec. 15, passed August 9, 2004]

12.08 Type IV Actions.

(A) Initiation. Type IV may be initiated by:

1. Majority vote of the Council.
2. Majority vote of the Commission.
3. Initiative petition, in accordance with ORS 250.305 and Section 15 of the development ordinance.

(B) Procedure for Type IV Actions.

1. Public Hearings by Commission.
   (a) A public hearing shall be held by a majority of the Commission on all proposed amendments to this ordinance and on all legislative amendments to the zoning maps. The Commission may continue any hearing in order to make a reasonable decision. Notice shall be as specified in Section 12.03.
   (b) Amendments shall be considered and acted upon by the Commission. If the

Commission fails to act on the action, and no extension is granted by the Council, the Council may act upon the amendment.

2. Public Hearing by Council. Following Commission action, the Council shall hold a public hearing to consider the applicable criteria and the Commission's recommendation on proposed amendments. Notice shall be as specified in Section 12.03.
3. Time Requirement. The 120 day deadline for final action by the city does not apply to any Type IV action.

[Section 12.08, amended by Ord. No. 385, sec. 15, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 437, sec. 26, passed March 12, 1997; Ord. No. 496, sec. 22, passed October 25, 2001; Ord. No. 540, sec. 15, passed August 9, 2004]

12.09 Revocation of Decision.

(A) Compliance with Conditions. Compliance with conditions imposed by the Administrative Official, Commission or Council in granting a permit for any land use action shall be required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance.

(B) General Provisions.

1. The Administrative Official may initiate a revocation of any land use permit or approval issued for failure to comply with any prescribed condition of approval. The hearing shall be conducted as a Type II hearing and in accordance with the procedures for a Type II hearing.
2. Final decisions regarding Comprehensive Plan text or map amendments, development ordinance text amendments or zone changes shall not be subject to revocation.

[Section 12.09 amended by Ord. No. 385, sec. 15, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 15, passed August 9, 2004]

SECTION 13.00

VARIANCES

Purpose: It is the purpose of this section, subject to the restrictions and provisions of this ordinance, to vary or modify the strict application of any of the regulations or provisions, except for use of property.

13.01	Commission
13.02	Application
13.03	Public Hearing
13.04	Criteria for Granting A Variance
13.05	Findings
13.06	Limiting Variances
13.07	Notice
13.08	Time Limit on a Variance Permit
13.09	Appeals
13.10	Resubmission of Variance Application

[Amended by Ord. No. 594, sec. 35, passed Dec. 14, 2009]

SECTION 13.00

Variances

13.01 Commission: The Commission is authorized to conduct public hearings on applications for variances within the limits, spirit and intent of this ordinance, and as will not be contrary to the public interest, and are applied reasonably to maintain and not abolish the distinctive classifications created by this ordinance. The Commission may approve, deny, or conditionally approve any application for a variance permit. [Section 13.01 amended by Ord. No. 540, sec. 16, passed August 9, 2004]

13.02 Application: A property owner may initiate a request for a variance by filing with the Administrative Official on a form provided and paying the appropriate posted fee. [Section 13.02 amended by Ord. No. 540, sec. 16, passed August 9, 2004]

13.03 Public Hearing: Public hearings before the Commission shall be in accordance with the procedures in Section 12.00, Administrative Procedures. [Section 13.03 amended by Ord. No. 540, sec. 16, passed August 9, 2004]

13.04 Criteria for Granting a Variance: A variance from the terms of this ordinance shall not be granted unless ALL of the following circumstances exist:

(A) Compliance with the applicable requirement or standard of this ordinance would:
1. Create a hardship due to one or more of the following conditions:
   (a) The physical characteristics of the land, improvements, or uses that are not typical of conditions in the zoning district; or
   (b) Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district; or
   (c) That the special conditions and circumstances on which the application is based do not result from the negligent or knowing violation of this ordinance by the applicant.
2. Not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located.

(B) Strict adherence to the requirement or standard is unnecessary because the proposed variance will reasonably satisfy both of the following objectives:
1. Granting the variance will not create significant adverse affects to the appearance, function, or safety of the use or uses on the subject property; and
2. Granting the variance will not impose limitations on other properties in the area, including uses which would be allowed on vacant or underdeveloped properties.

(C) Approval of this application will allow the property to be used only for the purposes authorized by the zoning district.

[Section 13.04 Amended by Ord. No. 594, sec. 36, passed Dec. 14, 2009]

13.05 Findings: Before the Commission shall grant or deny a request for a variance, the Commission shall develop specific findings of fact that support or do not support the criteria set forth in Section 13.04. If it is determined by the Commission that the criteria set forth in Section 13.04 are not met, the Commission shall deny the request for variance. [Section 13.05 amended by Ord. No. 540, sec. 16, passed August 9, 2004]

13.06 Limiting Variances: In granting any variance, the Commission may prescribe appropriate

conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance. Under no circumstances shall the Commission grant a variance to allow a use not permissible under the terms of this ordinance in the zone involved, or any use expressly or by implication prohibited by the terms of this ordinance. [Section 13.06 amended by Ord. No. 540, sec. 16, passed August 9, 2004]

13.07 Notice: Within 10 days after a decision has been rendered with reference to a variance application, the Administrative Official shall provide the applicant with written notice of the decision of the Commission. [Section 13.07 amended by Ord. No. 540, sec. 16, passed August 9, 2004]

13.08 Time Limit on a Variance Permit: Authorization of a variance shall be void after 1 year unless substantial construction has taken place. However, the Commission may extend authorization for an additional period not to exceed 6 months, upon written request. [Section 13.08 amended by Ord. No. 540, sec. 16, passed August 9, 2004]

13.09 Appeals: Appeals from the decision of the Commission shall be in accordance with the procedures in Section 12.00, Administrative Procedures. [Section 13.09 amended by Ord. No. 540, sec. 16, passed August 9, 2004]

13.10 Resubmission of Variance Application: No application which has been denied wholly or in part by the Commission shall be resubmitted for a period of 1 year from such denial, unless consent for resubmission be given to the Administrative Official upon showing of good cause. [Section 13.10 amended by Ord. No. 540, sec. 16, passed August 9, 2004]

SECTION 14.00

CONDITIONAL USES

Purpose: In addition to development intended for a zone there are uses that are specified as conditional uses because of their public convenience, necessity, unique nature, or their effect on the Comprehensive Plan. A conditional use listed in a zone may be permitted, enlarged, or altered provided that the conditional use would be reasonably compatible with and have minimal impact on the livability and appropriate development of an abutting property surrounding neighborhood, and to the purpose and intent of the Comprehensive Plan.

14.01 Commission

14.02 Administrative Official

14.03 Application

14.04 Public Hearing

14.05 Criteria for Granting a Conditional Use

14.06 Permit Conditions

14.07 Existing Conditional Uses

14.08 Conditional Use and Concurrent Variances

14.09 Notice

14.10 Appeals

14.11 Time Limit of a Conditional Use Permit

14.12 Resubmission of a Conditional Use Application

SECTION 14.00

Conditional Uses

14.01 Commission: The Commission is authorized to conduct public hearings on applications for conditional use within the limits, spirit, and intent of this ordinance. The Commission may impose, in addition to those standards, criteria and requirements expressly specified by this ordinance, additional conditions, which the Commission considers necessary to protect the best interest of the zone and the city as a whole. [Section 14.01 amended by Ord. No. 540, sec. 17, passed August 9, 2004]

14.02 Administrative Official: The Administrative Official is authorized to set for public hearing before the Commission those written applications for a conditional use permit. [Section 14.02 amended by Ord. No. 540, sec. 17, passed August 9, 2004]

14.03 Application: A property owner may initiate a request for a conditional use permit by filing with the Administrative Official on forms provided and paying the appropriate posted fee. [Section 14.03 amended by Ord. No. 540, sec. 17, passed August 9, 2004]

14.04 Public Hearing: Public hearings before the Commission shall be in accordance with the procedures in Section 12.00, Administrative Procedures.
[Section 14.04 amended by Ord. No. 540, sec. 17, passed August 9, 2004]

14.05 Criteria for Granting a Conditional Use:

(A) The proposal will be consistent with the Comprehensive Plan, the provisions of the Development Ordinance, the underlying land use zone, and other applicable policies of the city.
(B) Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impact on the livability, value, and appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.
(C) The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.
(D) The proposal will preserve assets of particular interest to the community.
(E) The applicant has bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal.

[Section 14.05 amended by Ord. No. 636, sec. 4, passed March 30, 2015; Ord. No. 650, sec. 13, passed May 24, 2016]

14.06 Permit Conditions: The Commission in permitting a new conditional use or the alteration of an existing conditional use may impose conditions which it finds necessary to avoid detrimental impact and to otherwise protect the best interest of the surrounding area of the city as a whole (See Section 12.02(B)(8)). These conditions may include, but are not limited to the following:

(A) Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
(B) Establishing a special yard or other open space, lot area, or dimension.
(C) Limiting the height, size or location of a building or other structure.
(D) Designating the size, number, location and nature of vehicle access points.
(E) Increasing the amount of street dedication, roadway width or improvements within

the street right-of-way.

(F) Designating the size, location, screening, drainage, surfacing, or other improvements of a parking area or truck loading area.

(G) Limiting or otherwise designating the number, size, location, height and lighting of signs.

(H) Limiting the location and intensity of outdoor lighting and requiring its shielding.

(I) Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

(J) Designating the size, height, location and materials for a fence.

(K) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.

(L) Other conditions to permit the development of the city in conformity with the intent and purpose of the conditional classification of uses.

[Section 14.06 amended by Ord. No. 471, sec. 22, passed June 26, 2000; Ord. No. 540, sec. 17, passed August 9, 2004]

14.07 Existing Conditional Uses: In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area or an alteration of structure shall conform with the requirements for a conditional use development permit.

14.08 Conditional Use and Concurrent Variances: Variances may be processed concurrently and in conjunction with a conditional use application and when so processed will not require an additional public hearing or additional filing fee.

14.09 Notice: Within 10 days after a decision has been rendered with reference to a conditional use permit, the Administrative Official shall provide the applicant with written notice of the decision of the Commission. [Section 14.09 amended by Ord. No. 540, sec. 17, passed August 9, 2004]

14.10 Appeals: Appeals from the decision of the Commission shall be in accordance with the procedures in Section 12.00, Administrative Procedures. [Section 14.10 amended by Ord. No. 540, sec. 17, passed August 9, 2004]

14.11 Time Limit of a Conditional Use Permit: The term of an approved conditional use development permit is 1 year. The Commission may extend such term for a period not to exceed 1 additional year, if upon written application, justification can be found and approved by the Commission. [Section 14.11 amended by Ord. No. 540, sec. 17, passed August 9, 2004]

14.12 Resubmission of Conditional Use Application: No application which has been denied wholly or in part by the Commission following a public hearing shall be resubmitted for a period of 1 year from such denial, unless consent for resubmission be given to the Administrative Official upon showing of good cause. [Section 14.12 amended by Ord. No. 540, sec. 17, passed August 9, 2004]

SECTION 15.00

AMENDMENTS

Purpose: Changes and amendments to the comprehensive plan and development regulations will be necessary from time to time. It is the purpose and intent of this section that amendments include changes and revisions to the adopted Development Ordinance and other legally adopted land use control documents, and corrections and changes in the Official Zoning Map, zone designations, and adjustments to zoning district boundaries.

15.01 Commission

15.02 Administrative Official

15.03 Application

15.04 Public Hearing

15.05 Criteria of Recommending an Amendment

15.06 Final Action by the Council

15.07 Record of Amendments

15.08 Effective Date of Amendments

15.09 Appeals

15.10 Limitations of Reapplication

15.11 Protest Petitions

[Amended by Ord. No. 496, sec. 23, passed October 25, 2001]

SECTION 15.00

Amendments

15.01 Commission: The Commission is authorized to conduct public hearings on all amendments to development regulations. The Commission shall consider amendments if initiated by the Commission, either on its own or at the request of the Council, or upon the petition of a majority of the property owners in the area proposed for change. A recommendation by the commission shall be forwarded to the Council. [Section 15.01 amended by Ord. No. 540, sec. 18, passed August 9, 2004]

15.02 Administrative Official: The Administrative Official is authorized to set for public hearing before the Commission, written petitions of property owners for amendments, and those initiated by either the Commission or Council. [Section 15.02 amended by Ord. No. 540, sec. 18, passed August 9, 2004]

15.03 Application: The request by a property owner (other than the city) for an amendment to this ordinance or zoning map shall be accomplished by filing an application with the Administrative Official using forms prescribed and paying the posted fee. [Section 15.03 amended by Ord. No. 540, sec. 18, passed August 9, 2004]

15.04 Public Hearing: Public hearings before the Commission shall be in accordance with the procedures in Section 12.00, Administrative Procedures. [Section 15.04 amended by Ord. No. 540, sec. 18, passed August 9, 2004]

15.05 Criteria of Recommending an Amendment:

(A) That the requested change is in conformance with the adopted Comprehensive Plan of the city.
(B) That there was a mistake or an update needed in the original ordinance or map.
(C) That the conditions in the area have changed since adoption of the ordinance and/or zoning map.
(D) The amendments will not interfere with the development or value of other land in the vicinity.
(E) The amendment will not be detrimental to the general interest of the city and that there is a public need for the amendment.
(F) That there is no other appropriately zoned property that could be used.
(G) That the amendment will not over-burden existing and future capacity of public facilities.
(H) That the amendment shall comply with applicable state and federal laws and regulations.
(I) That the amendment shall comply with the Urban Growth Boundary and Policy Agreement existing between the city and Marion County.

[Section 15.05 amended by Ord. No. 496, sec. 24, passed October 25, 2001]

15.06 Final Action by the Council: The Commission, having conducted a public hearing on the proposed amendment shall within 15 days after the hearing, recommend to the Council approval, disapproval, or modified approval of the proposed amendment. After receiving the recommendation of the Commission, the Council shall hold a public hearing on the proposed amendment. [Section 15.06 amended by Ord. No. 540, sec. 18, passed August 9, 2004]

15.07 Record of Amendments: The Administrative Official shall maintain records of amendments to the text and zoning map of this ordinance. [Section 15.07 amended by Ord. No. 540, sec. 18, passed August 9, 2004]

15.08 Effective Date of Amendments: Amendments are final following the action and order resulting from the public hearing by the Council. [Section 15.08 amended by Ord. No. 540, sec. 18, passed August 9, 2004]

15.09 Appeals: Appeals from any action by the Council may be taken as provided by Oregon law. [Section 15.09 amended by Ord. No. 540, sec. 18, passed August 9, 2004]

15.10 Limitation of Reapplication: Denials of a proposed amendment shall not be reconsidered within 1 year following a previous denial. [Section 15.10 amended by Ord. No. 540, sec. 18, passed August 9, 2004]

15.11 Protest Petitions: When a proposed amendment affects the zoning classification of property, and in case a protest against such change is signed by the owners of 20 percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent, or in the rear thereof extending 300 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of such opposite lots, then such amendment shall not become effective except by the favorable vote of 3/4 of the entire governing body. [Section 15.11 amended by Ord. No. 540, sec. 18, passed August 9, 2004]

SECTION 16.00

ZONE CHANGE

16.01	Zone Change
16.02	Initiation of a Zone Change
16.03	Notice of Public Hearing for Zone Change
16.04	General Conduct of Hearing
16.05	Action by the Commission
16.06	Final Action by the Council
16.07	Continuances
16.08	Effective Date of Zone Change
16.09	Appeals

SECTION 16.00

Zone Change

16.01 Zone Change: A zone change is a reclassification of any area from one zone or district to another, after the proposed change has been reviewed and a recommendation made by the Commission. Such change shall be made by an ordinance enacted by the Council after proceedings have been accomplished in accordance with the following provisions. All zone changes will have at least two public hearings; one before the Commission and one before the Council. A zone change also requires a Comprehensive Plan amendment if the zone change does not comply with the Comprehensive Plan Map or paragraph (A) of Section 16.05.
[Section 16.01 amended by Ord. No. 385, sec. 16, passed July 8, 1991; Ord. No. 437, sec. 27, passed March 12, 1997; Ord. No. 540, sec. 19, passed August 9, 2004]

16.02 Initiation of a Zone Change: A zone change and proceedings of such a change may be initiated as one of the following:

(A) A zone change may be initiated by resolution by the Council. The Council shall not initiate any proceedings unless the zone change is in the public interest. In such a case, the Administrative Official shall refer the resolution to the Commission, and set a date, time and place for the hearing as provided in Section 16.03.

(B) A zone change may be initiated by petition of property owners or by persons purchasing property under contract. Procedure for a zone change by petition is as follows:

1. The petition shall set forth the names of the owners of all property within 250 feet of the boundary of the property proposed for a zone change, the mailing addresses, and the description of their properties as it appears on the most recent assessment and tax roll of Marion County, or as it appears in the deed records of the county, if such records be later. Property owned by the city of Aumsville shall not be deemed as part of the affected area.
2. The petition shall contain a description of the property sought for a zone change and shall be accompanied by a plat showing the location of all property in the affected area.
3. Attached to the petition shall be the affidavit of the person(s) preparing the plat and list of names and addresses of owners therein, showing that said person(s) is qualified and competent to prepare such plat and to examine the public records pertaining to ownership of real property, and certifying that the list of names of the owners and descriptions of the property in such lists are accurate and correct and that no name of any property owner in the affected area is omitted from the list. The certificate of an abstract or title company duly incorporated under the laws of Oregon shall be deemed a compliance with this provision.

   A petition must be filed within 60 days after the making of such affidavit or certificate. All property owners signing the petition shall acknowledge the same before a Notary Public or some other official authorized to make acknowledgments, and the certificate of the Notary Public or other official shall be attached to the petition; or in lieu of having the signers of the petition acknowledge before a Notary Public or other officer, the person(s) circulating the petition may execute and file with the petition an affidavit to the effect that

such person(s), or as he certified, that each name was signed freely, voluntarily, without undue influence of any nature, and under no misrepresentation as to facts.

4. The petition of a zone change shall be filed with the Administrative Official, who shall within 5 days, check the petition and determine whether the same is signed by the property owners requesting a zone change and contains the required plat and list of names. The Administrative Official shall then fix the public hearing date before the Commission as provided in Section 16.03.

[Section 16.02 amended by Ord. No. 385, sec. 16, passed July 8, 1991; Ord. No. 496, secs. 25 and 26, passed October 25, 2001; Ord. No. 540, sec. 19, passed August 9, 2004]

16.03 Notice of Public Hearing for Zone Change: Whenever a resolution proposing a zone change is adopted by the Council, or whenever the Commission initiates any such change, or petition of property owners seeking any such change is deemed sufficient, the Administrative Official shall set the proposed change for a public hearing before the Commission, giving notice to all persons particularly interested and to the general public. The hearing shall be set within 30 days of the filing of the request. The notice shall set forth the time and place of the hearing and the nature of the zone change proposed. Such notice shall be given in the following manner:

(A) When the zone change or reclassification of property is proposed by the Council or the Commission, notice of the public hearing shall be given by posting the notice in three conspicuous places within the affected area within not less than 10 days prior to the date of the hearing.

(B) For a zone change or reclassification proposed by a petition, a post card or letter containing the notice shall be mailed not less than 20 days prior to the date of the hearing to each property owner within the affected area; provided, that failure of any such owner to receive any notice shall not affect the validity of the proceedings.

[Section 16.03 amended by Ord. No. 385, sec. 16, passed July 8, 1991; Ord. No. 540, sec. 19, passed August 9, 2004]

16.04 General Conduct of Hearing: Refer to Sections 12.02 and 12.04 of this ordinance.
[Section 16.04 amended by Ord. No. 437, sec. 28, passed March 12, 1997]

16.05 Action by the Commission: After each public hearing for a zone change the Commission shall forward to the Council its decision and include in its decision, findings of fact to support the public health, safety and welfare by relating to, but not limited to the following:

(A) That the change is in conformance with the Aumsville Comprehensive Plan, or that there was a mistake in the amended plan, or conditions in the area have changed since adoption of the amended plan. This includes both the plan map, and the goals, objectives and policies of the plan.

(B) That there is a public need for the proposed use or zone.

(C) That this need will best be met by a zone change of the property in question as compared with other property.

(D) That there is no other appropriately zoned property in the surrounding area that could be used.

(E) That the range of uses allowed by the proposed zone will not over-burden existing and future capacity of public facilities.

When the report of the Commission is filed with the Council on any proposed zone change, the Administrative Official shall set the date, time and place for the hearing,

a brief description of the property for which a zone change is sought and the nature of the zone change sought. The Administrative Official shall also give notice of the public hearing by posting a notice in three conspicuous places within the affected area and by publishing such notice in a local newspaper of general circulation in Marion County not less than 3 times in any daily newspaper or not less than 1 time in any other newspaper at least 7 days prior to the public hearing. At the hearing before the Council, all persons who are affected by the proposed change, or are of the general public, shall be afforded an opportunity to be heard, either by counsel, in person, or by written testimonial.

[Section 16.05 amended by Ord. No. 540, sec. 19, passed August 9, 2004]

16.06 Final Action by the Council: Any zone change or reclassification of property shall be by ordinance, which shall be passed by the Council. Any denial of a proposed zone change shall be by resolution. Whenever any premises are reclassified as to zone, or a new zone established, or boundary lines of a zone changed, the Official Zoning Map shall be changed. [Section 16.06 amended by Ord. No. 540, sec. 19, passed August 9, 2004]

16.07 Continuances: Any hearing before the Commission or Council may be continued from time to time. [Section 16.07 amended by Ord. No. 540, sec. 19, passed August 9, 2004]

16.08 Effective Date of Zone Change: After a public hearing is held by the Council, the zone change shall be effective 30 days following the adoption of the ordinance. [Section 16.08 amended by Ord. No. 540, sec. 19, passed August 9, 2004]

16.09 Appeals: Appeals from a decision of the Council are to the courts. [Section 16.09 amended by Ord. No. 540, sec. 19, passed August 9, 2004]

SECTION 17.00

ANNEXATIONS

Purpose: Land within the Urban Growth Boundary (UGB) of the city of Aumsville, as indicated on the city's Comprehensive Plan Map, is to be considered available for annexation. This section provides for a timely and orderly process to determine and adjust city limits boundaries to best meet the needs of the city.

17.01 Commission

17.02 Administrative Official

17.03 Application

17.04 Public Hearings

17.05 Criteria to be Applied

17.06 Final Action by the Council

17.07 Record of Annexation

17.08 Effective Date of Annexation

17.09 Limitation of Reapplication

SECTION 17.00

Annexations

17.01 Commission: The Commission is authorized to conduct public hearings on all proposed annexations and shall forward its findings, conclusions, and recommendations to the Council within 15 days following the closing of the public hearing. [Section 17.01 amended by Ord. No. 540, sec. 21, passed August 9, 2004]

17.02 Administrative Official: The Administrative Official is authorized to set the public hearing before the Commission those written petitions for annexation by individuals, and those initiated by either the Commission or Council. [Section 17.02 amended by Ord. No. 540, sec. 21, passed August 9, 2004]

17.03 Application: Parties other than the city in annexation petition requests, shall be accomplished by filing with the Administrative Official, using forms prescribed and paying the posted fee. [Section 17.03 amended by Ord. No. 540, sec. 21, passed August 9, 2004]

17.04 Public Hearings: Public hearings before the Commission and the Council shall be in accordance with the procedures in Section 12.00, Administrative Procedures. Marion County shall be notified of all annexation applications and be provided the opportunity to review and comment. [Section 17.04 amended by Ord. No. 540, sec. 21, passed August 9, 2004]

17.05 Criteria to be Applied:

(A) The annexation proposal is in conformance with the adopted Comprehensive Plans of both the city and Marion County, or amendments to that effect can be achieved.
(B) That the annexation will provide development that is at present unable to be met by existing available land in the city.
(C) That there is a present and future capacity of public services to accommodate future development.
(D) That the annexation will be consistent with the purpose served by the city, and all of its regulations.
(E) That the majority of eligible voters called upon to vote have consented to the annexation.

[Section 17.05 amended by Ord. No. 437, sec. 29, passed March 12, 1997]

17.06 Final Action by the Council: After receiving the findings, conclusions, and recommendations of the Commission, the Council shall set and hold a public hearing on the proposed annexation. The Council may derive its final decision from any source deemed reliable and may further or in combination with reliable sources, submit the proposal for annexation to the registered voters of the area proposed for annexation, or the voters of the city at a general election or at a special election to be held for that purpose, or both. [Section 17.06 amended by Ord. No. 540, sec. 21, passed August 9, 2004]

17.07 Record of Annexation: The Administrative Official shall maintain records of annexations to the city's Comprehensive Plan text and map and the city's zoning map. [Section 17.07 amended by Ord. No. 540, sec. 21, passed August 9, 2004]

17.08 Effective Date of Annexation: Annexations are final on the date filed with the Oregon Secretary of State. City will file annexation ordinances with the Secretary of State within

30 days of the expiration of the appeal period following the City Council decision. An appeal from the decision of the Council shall withhold the filing of this document until the appeal is legally resolved [Section 17.08 amended by Ord. No. 540, sec. 21, passed August 9, 2004; Ord. No. 594, sec. 37, passed Dec. 14, 2009]

17.09 Limitation of Reapplication: Reapplications for annexation shall not be reconsidered within 1 year following a final order by the Council. [Section 17.09 amended by Ord. No. 540, sec. 21, passed August 9, 2004]

SECTION 18.00

OFF STREET PARKING AND LOADING

18.01	New and Existing Facilities to Provide Parking and Loading
18.02	Reduction of Required Parking Area
18.03	Parking Location, Shared Parking, and Driveways
18.04	Off Street Vehicular Parking Requirements
18.05	Off Street Automobile and Bicycle Parking Requirements
18.06	Off Street Loading Requirements
18.07	Exceptions to Loading Requirements
18.08	Parking and Loading Development Standards
18.09	Parking and Loading Plan Required
18.10	Construction
18.11	Bicycle Parking
18.12	Parking and Storage of Certain Vehicles

[Amended by Ord. No. 419, passed July 24, 1995; Ord. No. 471, sec. 23, passed June 26, 2000; Ord. No. 594, sec. 38, passed Dec. 14, 2009; amended by Ord. No. 608, sec. 7, passed March 14, 2011]

SECTION 18.00

Off-Street Parking and Loading

18.01 New and Existing Facilities to Provide Parking and Loading: Off-street vehicular parking areas, off-street loading areas, and bicycle parking facilities shall be provided and maintained:

(A) For any new building or structure erected.

(B) For additional seating capacity, floor area, guestrooms, or dwelling units added to any existing building or structure.

(C) When the use of the building or structure is changed and would require additional parking areas and off-street loading areas under the provisions of this ordinance.

(D) For handicapped: One parking space at each area of public access.

[Section 18.01 amended by Ord. No. 419, sec. 2, passed July 24, 1995; Ord. No. 540, sec. 22, passed August 9, 2004]

18.02 Reduction of Required Parking Area: Off-street parking and loading areas which existed on the effective date of this ordinance shall not be reduced below the required minimum as set forth in this ordinance. [Section 18.02 amended by Ord. No. 540, sec. 22, passed August 9, 2004]

18.03 Parking Location, Shared Parking, and Driveways: Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use, except that in any non-residential zone, parking areas may be located off the site of the main building, structure or use if it is within 500 feet of such site on an adjacent parcel, provided the adjacent parcel is not a residential use in the commercial zone.

(A) Off-Site Parking. Except for single-family dwellings, the vehicle parking spaces required by this section may be located on another parcel of land, provided the parcel is within a reasonable walking distance of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.

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

(C) 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 operator show that the need for parking facilities does not materially overlay (e.g., uses primarily of daytime versus nighttime nature), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing joint use.

(D) Credit for On-Street Parking. The amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by city and/or county standards. The following constitutes an on-street parking space:

1. Parallel parking, each 24 feet of uninterrupted curb;

2. 45 degree diagonal, each with 10 feet of curb;
3. 90 degree (perpendicular) parking, each with 10 feet of curb;
4. Curb space must be connected to the lot which contains the use;
5. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
6. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

(E) Shared Driveway Access: Where parking is provided for two or more uses, structures or parcels of land, access needs may be satisfied by use of a common or shared driveway to the extent that the right of joint use us evidenced by a recorded deed, contract, or similar written instrument establishing joint use and maintenance.

(F) Magazine Parking: Magazine Parking shall only count as one parking space for the purpose of determining conformance to the required number of parking spaces.

[Section 18.03 amended by Ord. No. 471, sec. 23, passed June 26, 2000; Ord. No. 540, sec. 22, passed August 9, 2004; Ord. No. 594, sec. 39, passed Dec. 14, 2009; amended by Ord. No. 608, sec. 7, passed March 14, 2011; Ord. No. 632, sec. 17, passed November 10, 2014]

18.04 Off-Street Vehicular Parking Requirements:

(A) If several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements for the several uses computed separately.

(B) Required parking shall be available for parking of operable passenger vehicles of residents, customers and employees only, and shall not be used for the storage or display of vehicles or materials.

[Section 18.04 amended by Ord. No. 540, sec. 22, passed August 9, 2004; Ord. No. 594, sec. 40, passed Dec. 14, 2009]

18.05 Off-Street Automobile and Bicycle Parking Requirements:

Off-street parking for vehicles and bicycles shall be provided based on the following table. Vehicle parking space improvements shall comply with provisions in Section 18.07 and bicycle parking improvements shall comply with provisions in Section 18.11.

[Section 18.05 amended by Ord. No. 496, sec. 27, passed October 25, 2001; Ord. No. 562, sec. 2, passed January 23, 2006; Ord. No. 632, sec.18, passed November 10, 2014]

VEHICLE AND BICYCLE PARKING SPACE REQUIREMENTS

	Land Use Activity	**Vehicle Spaces**	**Bicycle Spaces**	**Measurement**
A.	1, 2, and 3 family dwellings	2 spaces per dwelling unit	0	None
B.	Multi-family dwellings	2 spaces per dwelling unit	1	Per two dwelling units
C.	Hotel, motel, boarding house	1 space per guest room plus 1 space for the owner or manager	1	Per 20 guest rooms
D.	Club, lodge	Spaces sufficient to meet the combined minimum requirements of the heaviest uses being conducted, such	1	Per 20 vehicle spaces

	Land Use Activity	Vehicle Spaces	Bicycle Spaces	Measurement
		as hotel, restaurant, auditorium, etc.		
E.	Hospital, nursing home	1 space per two beds and 1 space per 2 employees	1	Per 20 vehicle spaces
F.	Churches, auditorium, stadium, theater	1 space per 4 seats or every 8 feet of bench length	2	Per 20 vehicle spaces
G.	Elementary, junior high school	2 spaces per classroom, plus off-street loading facility	3	Per classroom
H.	High school	1 space per classroom and one space per employee, plus off-street loading	1	Per classroom
I.	Bowling alley, skating rink, community center	1 space per 100 sq. ft. plus 1 space per two employees	1	Per 20 vehicle spaces
J.	Retail store, except as provided in "K"	1 space per 400 sq. ft. plus 1 space per 2 employees	1	Per 20 vehicle spaces
K.	Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles or furniture	1 space per 600 sq. feet of gross floor area, plus 1 space per 2 employees	1	Per 30 vehicle spaces
L.	Bank; office buildings; medical and dental clinic	1 space per 200 sq. ft. of gross floor area, plus 1 space per 2 employees	1	Per 20 vehicle spaces
M.	Eating and drinking establishment except a Mobile Food Vendor. See 18.05(R)	1 space per 4 seats or every 8' of bench length, plus 1 space per 2 employees	1	Per 20 vehicle spaces
N.	Wholesale establishment	1 space per 1,000 sq. ft. of gross floor area, plus 1 space per 700 sq. ft. of retail area	1	Per 30 vehicle spaces
O.	Municipal and governmental	1 space per 600 square feet, plus 1 space per 2 employees	3	Per 10 vehicle spaces
P.	Manufacturing and processing:			
	1. 0-24,900 sq. ft.	1 space per 600 sq. ft.	3	Per 30 vehicle spaces
	2. 25,000-49,999 sq. ft.	1 space per 700 sq. ft.	3	Per 30 vehicle spaces
	3. 50,000-79,999 sq. ft.	1 space per 800 sq. ft.	4	Per 30 vehicle spaces
	4. 80,000-199,999 sq. ft.	1 space per 1,000 sq. ft.	7	Per 30 vehicle spaces
	5. 200,000 sq. ft. and over	1 space per 2,000 sq. ft.	14	Per 30 vehicle spaces
Q.	Warehousing and			

	Land Use Activity	Vehicle Spaces	Bicycle Spaces	Measurement
	storage distribution, terminals			
	1. 0-49,999 sq. ft.	1 space per 3,000 sq. ft.	6	Per 30 vehicle spaces
	2. 50,000 sq. ft and over	1 space per 5,000 sq. ft.	5	Per 30 vehicle spaces
R.	Mobile Food Vendor			
	Short Term - Open in one location for less than a 72 hour period, or open not more than three hours a day in any one location	No parking required		
	Medium Term – Open in one location for more than a 72 hour period but less than 45 days in a six month period	1 space required		
	Long Term – Any period of time not meeting the definition of Short or Medium term –	Parking required as required for a restaurant See Section 18.05.M		
	Required parking may not displace parking required for another use.			

18.06 Off-Street Loading Requirements: Off-street loading spaces for commercial and industrial buildings shall require a minimum loading space size of 10 feet wide, 25 feet long, and 14 feet high, in the following manner:

1. Up to 20,000 square feet of gross floor area — 250 square feet
2. 20,000 to 50,000 square feet of gross floor area — 500 square feet
3. Over 50,000 square feet of gross floor area — 750 square feet

18.07 Exceptions to Loading Requirements: The Commission may waive the off street loading requirements for any commercial or industrial building or use when it has been determined that the building or use is of a kind not requiring the loading or unloading or delivery of merchandise or other property by commercial trucks or delivery vehicles.
[Section 18.07 amended by Ord. No. 540, sec. 22, passed August 9, 2004]

18.08 Parking and Loading Development Standards: All parking areas shall be developed and maintained as follows:

(A) Location. The required yard areas adjacent to a street shall not be used for parking or loading areas, except a residential driveway. The interior yards, other than those adjacent to a street may be used for parking and loading areas when such yard areas have been developed for that purpose and are not at variance with this ordinance.

(B) Surfacing. All driveways, parking and loading areas shall be paved with asphalt or concrete surfacing and shall be adequately designed, graded and drained, except parking areas and supplemental driveways developed in residential single family

yards which may be gravel.

(C) Size of parking spaces and driveways:
1. A driveway for residential use shall be a minimum width of 10 feet.
2. One-way drives shall have a minimum improved width of at least 12 feet, exclusive of parking spaces.
3. Two-way drives shall have a minimum improved width of at least 20 feet, exclusive of parking spaces.
4. The minimum width of any parking space shall be 10 feet, exclusive of driveways.
5. The minimum length of any parking space shall be 20 feet, exclusive of driveways.

(D) Screening. When any parking or loading area is within or adjacent to any residential zone, such parking or loading area shall be screened from all residential properties within an ornamental fence, wall, hedge, or other form of landscaping of at least 4 feet in height, but not more than 6 feet in height. Screening shall not encroach into vision clearance areas as required and screening shall be continuously maintained and protected from damage from vehicles using the parking areas. (See Section 7.07, 22.01 and 22.02.)

(E) Lighting. Any illumination of a parking or loading area shall be so arranged as to be directed entirely onto the loading or parking area and shall be deflected away from residential use, and shall not cast a glare or reflection onto moving vehicles or a public right-of-way.

(F) Single-Family Driveways. On a lot developed with a single-family dwelling, only one driveway is allowed per street frontage unless the frontage is over 100 ft in length.

[Section 18.08 amended by Ord. No. 437, sec. 30, passed March 12, 1997 and Ord. No. 471, sec. 24, passed June 26, 2000; Ord. No. 496, sec. 28, passed October 25, 2001; Ord. No. 540, sec. 22, passed August 9, 2004; Ord. No. 594, sec. 41, 42 and 43, passed Dec. 14, 2009, Ord. No. 604, sec.5, passed October 25, 2010]

18.09 Parking and Loading Plan Required: Applications for hearing before the Commission for development permits shall submit a parking and/or loading plan, drawn to scale, and showing:
1. Access to street(s), both ingress and egress.
2. Location of individual parking spaces.
3. Location of existing and proposed buildings.
4. Proposed screening.
5. Proposed lighting.
6. Surface markings and/or signs for traffic flow and space designations.
7. Vehicles leaving the property from a parking area shall enter the street in a forward motion.
8. Proposed bicycle-parking plan.

[Section 18.09 amended by Ord. No. 419, sec. 2, passed July 24, 1995; Ord. No. 540, sec. 22, passed August 9, 2004]

18.10 Construction: It shall be required that all approved parking, loading, and bicycle parking areas shall be completed and available for use at the time of final inspection or issuance of an occupancy permit. [Section 18.10 amended by Ord. No. 419, sec. 2, passed July 24, 1995]

18.11 Bicycle Parking: At a minimum bicycle parking facilities shall be consistent with the following design guidelines:

(A) Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility.
(B) Each bicycle parking space shall be at least 2 feet by 6 feet with a vertical clearance of 7 feet.
(C) An access aisle of at least 5 feet, between bicycle spaces, shall be provided in each bicycle parking facility.
(D) Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack", upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). Note: businesses may provide long-term, employee parking by allowing access to a secure room within a building, although additional short-term customer parking may also be required.
(E) The rack shall support the bicycle in a stable position without damage.
(F) Rows of bicycle racks shall not exceed 20 feet in length. Rows shall be separated at least 5 feet.

[Section 18.11 amended by Ord. No. 419, sec. 2, passed July 24, 1995; Ord. No. 496, sec. 29, passed October 25, 2001]

18.12 Parking and Storage of Certain Vehicles:

(A) Automobile vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings or in developed parking areas.
(B) Recreational vehicles, except in a manufactured home park and where specifically permitted by this ordinance, may not connect to City water or sewer.
(C) Recreational vehicles stored on private property and not connected to City sewer and water may be occupied no more then 10 days per 30 day period. The City administrator may permit occupancy longer then 10 days in a 30 day period in cases of unique hardship, in cases of temporary housing related to construction, or in cases where other special circumstances exist. Permission must be in writing, must describe the special circumstance, must state the specific time period occupancy may occur, and cannot grant an exception for more than a 6 month period unless authorized by City Council.

[Section 18.12 amended by Ord. No.594, sec. 44, passed Dec. 14, 2009; Ord. No. 622, sec.12, passed November 13, 2012]

SECTION 19.00

SIGNS

19.01	Purpose
19.02	Definitions
19.03	General Provisions
19.04	Signs Generally Permitted
19.05	Prohibited Signs
19.06	Signs in Residential Zones
19.07	Signs in Commercial, Industrial, and Interchange Development Zones
19.08	Review Procedures
19.09	Non-conforming Signs
19.10	Variances – Signs

[Amended by Ord. No. 437, sec. 31, passed March 12, 1997; Ord. No. 471, sec. 25, passed June 26, 2000; Ord. No. 594, sec. 45, passed Dec. 14, 2009]

SECTION 19.00

Signs

19.01 Purpose: The purpose of these sign regulations is to provide equitable signage rights, reduce signage conflicts, promote traffic and pedestrian safety, increase the aesthetic value and economic viability of the city, all by clarifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner. [Section 19.01 amended by Ord. No. 400, passed June 14, 1993; Ord. No. 437, sec. 32, passed March 12, 1997; Ord. No. 471, sec. 25, passed June 26, 2000]

19.02 Definitions: See Signs, Section 1.00. [Section 19.02 amended by Ord. No. 471, sec. 25, passed June 26, 2000]

19.03 General Provisions:

(A) Conflicting Standards. Signs shall be allowed subject to the provisions of this section, except when these provisions conflict with the specific standards for signs in the subject zone.

(B) Uniform Sign Code. All signs shall comply with the provisions of the Uniform Sign Code of the Uniform Building Code.

(C) Sign Clearances. A minimum of 8 feet above sidewalks and 15 feet above driveways shall be provided under freestanding or wall-mounted signs that project over a sidewalk.

[Section 19.03 amended by Ord. No. 437, sec. 33, passed March 12, 1997; Ord. No. 471, sec. 25, passed June 26, 2000; Ord. No. 632, sec. 19, passed November 10, 2014]

19.04 Signs Generally Permitted: The following signs and sign work are permitted in all zones. These signs shall not require a permit, and shall not be included when determining compliance with total allowed area:

(A) Painting, change of sign face or copy and maintenance of signs legally existing. If structural changes are made, or there is a change of use, the sign shall conform in all respects with these regulations.

(B) Temporary signs that are not Portable Signs, and do not exceed 6 in number and a total of 56 square feet in area. No lot may display temporary signs for more than 90 days in any 365-day period and signs must be changed not more than every 90 days.

(C) Real estate signs not exceeding 6 square feet in residential zones and 16 square feet in commercial and industrial zones, which advertise the sale, rental or lease of premises upon which the sign is located. Real estate signs may be used up to two years without a permit.

(D) Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety and civic events.

(E) Incidental signs that do not exceed a total of 32 square feet.

(F) Flags on permanent flag poles that are designed to allow raising and lowering of the flags.

(G) Signs within a building.

(H) In a commercial zone, signs painted or hung on the inside of windows.

(I) Residential nameplates/addresses: Shall not exceed two square feet. Only one such sign shall be permitted upon the premises and may only be indirectly illuminated.

(J) One sign not exceeding 5 square feet giving the name, occupation, or both of the occupant or the home occupation of the occupant of the residentially used property.
(K) Sign Permit Exemption. Signs approved through the site development review process shall be exempt from obtaining a city sign permit.

[Section 19.04 amended by Ord. No. 471, sec. 25, passed June 26, 2000; Ord. No. 496, sec. 30, passed October 25, 2001; Ord. No. 540, sec. 23, passed August 9, 2004; amended by Ord. No. 608, sec. 8, passed March 14, 2011; Ord. No. 632, sec. 20, passed November 10, 2014]

19.05 Prohibited Signs: The following signs are prohibited:

(A) Roof signs.
(B) Signs that emit odor, visible matter, or sound; however an intercom system for customers remaining in their vehicles, such as used in banks and "drive through" restaurants, shall be allowed.
(C) Signs that use or employ side guy lines of any type.
(D) Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.
(E) Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire.
(F) No vehicle or trailer shall be parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising.
(G) Rotating/revolving signs, except by conditional use permit.
(H) Flashing signs over 5 square feet.
(I) Private signs that project into or over driveways and public right-of-ways, except signs under a canopy that projects over a public sidewalk and the sign is not less than 8 feet above the sidewalk.
(J) Signs that obstruct required vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard.
(K) Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light.
(L) Signs attached to any pole, post, utility pole or placed on its own stake and placed into the ground in the public right-of-way.
(M) Message signs, except by conditional use permit.
(N) Any sign on unimproved property, unless allowed as a temporary sign.
(O) Any illegible sign or sign that has 25% or more of its surface destroyed, defaced, missing or inaccurately represents the name or nature of the current business(es) occupying the structure.
(P) New or relocated off-site signs within the city limits are prohibited.
(Q) Graffiti

[Section 19.05 amended by Ord. No. 471, sec. 25, passed June 26, 2000; Ord. No. 540, sec. 23, passed August 9, 2004; amended by Ord. No. 608, sec. 9, passed March 14, 2011; Ord. No. 632, sec. 21, passed November 10, 2014]

19.06 Signs in Residential Zones: The following regulations apply to signs in the Residential Single-Family and Residential Multi-Family Zones.

(A) Maximum Number. Any combination of wall, canopy or free-standing signs not exceeding the sign area and height limitations of this section.

(B) Maximum total sign area for property on which the building or buildings are located:
1. Single-family and two-family (duplex) dwelling - 6 square feet provided total sign area on a free-standing sign shall be limited to a maximum of 4 square feet.
2. Multiple family dwelling - 24 square feet provided total sign area on a freestanding sign shall be limited to a maximum of 18 square feet.

(C) Maximum Sign Height:
1. Wall, canopy, or window sign - 4 feet.
2. Freestanding sign - 6 feet.

(D) Location:
1. Wall, canopy or window sign - shall be set back from the property lines of the lot on which it is located the same distance as the building containing the permitted use. A sign flush with the fence (not a projecting sign) shall meet the applicable standards for fences (see Section 22.01 and 22.02).
2. Freestanding sign - where fences are allowed (see Section 22.01 and 22.02).

(E) Illumination. Signs may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., and shall not flash, blink, fluctuate or produce glare.

[Section 19.06 amended by Ord. No. 400, passed June 14, 1993; Ord. No. 437, sec. 34, passed March 12, 1997; Ord. No. 471, sec. 25, passed June 26, 2000; Ord. No. 496, sec. 31, passed October 25, 2001; Ord. No. 540, sec. 23, passed August 9, 2004; Ord. No. 594, sec. 46, passed Dec. 14, 2009; Ord. No. 650, sec. 14, passed May 24, 2016]

19.07 <u>Signs in Commercial, Industrial, and Interchange Development Zones:</u> The following regulations apply to signs in the Commercial, Industrial and Interchange Development Zones.

(A) Total allowed area.
1. The total allowed area of signage shall be equal to 1.5 times the length of the building frontage up to a maximum of 150 square feet.
2. The sign area of a freestanding, monument, or projecting sign is determined by the sign area of one side of the sign. The opposite side is not included in the computation of total sign area.
3. A freestanding sign shall not exceed the allowable sign area for the property or 40 square feet of sign area, whichever is less.
4. A monument sign shall not exceed the allowable sign area for the property or 60 square feet of sign area, whichever is less.

(B) Number of Signs.
1. One freestanding, monument, or projecting sign is allowed per street frontage.
2. There is no limit on the number of wall or canopy signs as long as the total allowable sign area is not exceeded.

(C) Maximum sign height:
1. Wall and canopy signs shall not project above the parapet or roof eaves.
2. Freestanding Signs - maximum total height of 20 feet.
3. Monument Signs – maximum total height of 8 feet.
4. Projecting Signs. The vertical height of a projecting sign which projects beyond 3 feet 6 inches from the face of a building to which it is attached is limited to 3 feet at 8 feet clearance. An additional 4 inches of sign height is allowed for each additional foot of clearance above 8 feet, up to a maximum sign height of 5 feet.

The vertical height of a projecting sign which projects 3 feet 6 inches or less from the face of a building to which it is attached is not limited, except that it shall not project more than 1 foot above the roof line at the wall, or top of the parapet wall, whichever is higher.

(D) Location:
1. Wall signs may project up to 1.5 feet from the building.
2. Freestanding Sign and Monument Signs. No limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.
3. Projecting Sign. Maximum projection of a sign shall be limited to 4 feet 6 inches provided, however, that where you have a projecting sign located on a corner approximately halfway from the 2 building faces serving 2 street frontages, the maximum projection is 5 feet 6 inches.

(E) Special Provisions:
1. Corner Building – a building sited on the corner of two public streets, or the intersection of a public street and commercial access serving more than one business, with no parking area intervening between the building and the rights-of-way may have an additional amount of wall sign area equal to 25% of the allowable sign area based on the longest building frontage. In this bonus circumstance, the total computed allowable sign area shall not exceed 187.5 square feet. No more than 75% of the allowable sign area including the 25% bonus area may be located on any single building wall. For example if the total allowed sign area, including the bonus area, is 160 square feet, no more than 120 square feet of sign area may be located on a single building frontage.
2. Integrated Shopping Center – an Integrated Shopping Center may share one single freestanding sign per street frontage in lieu of individual freestanding or monument signs. Such a joint freestanding sign shall not exceed 100 square feet. Each individual business is still allowed a total sign area of 1.5 times the business frontage for wall, projecting, and canopy signs.

[Section 19.07 amended by Ord. No. 400, passed June 14, 1993; Ord. No. 437, sec. 35 and 36, passed Mar. 12, 1997; Ord. No. 471, sec. 25, passed June 26, 2000; Ord. No. 496, sec. 32, passed Oct. 25, 2001; Ord. No. 540, sec. 23, passed Aug. 9, 2004; Ord. No. 594, sec. 47, passed Dec. 14, 2009; Ord. No. 632, sec. 22, passed Nov. 10, 2014]

19.08 Review Procedures:

(A) Permit Required. No property owner, lessee or contractor shall construct or alter any sign, other than changing the sign copy or design without expanding the sign area, without first obtaining a valid sign permit.

(B) Current Signs. Owners of conforming or non-conforming signs existing as of the date of adoption of this ordinance are not required to obtain a permit.

(C) Permit Fees. Permit fees shall be established from time to time by Council resolution.

(D) Application Requirements. An application for a sign permit shall be made on a form prescribed by the city. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property. The city shall issue a permit for a sign unless the sign is in violation of the provisions of these regulations or other

provisions of this ordinance. Sign permits mistakenly issued in violation of these regulations or other provisions of this ordinance are void. The city may revoke a sign permit if the city finds that there was a material and misleading false statement of fact in the application for the permit.

(E) Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:

1. All signs shall comply with the applicable provisions of the Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.
2. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.
3. All signs shall be maintained in a good structural condition and readable at all times.
4. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or ordinances regulating signs.

[Section 19.08 amended by Ord. No. 400, passed June 14, 1993; Ord. No. 437, sec. 37 and 38, passed March 12, 1997; Ord. No. 471, sec. 25, passed June 26, 2000; Ord. No. 540, sec. 23, passed August 9, 2004; Ord. No. 632, sec. 23, passed November 10, 2014]

19.09 Non-conforming Signs:

(A) Alteration of Non-conforming Sign Faces. When a non-conforming sign face is damaged or destroyed by fire, flood, wind, or other calamity or act of nature, such sign face may be restored to its original condition provided such work is completed within 30 days of such calamity. A sign structure or support mechanisms so damaged shall not be replaced except in conformance with the provisions of these regulations.

(B) Abandoned Signs. All signs for a business shall be removed within 30 days after that business ceases to operate on a regular basis, and the entire sign structure or structures shall be removed within 6 months of such cessation of operation. Illegal and abandoned signs that are not removed or are erected in violation of this ordinance may be removed by the city of Aumsville following notice to the property owner. The property owner will be assessed the cost of sign removal if the owner fails to remove the non-conforming, illegal or abandoned sign and the city exercises its authority under this provision.

[Section 19.09 amended by Ord. No. 540, sec. 23, passed August 9, 2004]

19.10 Variances – Signs: Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to Section 19.00 et seq. will be processed according to the procedures in Section 13.00, but the criteria in Section 13.00 shall not be used. The following criteria shall be used to review and decide sign variance applications:

(A) There are unique circumstances or conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship;

(B) The requested variance is consistent with the purpose of the chapter as stated in

Section 19.01;

(C) The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this section;

(D) The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare;

(E) The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance; and

(F) The variance request shall not be the result of a self-imposed condition or hardship.

[Section 19.10 added by Ord. No. 471, sec. 25, passed June 26, 2000]

SECTION 20.00

LAND DIVISIONS

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[Amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 419, sec. 3, passed July 24, 1995; Ord. No. 437, sec. 39, passed March 12, 1997; Ord. No. 594, sec. 48, passed Dec. 14, 2009; Ord. No. 650, sec. 15, passed May 24, 2016]

SECTION 20.00

20.00 Land Divisions

20.01 General Provisions: No land or interest in land shall be divided for sale, tax segregation, or unit ownership prior to approval of a property line adjustment, partition or subdivision in accordance with this ordinance, Chapter 92 of the Oregon Revised Statutes and the city of Aumsville's Comprehensive Land Use Plan.
[Section 20.01 amended by Ord. No. 385, sec. 17, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995]

[Section 20.02 amended by Ord. No. 385, sec. 17, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 24, passed August 9, 2004]

20.02 Building Requirements: No building permits shall be issued on any lot or parcel in the city unless the lot or parcel was legally created, and no residential building permits shall be issued until adequate city services and utilities are available to service the proposed dwelling.
[Section 20.03 amended by Ord. No. 385, sec. 17, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; renumbered by Ord. No. 650, sec. 15, passed May 24, 2016]

20.03 Approval of Final Plats and Maps: The Administrative Official shall have the authority to approve final plats where there is substantial conformance with the approved preliminary plan or plat. A review of the Administrative Official's decision on substantial conformance can be requested by Administrative Official or the applicant. This review will be determined by the Planning Commission and the Administrative Official will follow the Planning Commission's recommendation in approving or disapproving the final plat.
[Section 20.04 amended by Ord. No. 385, sec. 17, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 24, passed August 9, 2004; Ord. No. 594, sec. 49, passed Dec. 14, 2009; renumbered by Ord. No. 650, sec. 15, passed May 24, 2016]

20.04 Expiration of Land Division Approval, Time Extension and Phasing: All partitioning and subdivision plats shall be recorded within one year of the date of issuance of an Aumsville Public Works Type B Permit, and within five years of the city land division approval Notice of Decision. This deadline may be extended by the Commission for a period up to one year; provided an extension request is made at least 30 days prior to the one-year Type B Permit or five-year deadline. Only one such time extension shall be granted. Failure to comply with the required deadlines shall require the submittal of a new land division application.

(A) Phasing of a subdivision shall be permitted. The one-year from issuance of a Type B Permit recordation requirement shall apply to all phases of the development; however, the total time for all stages shall not exceed five years, unless extended in accordance with this section. Portions platted after passage of the first year may require modification to comply with changes in the Comprehensive Plan, Development Ordinance or other implementing regulations.

[Section 20.05 amended by Ord. No. 385, sec. 17, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 24, passed August 9, 2004; Ord. No. 594, sec. 50, passed Dec. 14, 2009; renumbered by Ord. No. 650, sec. 15, passed May 24, 2016]

20.05 Fees or Land for Parks: The provisions of public open spaces for parks and playgrounds is considered essential for proper development of the city; it is determined that every type of development contribute to the need for open space and by all rights should provide for such. Therefore, the subdivider shall pay into a Parks System Development

Charge (SDC) Fund as provided for in Ordinance No. 387. The sum so contributed shall be used to assist in securing suitable areas for parks and recreation purposes and/or development of existing and future parks for the community. The subdivider may discuss a dedication to the public of land for park purposes in lieu of the Parks SDC. The parcel must be approved or disapproved by the Council as being suitable and adaptable for a park space, prior to final approval of the plat, and subject to the following standards being met:

(A) That yard areas, court areas, setback and other open areas required by zoning shall not be included in the computation of park space.

(B) That the proposed park space, if dedicated to the public, is reasonably adaptable and suitable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the park land; and the Aumsville Park Improvement Plan.

(C) That the facilities proposed for the park are in substantial accordance with the type of recreation activity needs of the vicinity and community.

(D) That any recommendations received from the Aumsville Parks & Recreation Commission are reviewed by the city.

The dedicated park land shall be credited against the subdivision's Park SDC based upon the Marion County Assessor's latest valuation of the gross area being dedicated. [Section 20.06 added by Ord. No. 385, sec. 17, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 437, sec. 40, passed March 12, 1997; Ord. No. 540, sec. 24, passed August 9, 2004; renumbered by Ord. No. 650, sec. 15, passed May 24, 2016]

[Section 20.02 was amended by Ord. No. 385, sec. 17, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 24, passed August 9, 2004; and deleted by Ord. No. 650, sec. 15, passed May 24, 2016 *with the following sections renumbered*]

[Section 20.07 amended by Ord. No. 385, sec. 17, passed July 8, 1991; repealed by Ord. No. 416, sec. 2, passed May 8, 1995]

[Section 20.08 amended by Ord. No. 385, sec. 17, passed July 8, 1991; repealed by Ord. No. 416, sec. 2, passed May 8, 1995]

[Section 20.09 amended by Ord. No. 385, sec. 17, passed July 8, 1991; repealed by Ord. No. 416, sec. 2, passed May 8, 1995]

20.10 Property Line Adjustments

[Section 20.10 amended by Ord. No. 385, sec. 17, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995]

20.11 Property Line Adjustment: A property line adjustment is a modification to lot lines or parcel boundary that does not result in the creation of new lots. It includes the elimination of a common property line between abutting properties also known as the consolidation. It is recommended that the applicant confer with the city regarding application requirements. It shall be the applicant's responsibility to prepare an application which demonstrates compliance with applicable provisions of the Oregon Revised Statutes and this Development Ordinance. [Section 20.11 amended by Ord. No. 385, sec. 17, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 594, sec. 51, passed Dec. 14, 2009]

20.12 Submittal Requirements: The following information and material must be submitted by the applicant:

(A) Applications for property line adjustments shall be submitted on forms provided by

the city to the Administrative Official and accompanied by the appropriate fee. The application must be signed by the owners of all lots affected by the application.

(B) Each application shall be accompanied by a preliminary plat drawn to scale of not less than 1 inch equals 50 feet nor more than 1 inch equals 200 feet, and containing at a minimum, the following:

1. Appropriate identification stating the drawing is a preliminary plat.
2. North point, scale and date.
3. Name and addresses of landowners, applicants, engineer, surveyor, planner, architect or other individuals responsible for the plan.
4. Map number and tax lot or tax account number of the subject properties.
5. The proposed boundary lines and approximate area of the subject property created before and after the adjustment.
6. Dimensions and size in square feet or acres of all proposed parcels.
7. The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, political boundary lines.

[Section 20.12 amended by Ord. No. 385, sec. 17, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 24, passed August 9, 2004]

20.13 Decision Criteria: The following criteria shall apply to all property line adjustments:

(A) The property line adjustment cannot create an additional unit of land.

(B) Following the property line adjustment, all lots or parcels must comply with size and dimensional standards of the applicable land use district. For non-conforming properties, the adjustment shall not increase the degree of non-conformance of the subject property or surrounding properties. Any proposal that will create a non-conformity with zoning standards shall be required to obtain approval of an appropriate variance (Section 13) prior to approval of a property line adjustment.

(C) If there are existing structures on the parcels, the property line adjustment may not result in a setback violation

[Section 20.13 amended by Ord. No. 385, sec. 17, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 594, sec. 52, passed Dec. 14, 2009]

20.14 Review Process: A property line adjustment is subject to Type I review. After a property line adjustment is approved, the new boundary becomes effective only after one of the following steps is completed:

(A) A metes and bounds legal description of the adjusted lots is recorded with the Marion County Clerk; or

(B) If required by ORS Chapter 92, a final plat and boundary survey are prepared and all new boundaries are monumented as required by ORS Chapters 92 and 209. The final plat is submitted to the city for appropriate signatures consistent with ORS Chapter 92. After signatures are received the applicant files the final plat in the County Clerk's office and returns 3 copies to the city. [Section 20.14 held in reserve by Ord. No. 385, passed July 8, 1991 and added by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 24, passed August 9, 2004]

20.15 Effective Date of Final Approval: The approval process for a property line adjustment shall become final upon completion of the appropriate requirement in Section 20.14. Final approval constitutes the appropriate approval necessary before a development permit can be issued. [Section 20.15 held in reserve by Ord. No. 385, passed July 8, 1991 and added by Ord. No. 416, sec. 2, passed May 8, 1995]

20.16 – 20.19 Reserved.

20.20 Expedited Land Division: In lieu of using the partitioning procedures in Section 20.30, an applicant may apply for an expedited land division. The procedures and criteria for an expedited land division are contained in Oregon Revised Statutes, 197.360 to 380. Any application for an expedited land division shall describe the manner in which the proposed division complies with each of the criteria contained in ORS 197.360 and be accompanied by the fee set by the city council for such application. [Section 20.20 amended by Ord. No. 385, sec. 17, passed July 8, 1991; repealed by Ord. No. 416, sec. 2, passed May 8, 1995; added by Ord. No. 437, sec. 41, passed March 12, 1997; Ord. No. 540, sec. 24, passed August 9, 2004]

20.21 - 20.29 Reserved. [Sections 20.21 through 20.29 amended by Ord. No. 385, sec. 17 and 18, passed July 8, 1991; held in reserve by Ord. No. 416, sec. 2, passed May 8, 1995]

20.30 Partition Requirements

20.31 Partition: A partition is the creation of three or fewer lots from one parent lot or tract within a calendar year. It is recommended that the applicant confer with the city regarding application requirements. It shall be the applicant's responsibility to prepare an application which demonstrates compliance with applicable provisions of the Oregon Revised Statutes and this Development Ordinance. [Section 20.31 amended by Ord. No. 385, sec. 19, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 24, passed August 9, 2004; Ord. 594, sec. 53, passed Dec. 14, 2009]

20.32 Application: The applicant shall complete an application on a form provided by the city and pay the appropriate application fee along with 12 copies of a preliminary plan together with 12 copies of any supplementary material. [Section 20.32 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 24, passed August 9, 2004; Ord. 594, sec. 54, passed Dec. 14, 2009]

20.33 Public Hearing: Partitions shall be processed as a Type II application. Upon compliance with Section 20.32, a public hearing shall be scheduled before the Commission. [Section 20.33 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 471, sec. 26, passed June 26, 2000; Ord. No. 540, sec. 24, passed August 9, 2004]

20.34 Preliminary Plat: The preliminary plat for a partitioning shall include the following information and data:

(A) The plan shall be drawn on a good quality paper no smaller than 8 ½" by 11" , nor larger than 18" by 24".
(B) The scale of the drawing shall be appropriate to the area and sufficient to show the details of the plan and related data. A scale of 1"= 50' or 1"= 100' is suggested.
(C) A list of owners by address and telephone numbers within 250 feet of the property to be divided.
(D) North arrow and date.
(E) Locations, names, pavement widths, and right-of-way of existing and proposed streets as well as access points.
(F) The locations, widths, and purposes of all existing and proposed easements.
(G) The location of all existing and proposed storm sewers, sanitary sewers and other utilities on and abutting the property.
(H) Natural features, such as rock outcroppings, marshes, wetlands, wooded areas, and within buildable areas, trees over 12" in diameter measured at 4 1/2 feet above the ground.
(I) The location of property within the 100-year flood plain and other areas subject to

flooding or ponding.

(J) An indication of the degree and approximate direction of the slopes.
(K) The dimensions of all existing and proposed lot lines.
(L) The proposed lot sizes in either square feet or acres.
(M) The location and present uses of all structures to remain and those to be removed.
(N) The proposed uses of the parcels and any deed restrictions.
(O) Location of the partition by Section, Township and Range, and a legal description adequate to locate the boundaries of the proposed partition.
(P) A legend that clearly defines lines, patterns, symbols, and other patterns used on the plat.
(Q) A title block identifying the preliminary plat as “PROPOSED PARTITION”.

[Section 20.24 amended by Ord. No. 416, sec. 2, passed May 8, 1995]

20.35 Decision Criteria: Approval of a partitioning request shall require compliance with the following decision criteria:

(A) Each parcel shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is approved.
(B) Adequate public facilities shall be available to serve the existing and newly created parcels.
(C) The partitioning shall comply with the applicable design criteria in Section 20.70.

[Section 20.35 amended by Ord. No. 385, sec. 20, passed July 8, 1991; Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 24, passed August 9, 2004]

20.36 Process for Final Plat Approval: Upon final approval of a tentative partitioning plat, the following shall apply to complete the partitioning process:

(A) Survey Submitted: Within 1 year of the final decision approving a preliminary plat, a final survey of the approved plat shall be recorded. The final partitioning plat shall be completed by a registered land surveyor and comply with all applicable provisions contained in ORS Chapter 92.
(B) Final Approval: The mayor, city administrator, and city engineer are authorized to sign a final partitioning plat if the partition plat is consistent with the approved preliminary plat, and if the conditions of approval have been satisfied. One recorded copy of the survey plat shall be marked "APPROVED" and retained for the city's files.
(C) Recording of Approved Plat Required: No building permit shall be issued, or parcel sold, transferred or assigned until the final approved plat has been recorded with the County Clerk. The applicant shall be responsible for all recording fees.

[Section 20.36 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 24, passed August 9, 2004]

20.37 Effective Date for Final Plat Approval: An approved partitioning shall become final upon the recordation of the approved partition plat under ORS 92.120 together with any required documents with the County Clerk. Approved partition plats shall become void one year after issuance of the development permit if they are not recorded. Final approval constitutes the appropriate approval necessary before a development permit can be issued. [Section 20.37 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 24, passed August 9, 2004]

20.38 General Provisions:

(A) Partition approval is valid in perpetuity, upon recording of the final surveyed plat.
(B) No parcel within an approved partition may be redivided within the same calendar year in which it was recorded, except through the subdivision process.

[Section 20.38 amended by Ord. No. 416, sec. 2, passed May 8, 1995]

20.39 Reserved.

20.40 <u>Subdivision Requirements</u>

20.41 <u>Subdivision</u>: A subdivision is the creation of four or more lots from one parent lot or tract within a calendar year. It is recommended that the applicant confer with the city regarding application requirements. It shall be the applicant's responsibility to prepare an application, which demonstrates compliance with applicable provisions of the Oregon Revised Statutes and this Development Ordinance.
[Section 20.41 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 594, sec. 55, passed Dec. 14, 2009]

20.42 <u>Application</u>: The applicant shall complete an application on a form provided by the city and pay the appropriate application fee along with 10 copies of a preliminary plan together with 10 copies of any supplementary material. [Section 20.42 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 24, passed August 9, 2004]

20.43 <u>Public Hearing</u>: Subdivisions shall be processed as a Type III application. Upon compliance with Section 20.42, a public hearing shall be scheduled before the Commission and the Council. [Section 20.43 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 471, sec. 27, passed June 26, 2000; Ord. No. 540, sec. 24, passed August 9, 2004]

20.44 <u>Preliminary Plat</u>: Applicants for subdivisions shall include the following information and data:

(A) Vicinity Map: At reduced scale, show the proposed subdivision in relation to the adjacent area showing existing subdivisions, streets, and tract lines of acreage land parcels; the names of the recorded owners of all land parcels within 100 feet or farther if necessary to assist in locating the proposal.
(B) Names and addresses of the owner(s), engineer, and surveyor.
(C) Location of proposal by Section, Township and Range, and a legal description sufficient to define the location and boundaries of the proposal according to the real estate records of the County Assessor.
(D) Date, northpoint, and scale of drawing at either 1"= 50' or 1"= 100'.
(E) Name of the subdivision. This name must not resemble the name of any other development within the city or within 5 miles of Aumsville.
(F) The location, widths and names of both open and unopened streets within or adjacent to the proposed subdivision, together with easements and other important features such as section lines, section corners, city boundary lines, monuments, railroad rights-of-way.
(G) The location in the adjoining streets or property of existing sewers and water mains, culverts and drain pipes, electric conduits or lines proposed to be used on the property to be subdivided and invert elevations of sewers at points of proposed connections.
(H) Zoning on and adjacent to the proposed subdivision.
(I) Existing uses of the property and adjacent property within 250 feet including location of all existing structures to remain on the property.
(J) Lot layout with approximate dimensions and proposed lot numbers.
(K) Location, width, directions, and flow of all water courses.
(L) Contour lines and the elevations of all control points, which are used to determine

the contours.

(M) Location of properties within the 100 year flood plain, and the location of and direction of drainageways or easements and the location of areas subject to flooding and the locations of properties subject to inundation or storm water overflow within or adjacent to the proposed subdivisions.

(N) The direction of slope by means of arrows or other suitable means.

(O) Natural features such as rock outcroppings, marshes, wetlands, wooded areas and within buildable areas, trees over 12 inches in diameter measured at 4½ feet from the ground.

(P) The location, size and use of all contemplated and existing public areas within the proposed subdivision and a description of the adaptability of the area for uses contemplated. Areas for public use approved by the Council shall be dedicated for such use and indicated on the final plat before recording.

(Q) Proposed streets: Location, widths, names, approximate radii of curves as well as required bikeways and pedestrian facilities. The relationship of all streets to any projected streets as shown on the Transportation System Plan (TSP) or any development plan adopted by the Council.

(R) Easements located on the site or abutting property, showing the width and purpose of all easements.

(S) Proposed land uses.

(T) Proposed deed restrictions or covenants.

(U) Total acreage in the subdivision and the percent of land dedicated to the public, not including easements.

(V) All public improvements proposed to be installed and the approximate time installation is desired.

(W) Any special improvement to be made by the developer shall be submitted to the Commission and Council with sufficient detail as is practical.

(X) Supplementary information, plans and details:

1. Approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.
2. A plan for showing the proposed placement of meter boxes.
3. A plan for flood control, including profiles of proposed drainageways.
4. If lots are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.
5. Construction signs: For subdivisions under construction, the greater of 16 square feet (32 if in an RM zone) or 2 square feet per lot or property for sale, up to a maximum of 100 square feet in sign area. The maximum dimension of such sign shall not exceed 20 feet. Such sign may be used for only a period of 1 year. The Administrative Official may extend the time up to an additional year if construction or sale of property or homes continues during that time.

(Y) A legend that clearly defines lines, patterns, symbols, and other patterns used on the plat.

[Section 20.44 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 437, sec. 42, passed March 12, 1997; Ord. No. 540, sec. 24, passed August 9, 2004; amended by Ord. No. 608, sec. 10, passed March 14, 2011; Ord. No. 650, sec. 15, passed May 24, 2016]

20.45 Decision Criteria: Approval of a subdivision request shall require compliance with the following decision criteria:

(A) The overall dwelling density shall be consistent with policies contained in the

Comprehensive Plan.

(B) Each lot shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is approved.

(C) Adequate public facilities including transportation shall be available to serve the newly created lots and transportation shall be coordinated with the school district. The subdivision shall comply with applicable requirements of Section 22.15 Transportation Impacts.

(D) The subdivision shall comply with the applicable design criteria in Section 20.70.

[Section 20.45 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 552, sec. 5, passed August 8, 2005; amended by Ord. No. 608, sec. 11, passed March 14, 2011]

20.46 Process for Final Plat Approval: The applicant shall complete a final plat. The plat shall conform to the survey requirements contained in ORS Chapter 92. Upon receipt of the final plat, the Administrative Official shall determine its substantial conformity with the Council's approval. The Administrative Official shall advise the developer of any changes or additions to be made. The developer shall have a reasonable time in which to correct and resubmit the final plat. When the final plat substantially conforms to all conditions and requirements as set forth by the Council's approval the developer shall take the following actions:

(A) The final plat shall be signed and dated by the mayor, city administrator, and city engineer.

(B) As required by ORS 92.110, obtain the approval signatures of the Board of Director's, or Board's delegate, of any irrigation district, drainage district, water control district or district improvement company if the subdivision is within such district.

(C) Obtain the signatures of approval of the County Board of Commissioners.

(D) Obtain the approval signature of the County Assessor certifying that all taxes on the property have been paid or bonded for in accordance with state law.

(E) Deliver the approved plat and accompanying documents to the County Clerk for recording.

(F) Deliver, before submittal of building permit applications, four 11 x 17 photocopies of the recorded plat, a 18 x 24 blueprint, and subdivision as-built drawings to the city.

[Section 20.46 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 471, sec. 28, passed June 26, 2000; Ord. No. 540, sec. 24, passed August 9, 2004; Ord. No. 594, sec. 56, passed Dec. 14, 2009]

20.47 Effective Date for Final Plat Approval: The effective date and approval process for a subdivision shall become final upon the recording date of the approved final subdivision plat, recorded in accordance with Oregon Revised Statutes. Signed subdivision plats shall become void one year after signature approval if they are not recorded. Recording of the final plat and compliance with Section 20.46 (F) constitutes the appropriate approval necessary before a building permit can be issued.

Unless the final plat is recorded within the timelines in Section 20.05, it shall be resubmitted as a new land division application, which may require changes or alterations deemed necessary because of changed conditions within the general area of the subdivision.

[Section 20.47 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 24, passed August 9, 2004; Ord. No. 594, sec. 57, passed Dec. 14, 2009]

20.48 General Provisions:

(A) Subdivisions that are not phased subdivisions may require modification to comply with changes in the Comprehensive Plan, Development Ordinance or other implementing regulations if construction is not complete after one year from the recording of the final plat.
(B) Improvements/Bonding: Prior to issuance of an building permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the city attorney. Phasing of the improvements and development costs shall be permitted.
(C) The Council or the Administrative Official may withhold or delay the final approval until a field check of the proposed subdivision has been made by the city.
(D) The approval of the final plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat.

[Section 20.48 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 437, sec. 43, passed March 12, 1997; Ord. No. 540, sec. 24, passed August 9, 2004]

20.49 Reserved.

20.50 <u>Planned Unit Development</u> [Section 20.50 repealed by Ord. No. 540, sec. 25, passed August 9, 2004]

20.51 <u>General Provisions</u>. [Section 20.51 amended by Ord. No. 416, sec. 2, passed May 8, 1995 and repealed by Ord. No. 540, sec. 25, passed August 9, 2004]

20.52 <u>Permitted Uses in a Planned Unit Development</u>. [Section 20.52 amended by Ord. No. 416, sec. 2, passed May 8, 1995 and repealed by Ord. No. 540, sec. 25, passed August 9, 2004]

20.53 <u>PUD Design Standards</u>. [Section 20.53 amended by Ord. No. 416, sec. 2, passed May 8, 1995 and repealed by Ord. No. 540, sec. 25, passed August 9, 2004]

20.54 <u>Modification of an Approved PUD</u>. [Section 20.54 amended by Ord. No. 416, sec. 2, passed May 8, 1995 and repealed by Ord. No. 540, sec. 25, passed August 9, 2004]

20.55 [Section 20.55 amended by Ord. No. 407, sec. 2, passed May 9, 1994; repealed by Ord. No. 437, passed March 12, 1997 and Ord. No. 540, sec. 25, passed August 9, 2004]

20.56 – 20.59 [Repealed by Ord. No. 540, sec. 25, passed August 9, 2004]

20.60 <u>Replatting</u>

20.61 <u>General Provisions:</u>
(A) Replatting. Replatting is the act of platting the lots, parcels or easements in a recorded subdivision or partition plat to either reconfigure the existing subdivision or partition; or, increase or decrease the number of lots within a subdivision.
(B) Applicability. Replats shall only apply to recorded partition or subdivision plats.
(C) Partial Replatting. A replatting request may apply to the entire partition or subdivision, or, to only a portion of a partitioning or subdivision.
(D) Authority. The Commission shall have the authority to review and approve proposed replats of a recorded plat.
(E) Utilities.
1. Replats may be used to realign, reduce or omit utility easements.
2. Affected utility companies or public agencies shall be notified of a replat request affecting utility easements. Notification shall be consistent with notice requirements provided to adjacent property owners. Any utility company or

public agency that desires to maintain an easement subject to vacation must notify the city in writing within 14 days of the mailing of the notice.

(F) Effect of Replat.
1. Replats shall not act to vacate any recorded covenants or restrictions.
2. Replats shall not prevent the vacation actions permitted in ORS Chapters 271 or 368.
3. Replats shall not serve to vacate any public street or road.

[Section 20.61 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 26, passed August 9, 2004]

20.62 Replat Process/Procedures:

(A) Replat Review Procedures. A replat of a recorded subdivision or partition plat shall be reviewed as a new request for a subdivision or partition and shall be subject to all provisions of this chapter. This requirement shall also include applicable public hearing and notice requirements.

(B) Final Replat Review. Final review of a replat shall comply with the final plat review procedures for a partitioning or subdivision, whichever is applicable to the request.

[Section 20.62 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 471, sec. 29, passed June 26, 2000; Ord. No. 552, sec. 6, passed August 8, 2005]

20.63 Exception:

(A) Building Permits Not Meeting Parcel Requirements. When a building permit authorizes construction that does not meet the parcel requirements of the Development Ordinance, the applicant may treat adjacent lots under the same ownership as a single unit of land, notwithstanding the fact that they are separate legal parcels; and

(B) Sale of Either Lot Prohibited. Sale of any portion of either lot or parcel prior to bringing the permitted use into compliance with the Development Ordinance requirements will be in violation of the Development Ordinance and is prohibited.

[Section 20.63 added by Ord. No. 471, sec. 30, passed June 26, 2000; Ord. No. 540, sec. 26, passed August 9, 2004]

20.64 – 20.69 Reserved.

20.70 Design Standards

20. 71 Design Standards for Lot and Block:

(A) Development shall provide for the continuation or projection of existing public streets in surrounding areas or conform with the plan for the neighborhood or any development plan adopted by the Commission.

(B) Lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the requirements of this ordinance with the exception of lots designed for open space.

(C) Lot dimensions shall comply with the minimum standards of this ordinance. When lots are more than double the minimum area designated by the district, the approval authority shall require that such lots be arranged so as to allow further subdivision and the opening of future streets where it would be necessary to serve such potential lots.

(D) Double frontage lots shall be avoided except where necessary to provide separation of residential developments from streets of collector and arterial street status or to overcome specific disadvantages of topography and/or orientation.

When driveway access from arterials is necessary for several adjoining lots, the Commission shall require that such lots be served by a combined access driveway in order to limit possible traffic hazards on such streets. The driveway should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials.

(E) The side property lines of a lot shall, as far as practical, run at right angles to the street upon which it faces, except that on a curved street the side property line shall be radial to the curve.

(F) Blocks shall not exceed 600 feet between street lines unless the adjacent layout or special conditions justify greater length. Except where topography or other physical features make it otherwise, block widths shall not be less than 200 feet or more than 400 feet.

(G) Cul-de-sacs shall be as short as possible and shall have a maximum length of 400 feet. In any residential division, no more than 5 lots shall have access on a cul-de-sac bulb except that additional lots may be permitted where one additional off-street parking space is created for each lot which has access on the bulb. The minimum frontage of a lot on a cul-de-sac shall be 20 feet as measured perpendicular to the radius. Cul-de-sacs and dead-end streets shall have turn-arounds with a radius of not less than 45 feet to the curb line.

(H) Lots are required to have frontage on a public right of way. A private access easement does not fulfill this requirement. See Section 20.73 (A).

[Section 20.71, subsection (H) repealed by Ord. No. 471, sec. 31, passed June 26, 2000; reinstated and amended by Ord. No. 594, sec. 57, passed Dec. 14, 2009]
[Section 20.71 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 438, sec. 1, passed March 12, 1997; Ord. No. 540, sec. 26, passed August 9, 2004; Ord. No. 632, sec. 24, passed November 10, 2014]

20.72 Public Improvements, General Provisions: The standard specifications for construction, reconstruction or repair of streets, bikeways, sidewalks, curbs, gutters and other public improvements within the city area as approved in the city's Public Works Design and Construction Standards. Unless otherwise provided in the particular specifications for work authorized, public facility work shall be according to the Public Works Design and Construction Standards. The city engineer may make changes or supplements to the Public Works Design and Construction Standards consistent with the application of engineering principles to the conditions in the city. The city engineer shall incorporate amended or new specifications in the Public Works Design and Construction Standards. In the event of discrepancies between these provisions and the Public Works Design and Construction Standards, the Public Works Design and Construction Standards shall apply.

[Section 20.72 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 438, sec. 1, passed Mar. 12, 1997; Ord. No. 540, sec. 26, passed Aug. 9, 2004; Ord. No. 632, sec. 25, passed Nov. 10, 2014]

20.73 Streets:

(A) General Provisions.

1. No land use approval or building permit shall be issued unless the development has an approved irrevocable access to a public street. Streets, sidewalks and bikeways within a development shall be improved in accordance with this ordinance. Any new street or additional street width planned as a portion of an approved street plan shall be dedicated and improved in accordance with this ordinance.

2. Streets shall be created through the approval of a subdivision plat or partition; however, the Council may approve the creation of a street by acceptance of a deed provided that such street is deemed essential by the Council for the purpose of general traffic circulation. Such conditions as are deemed desirable and which are not at variance with the objectives of ordinance, may be required by the Council prior to the approval of the creation of any street.
3. Development proposals shall provide for the continuation of all streets, bikeways and pedestrian facilities within the development and to existing and planned streets, bikeways and pedestrian facilities outside the development.

(B) Location, Width. The location, width and grade of all streets shall conform to the TSP and shall be considered in their relation to existing and planned streets, to bikeways and pedestrian facilities, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets. The Aumsville TSP shall take preference over any other approved street plan. Street grades shall be approved by the city engineer who shall give consideration to adequate drainage and traffic safety. Where location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in the surrounding areas; or
2. Conform to a plan for the neighborhood approved or adopted by the Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical or where no plan has been previously adopted.

In determining the location of new streets in a development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites. Unless otherwise indicated on an approved street plan, the street right-of-way, sidewalk, bikeway and roadway widths shall not be less than the minimum width in feet shown in the following table. Where a range is indicated, the width shall be determined by the city.

Type of Street	Minimum Right-of-Way Width	Minimum Roadway Width	Sidewalk Width	Bikelane Width
Arterials[1]	60-104 feet	40-84 feet	5 feet	6 feet
Collectors	60-94 feet	40-74 feet	5 feet	6 feet[2]
Local[3]	60 feet	40 feet	5 feet	
Cul-de-sac	50 feet	40 feet	5 feet	
Cul-de-sac bulb	60 foot radius	45 foot radius	5 feet	

[1] Or consistent with county standards.
[2] As determined by the City Engineer
[3] Curb extensions will be provided at intersections of local streets subject to approval of the City

(C) Street Extensions. Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary lines of the tract to be developed. A barricade shall be constructed at the end of the street by the property owners, the cost of which shall be included in the street construction cost; and it shall not be removed by any party until authorized by the city.

(D) Alignment. As far as practical, streets shall be dedicated and constructed in alignment with existing streets by continuing the centerlines thereof. In no case shall the staggering of streets making "T" intersections be designed such that jogs of less than 200 feet on such streets are created, as measured from the center line of such street.

(E) Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. Proposed intersections of two streets at an acute angle of less than 80 degrees is not acceptable. An oblique street should be curved approaching an intersection to provide at least 100 feet of street at right angles with the intersection. Not more than 2 streets shall intersect at anyone point.

(F) Dead-end streets longer than 400 feet may be approved by the Commission if no other feasible means is available for development of the property and special provisions are made for public facilities, pedestrian and bicycle circulation, and emergency service access. The use of cul-de-sacs and other dead-end streets shall be discouraged and shall only be approved upon a showing by the applicant of unusual or unique circumstances justifying the use of such a street.

1. In cases where cul-de-sacs are determined to be justified they shall only be permitted subject to the following conditions:
   (a) There shall be no cul-de-sacs more than 400 feet in length.
   (b) All cul-de-sacs shall terminate with circular turn-a-rounds, except where the Commission finds that a "pear" or “hammerhead” turn-around is more appropriate given topography, natural or build features, and expected use.
   (c) An accessway shall be provided consistent with the standards for accessways, as determined by the Commission to be necessary to insure safe, efficient, and convenient multi-modal access.
2. For purposes of this section:
   (a) “Unusual or unique circumstances” exist when one of the following conditions prevent a required street connection:
      1. Excess slope (8% or more);
      2. Presence of a wetland or other body of water; or
      3. Existing development on adjacent property prevents a street connection.
   (b) “Accessway" means a walkway that provides pedestrian and or bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping and lighting. Where accessways cross driveways, they are generally raised, paved or marked in a manner which provides convenient access for pedestrians.

(G) Partial Streets. A partial width street, while generally not acceptable, may be approved where reasonably essential to the development when in conformity with the other requirements of these standards and when it will be practical to require the dedication of the other portion when the adjoining property is developed. Whenever a partial street is adjacent to a tract to be developed, the other portion of the street shall be provided within such tract. Reserve strips may be required to preserve the objectives of partial width streets.

(H) Existing Streets. Full street improvements to all existing streets adjacent to, within

or necessary to serve the development shall be required at the time of partitioning or subdivision unless the developer demonstrates to the satisfaction of the city engineer that the condition and sections of the existing streets meet all city standards and are in satisfactory condition to handle projected traffic loads. The city may allow the developer to record an approved "Waiver of Rights to Remonstrance for Streets and Public Utility Improvements" in lieu of full street improvements where the following criteria are met:

1. The development is a partition; and
2. The existing street to be improved is more than 500 feet from any street or segment with full or ¾ street improvements; and
3. The existing roadway condition and sections are adequate to handle existing and projected traffic loads; and
4. Existing public utilities (water, sanitary sewer and storm sewer) located within the existing roadway are adequate, or can be improved without damaging the existing roadway surface.

(I) 3/4 Street Improvements. 3/4 streets, while generally not acceptable, may be approved in lieu of full street improvements where essential to the reasonable development of an area and when the city finds it to be practical to require the completion of the other 1/4 street improvement when the adjoining property is developed. 3/4 street improvements shall not be allowed unless the following criteria are met:

1. The adjoining land abutting the opposite side of the street is undeveloped; and
2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary; and
3. The proposed street improvement will encompass the entire paved surface of the existing street.

(J) Slope and Curves. Slope shall not exceed 6 percent on arterials, 10 percent on collector streets or 12 percent on other streets. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on secondary arterials or 100 feet on other streets, and shall be to an even 10 feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least 0.5 percent.

(K) Railroad Right-of-Way and Intersections.

1. Whenever a proposed development contains or is adjacent to a railroad right-of-way, provisions may be required for a street approximately parallel to and on each side of the railroad right-of-way at a distance suitable for the appropriate use of the land between each street and the railroad. The distance shall be determined with due consideration at each cross street of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way in non-industrial areas.
2. Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval or other equitable means of cost distribution shall be determined by the Council.

(L) Arterial Access. Where a development abuts or contains an existing or proposed arterial street, the development design shall provide adequate protection for residential properties and shall separate residential access and through traffic, or if

separation is not feasible, the design shall minimize the traffic conflicts. The design requirements may include any of the following:

1. A parallel access street along the arterial.
2. Lots of suitable depth abutting the arterial to provide adequate buffering with frontage along another street.
3. Screen planting at the rear or side property line to be contained in a non-access reservation along the arterial.
4. Other treatment suitable to meet the objectives of this subsection.

(M) Private Streets. Private streets are permitted within manufactured home parks and singularly owned developments of sufficient size to warrant interior circulation on private streets. Design standards for private streets shall be established by the city engineer but shall not exceed the requirements for public streets. The Commission may require legal assurance for the continued maintenance of private streets.

(N) Traffic Signals. The location of planned traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal that meets approved city specifications shall be installed and the cost may be included as a condition of development approval or other equitable means of cost distribution shall be determined by the Council. Where a single development or concurrent group of development will create a need for a traffic signal at an intersection, the cost for such installation may be attached as a condition of development if approved by the Commission.

(O) Street Names. Except for extensions of existing streets, no street names shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the city administrator.

(P) Street Signs. The city shall install all street signs, relative to traffic control and street names, as specified by the city engineer for any development. The cost of signs and installation shall be included in the project costs, and the city shall be reimbursed for all materials and labor.

(Q) Bikeways. If appropriate to the extension of a system of bikeways, existing or planned, the Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths. Where possible, bikeways should be separated from other modes of travel including pedestrians. Minimum width for bikeways shall be 6 feet per travel lane.

(R) Sidewalks. Except where exempted by the Council, sidewalks shall be constructed, replaced or repaired to city standards and shall be located as follows:

1. On both sides of all city streets to be built at the time of street construction;
2. On both sides of all previously constructed streets, and in pedestrian easements and rights-of-way and are to be constructed along all portions of the property designated for pedestrian access ways in conjunction with any development of the property. Curbs and sidewalks shall be required for all streets, public or private, access easements, driveways, and other ways used for vehicular travel, which are 24 feet wide or wider.
3. On one side of any industrial street to be constructed at the time of street construction or after determination of curb cut locations if rolled curbing is not used.
4. A planter strip separation of at least 5 feet between curb and sidewalk may be required in the design of any arterial or collector street where parking is prohibited adjacent to the curb, except where the following conditions exist:

inadequate right-of-way, curb side sidewalks already exist on predominant portions of the street; and, conflict with utilities.

5. Sidewalks adjacent to all streets shall be 5 feet in width. Width of sidewalks shall be measured from the back of the curb.
6. Maintenance of sidewalks and pedestrian walks, curbs and planter strips shall be the continuing obligation of the adjacent property owner.
7. Accessways shall be installed when required for cul-de-sac or dead-end streets. (See Section 20.79)
8. The Public Works Director shall inspect the construction of sidewalks for compliance with the provisions of this ordinance and the Public Works Design and Construction Standards.

[Section 20.73 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 419, sec. 3, passed July 24, 1995; Ord. No. 437, sec. 44, passed Mar. 12, 1997; and Ord. No. 438, sec. 1, Mar. 12, 1997; Ord. No. 540, sec. 26, passed Aug. 9, 2004; Ord. No. 562, sec. 3, passed Jan. 23, 2006; Ord. No. 594, sec. 59 and 60, passed Dec. 14, 2009; Ord. No.604, sec. 6, passed Oct. 25, 2010; amended by Ord. No. 608, sec. 12, passed Mar. 14, 2011]

20.74 Utilities:

(A) Undergrounding. Except as otherwise provided, all utility lines, cables, or wires, including but not limited to those used for electricity, communication, street lighting, and cable television, constructed upon or within land subdivided or prepared for development after the effective date of this ordinance, shall be required to be placed underground. The intent of the city is that no poles, towers, or other structures associated with utility facilities shall be permitted on any street or lot within a subdivision. Overhead facilities shall be permitted for the following in which case the above provisions shall not apply:

1. Emergency installations of electric transmission lines or to through feeders operating at distribution voltages which act as a main source of supply to primary laterals and to direct connected distribution transformers and primary loads. Should it be necessary to increase the capacity of major power transmission facilities for service to the area, such new or revised installations shall be made only on rights-of-way or easements on which existing overhead facilities exist at the time of such capacity increase.
2. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, telephone cable closures, connection boxes, and the like.
3. Structures without overhead wires, used exclusively for fire alarm boxes, streetlights, or municipal equipment installed under the supervision and with the approval of the city engineer.
4. Power substations, pumping plan, and similar facilities necessary for transmission or distribution of utility services shall be permitted subject to compliance with all zoning regulations and other applicable land use regulations. Plans showing landscaping and screening shall be approved by the Commission for all such facilities prior to any construction being started.
5. Television antennas.
6. Industrial developments except for those utility lines, cables, and/or wires providing service to an individual lot. Such lines must be placed underground from the nearest power pole to the facility ultimately being operated on the individual lot. Certain industries requiring exceptionally large power supplies may request direct overhead power as a condition of approval. Underground utilities may be required in industrial park developments and planned

developments in industrial districts.

(B) Future Installations. The owner or contract purchaser of subdivided real property within a subdivision shall provide in the instrument conveying such interest, a covenant not to erect or allow to be erected upon the property conveyed, any overhead utility facilities, except such facilities as are exempt from underground installation. Such covenant shall require grantees to install, maintain, and use underground electric, telephone, cable television, or other utility services used or to be used to serve the premises. A copy of the covenant shall be submitted with the final plat.

(C) Easements. A property owner proposing a development shall make arrangements with the city and each utility franchise for the provision and dedication of utility easements necessary to provide full service to the development. The standard width for public utility easements adjacent to street right-of-way shall be 7 feet. The minimum width for all other public utility easements shall be 20 feet unless otherwise specified by the utility company or city engineer. Where feasible, utility easements shall be centered on a corner lot.

[Section 20.74 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 26, passed August 9, 2004]

20.75 Sanitary Sewers:

(A) General Provisions.

1. Sanitary sewers shall be installed to serve each new development to existing mains.
2. The city engineer shall approve all sanitary sewer plans and proposed systems prior to issuance of development permits involving sewer service.
3. Proposed sewer systems shall include consideration of additional development within the area as projected by the Comprehensive Plan.
4. Proposed developments shall make provisions for any right-of-way, easement, trunk line, or pumping station specifically designed in an approved master sewerage plan or capital improvements plan. The cost for such provisions shall be assessed as specified in the master sewerage plan or capital improvements plan.
5. Development permits may be restricted by the Administrative Official where a deficiency exists in the existing sewer system or portion thereof which cannot be rectified within the development and which if not rectified will result in a threat to public health and safety, surcharging of existing mains, or violations of state or federal standards pertaining to operations of the sewage treatment system.

[Section 20.75 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 26, 2004]

20.76 Storm Drainage:

(A) General Provisions. The Administrative Official shall issue a development permit only where adequate provisions for storm and flood water run-off have been made as determined by the city engineer. The storm water drainage system shall be separate and independent of any sanitary sewerage system. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street. Surface water drainage patterns shall be shown on every development proposal plan.

(B) Easements. Where a subdivision is traversed by a water course, drainageway, channel or stream, there shall be provided a storm water easement or drainage

right-of-way conforming substantially with the lines of such water course and such further width as will be adequate for conveyance and maintenance. Streets or parkways parallel to watercourses may be required.

(C) Accommodation of Upstream Drainage. A culvert or other drainage facility shall, and in each case be large enough to, accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development. The city engineer shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications and assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan.

(D) Effect of Downstream Drainage. Where it is anticipated by the city engineer that the additional run-off resulting from the development will overload an existing drainage facility, the Commission shall withhold approval of the development until provisions have been made for improvement of said potential condition.

(E) Drainage Management Practices. In the absence of a drainage basin master plan, a development may be required to employ drainage management practices approved by the city engineer which would minimize the amount and rate of surface water run-off into receiving streams. Drainage management practices may include, but are not limited to:

1. Temporary ponding of water.
2. Permanent storage basins.
3. Minimization of impervious surfaces.
4. Emphasizing natural water percolation and natural drainways.
5. Prevention of water flowing from the roadway in an uncontrolled fashion.
6. Stabilization of natural drainageways as necessary below drainage and culvert discharge points from a distance sufficient to convey the discharge without channel erosion.
7. Run-off from impervious surfaces shall be collected and transported to a natural drainageway with sufficient capacity to accept the discharge.

[Section 20.76 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 26, passed August 9, 2004]

20.77 Water System: Each development site shall be provided potable water; and fire hydrants and mains shall be installed as required by the fire chief. [Section 20.77 amended by Ord. No. 416, sec. 2, passed May 8, 1995]

20.78 General Provisions:

(A) Improvements for Partitions. The same improvements shall be installed to serve each building site of a partition as is required of a subdivision. However, if the Commission finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the Commission shall except those improvements. In lieu of excepting any improvement, the Commission may recommend to the Council that the improvements be installed in the area under special assessment financing or other facility extension policies of the city.

(B) Property Monumentation. Upon completion of a street improvement and prior to acceptance by the city, all property corners shall be re-established and protected.

[Section 20.78 amended by Ord. No. 416, sec. 2, passed May 8, 1995; Ord. No. 540, sec. 26, passed August 9, 2004]

20.79 Pedestrian/Bicycle Accessways:

(A) Pedestrian/bicycle accessways shall be provided as follows:
1. Pedestrian/bicycle access shall be provided in cul-de-sacs to either adjacent streets or undeveloped properties, excluding cul-de-sacs under 300 feet in length.
2. Pedestrian/bicycle accessways shall be provided to adjacent parks or schools when out of direction travel is more than 400 feet.
3. Subdivisions shall provide a street connection at least every 600 feet or an accessway every 400 feet to adjacent or parallel streets.

(B) Pedestrian/Bicycle Accessway Development Standards.
1. The accessway shall be a 10-foot wide paved or concrete surface constructed within a 15-foot right-of-way.
2. The accessway shall be as short as possible. The accessway shall not be more than 250 feet in length. There shall be vision clearance from one end of the accessway to the other end.
3. The accessway shall be lit.
4. The pedestrian and bicycle accessway shall be signed.
5. The accessway shall be dedicated to the public for maintenance and security.
6. The accessway shall be constructed at sidewalk grade. Ramps from the street to the accessway shall be provided as required by the city engineer.

(C) The Commission may waive the accessway requirement under any of the following circumstances:
1. Where the establishment of the accessway is contrary to public safety; or
2. Where there are other available ways or absence of any need for such accessways; or
3. Where limited by topography or other natural features.

[Section 20.79 added by Ord. No. 419, sec. 3, passed July 24, 1995; Ord. No. 540, sec. 26, passed August 9, 2004]

SECTION 21.00

SITE DEVELOPMENT REVIEW

21.01	Purpose
21.02	Application and Fee
21.03	Applicability of Provisions
21.04	Site Development Review – Application Review Procedure
21.05	Site Development Review – Application Submission Requirements
21.06	Site Development Review – Approval Criteria
21.07	Expiration of Approval
21.08	Financial Assurances
21.09	Development in Accordance With Permit Approval

[Amended by Ord. No. 416, passed May 8, 1995; Ord. No. 471, sec. 32, passed June 26, 2000]

SECTION 21.00

Site Development Review

21.01 Purpose: The purpose of this section is to:

(A) Carry out the development pattern and plan of the city and its Comprehensive Plan policies and related ordinances;

(B) Provide rules, regulations and standards for efficient and effective administration of site development review;

(C) Ensure safe, functional, energy-efficient developments which are compatible with the natural and built environment;

(D) Resolve potential conflicts that may arise between proposed developments and adjacent uses;

(E) Promote the public health, safety and general welfare;

(F) Lessen or avoid congestion in the streets, and secure safety from fire, flood, pollution and other dangers;

(G) Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provisions for transportation, water supply, sewage and drainage.

[Section 21.01 amended by Ord. No. 416, sec. 3, passed May 8, 1995; Ord. No. 471, sec. 32, passed June 26, 2000; Ord. No. 496, sec. 33, passed October 25, 2001]

21.02 Application and Fee: An application for site development review shall be filed with the Administrative Official and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this section. [Section 21.02 amended by Ord. No. 416, sec. 3, passed May 8, 1995; Ord. No. 471, sec. 32, passed June 26, 2000; Ord. No. 540, sec. 27, passed August 9, 2004]

21.03 Applicability of Provisions:

(A) Site development review shall be required for all new developments and modifications of existing developments except:

1. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair;
2. Single-family detached dwellings (including manufactured homes);
3. A single duplex, up to two single-family attached units, or a single triplex which is not being reviewed as part of any other development, and parking on the same lot;
4. Building additions in commercial, industrial and public zones of not more than 600 square feet and any residential building addition not creating additional dwelling units;
5. Interior modification or change in use within an existing building that meets one of the following:
   (a) A modification or change in use when the change requires less than a 25% net increase in the number of parking spaces required (not existing) for the current use; or
   (b) A modification or change in use when the change generates less than an average of 100+ trips per day per 1000 gross square feet of building as documented in the Trip Generation Manual of the Institute of Transportation Engineers or other qualified source; or
   (c) The modification or change in use does not create any additional daily shipping and delivery trips by vehicles over 20,000 pounds gross vehicle

weight.

6. Accessory structures in all zones with 600 or less square feet of floor area are exempt. In residential zones accessory structures over 600 square feet is a Type I action.
7. Home occupation;
8. Land Divisions and associated public improvements.
9. Improvements by city departments on land zoned Public; except when the City Administrator determines the proposed improvement has potential impacts, such as traffic, lighting, and noise, such that the public review embodied in the Site Development Review process is needed to help determine appropriate mitigation.
10. Other development, when required by a condition of approval.

(B) Site Development Review. Site development review is a discretionary review conducted by the Commission with a public hearing. (See Section 12.00 for review procedure.) It applies to all developments in the city, except those specifically listed above. Site development review ensures compliance with the basic development standards of the land use zone (e.g., building setbacks, lot coverage, maximum building height), as well as the more detailed design standards and public improvement requirements for off-street parking, signs, etc.

[Section 21.03 amended by Ord. No. 416, sec. 3, passed May 8, 1995; Ord. No. 437, sec. 45, passed March 12, 1997 and Ord. No. 471, sec. 32, passed June 26, 2000; Ord. No. 496, sec. 33, passed October 25, 2001; Ord. No. 540, sec. 27, passed August 9, 2004; Ord. No. 594, sec. 63, passed Dec. 14, 2009; Ord. No. 632, sec. 26, passed November 10, 2014; Ord. No 636, sec. 5, passed March 30, 2015 *(scrivener's error)*]

21.04 Site Development Review – Application Review Procedure: Site development review shall be conducted as a Type II procedure, using the procedures in Section 12.02(B), and using the approval criteria contained in Section 21.06. [Section 21.04 amended by Ord. No. 416, sec. 3, passed May 8, 1995; Ord. No. 471, sec. 32, passed June 26, 2000; Ord. No. 562, sec. 5, passed January 23, 2006]

21.05 Site Development Review – Application Submission Requirements:
Site Development Review Information. An application for site development review shall include the following information, as deemed applicable by the Administrative Official:

1. Site Analysis Map. At a minimum the site map shall contain the following:
   (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 intervals determined by the city;
   (c) Identification of slopes greater than 10%;
   (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 any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the city, county, or state as having a potential for geologic hazards;
   (f) Resource areas, including marsh and wetland areas, streams, wildlife habitat identified by the city or any natural resource regulatory agencies as requiring protection;
   (g) Site features, including existing structures, their size and dimension, pavement,

drainageways, and ditches;

(h) Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;

(i) The location, size and species of trees and other vegetation having a caliper (diameter) of 4 inches or greater at 4 feet above grade;

(j) North arrow, scale, names and addresses of all persons listed as owners on the most recently recorded deed;

(k) Name and address of project designer, engineer, surveyor, and/or planner, if applicable;

(l) Other information, as determined by the city administrator. The city may require studies or exhibits prepared by qualified professionals to address specific site features.

2. Proposed Site Plan. The site plan shall contain the following information, if applicable:

(a) The proposed development site, including boundaries, dimensions, and gross area;

(b) Features identified on the existing site analysis map which 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) A calculation of the total impervious surface before development and the total effective impervious surface after development;

(g) The location and dimensions of all storm water or water quality treatment, infiltration and/or retention facilities;

(h) The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;

(i) The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);

(j) Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;

(k) Loading and service areas for loading, deliver and waste disposal;

(l) Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements, as applicable;

(m) Location, type, and height of outdoor lighting;

(n) Name and address of project designer, if applicable;

(o) Locations, sizes, and types of signs;

(p) Other information, determined by the city administrator. The city may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards, etc.) in conformance with this ordinance.

3. Architectural Drawings. Architectural drawings shall be submitted showing:

(a) Building elevations (as determined by the city administrator) with building height and width dimensions;

(b) Building materials, color and type;

(c) The name of the architect or designer.

4. Preliminary Grading Plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater. 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.
5. Landscape Plan. A landscape plan is required and shall show the following:
   (a) The location and height of existing and proposed fences and other buffering or screening material;
   (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 or irrigation) and anticipated planting schedule.
6. Sign drawings shall be required in conformance with the city's sign regulations (Section 19.00).
7. Copies of all existing and proposed restrictions and covenants.
8. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 21.06.
9. Transportation Impact Analysis: If applicable, prepare a Transportation Impact Analysis (TIA) in accordance with the provisions of Section 22.15 Transportation Impacts.

[Section 21.05 amended by Ord. No. 416, sec. 3, passed May 8, 1995; Ord. No. 471, sec. 32, passed June 26, 2000; Ord. No. 496, sec. 33, passed October 25, 2001; Ord. No. 540, sec. 27, passed August 9, 2004; Ord. No. 594, sec. 61, passed Dec. 14, 2009; Ord. No. 604, sec. 7, passed October 25, 2010; amended by Ord. No. 608, sec. 13, passed March 14, 2011]

21.06 <u>Site Development Review – Approval Criteria</u>: The review authority shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

1. The application is complete, as determined in accordance with Section 12.02 and Section 21.05;
2. The application complies with all of the applicable provisions of the underlying land use zone, including: building and yard setbacks, lot area and dimensions, lot coverage, and other special standards as may be required for certain land uses;
3. Characteristics of adjoining and surrounding uses;
4. The application complies with the supplementary zone regulations contained in Sections 18.00, 19.00, and 22.00;
5. Conditions required as part of a land division (Section 20.00), conditional uses (Section 14.00), or other approval shall be met;
6. Provision for adequate noise and/or visual buffering from non-compatible uses;
7. Drainage and erosion control needs;
8. Public health factors;
9. Problems that may arise due to development within potential hazard area; and
10. Retention of existing natural features on site.

[Section 21.06 amended by Ord. No. 416, sec. 3, passed May 8, 1995; Ord. No. 471, sec. 32,

passed June 26, 2000; Ord. No. 496, sec. 33, passed October 25, 2001; Ord. No. 594, sec. 62, passed Dec. 14, 2009]

21.07 Expiration of Approval:

(A) Site development review approval shall be effective for a period of 2 years from the date of approval, if the building permit has not been issued within the 2-year period.

(B) The Planning Commission shall upon written request by the applicant and payment of the required fee, grant an extension of the approval period for a period not to exceed a total of 5 years from the original Site Development Review Notice of Decision, provided that:

1. No major modifications are made to the approved site development review plan;
2. The applicant can show intent to initiate to complete construction on the site within the extension period;
3. There have been no changes to the applicable ordinance provisions on which the approval was based. If there have been changes to the applicable ordinance provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site development review shall be required; and
4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within 2 years of site development approval was beyond the applicant's control.

(C) Site development review approval shall be voided immediately if development on the site is a departure from the approved plan or development use, or approved modified plan and development as provided for in Section 21.09(B)

[Section 21.07 amended by Ord. No. 416, sec. 3, passed May 8, 1995; Ord. No. 471, sec. 32, passed June 26, 2000; Ord. No. 496, sec. 33, passed October 25, 2001; Ord. No. 540, sec. 27, passed August 9, 2004; Ord. No. 594, sec. 64, passed Dec. 14, 2009]

21.08 Financial Assurances: If required site improvements cannot be completed before the issuance of an occupancy permit, a performance bond or other guarantee acceptable to the city attorney may be required, as provided for in Section 12.02(B)(8). [Section 21.08 amended by Ord. No. 416, sec. 3, passed May 8, 1995; Ord. No. 471, sec. 32, passed June 26, 2000]

21.09 Development in Accordance With Permit Approval:

(A) Developments shall not commence until the applicant has received all of the appropriate land use and development approvals (i.e., site development review approval) and building permits. 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 the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements, in accordance with Section 21.08. Site development review approvals shall be subject to the standards and limitations of (B) and (C), below.

(B) Modifications to Approved Plans and Developments. Minor modifications of an approved plan or existing development shall be processed as a Type I procedure (See also Section 21.09(C)(3)(d)). Major modifications, as defined in Section 1.00, shall be processed as a Type II procedure and shall require site development review.

(C) Phased Development. Phasing of development may be approved with the site development review application, subject to the following standards and procedures:

1. A phasing plan shall be submitted with the site development review application.
2. The Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 3 years without reapplying for site development review.
3. Approval of a phased site development review proposal requires satisfaction of all of the following criteria:
   (a) The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;
   (b) The development and occupancy of any phase dependent on the use of temporary public facilities shall require Council approval. Temporary facilities shall be approved only upon city receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with Section 21.05. A temporary public facility is any facility not constructed to the applicable city standard, subject to review by the city engineer.
   (c) The phased development shall not result in requiring the city or other property owners to construct public facilities that were required as part of the approved development proposal; and
   (d) An application for phasing may be approved after site development review approval as a minor modification to the approved plan.

[Section 21.09 added by Ord. No. 471, sec. 32, passed June 26, 2000; Ord. No. 496, sec. 33, passed October 25, 2001; Ord. No. 540, sec. 27, passed August 9, 2004]

SECTION 22.00

SUPPLEMENTARY ZONE REGULATIONS

22.01	Clear Vision Area
22.02	Fences, Hedges and Walls
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22.04	Parking and Storage of Certain Vehicles
22.05	Parking in Required Yards
22.06	Average Yard Setback Adjacent to a Street (Front and Exterior Side Yards)
22.07	Yard Setback Exceptions
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22.10	Flood Hazard/Compliance with Ordinance No. 487
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22.13	Access Spacing Standards
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22.16	Interchange Area Management Plan Boundary
22.17	Food Vendor Classifications and Requirements
22.18	Marijuana-Related Uses

[Section 22.00 Title Page amended by Ord. No. 594, sec. 65, passed Dec. 14, 2009; amended by Ord. No. 608, sec. 13, passed March 14, 2011; Ord. No. 632, sec. 27, passed Nov. 10, 2014; Ord. 636, sec. 6, passed March 30, 2015; Ord. No. 649, sec. 2, passed May 9, 2016; Ord. No. 650, sec. 18, passed May 24, 2016]

SECTION 22.00

Supplementary Zone Regulations

22.01 Clear Vision Area:

(A) A clear vision area shall be maintained on corner lots at the intersection of public or private streets, and at the intersection of any street with an alley or driveway.

(B) A clear vision area is a triangular area, two sides of which are lot lines starting from the corner at the intersection and measured for a distance of 20 feet. In the case of driveways, the 20 feet shall be measured from the intersection of the property line with the centerline of the driveway, or the centerline for two way drives. Where lot lines or intersections have rounded corners, the lines shall be extended in a straight line to a point of intersection (making a corner) and so measured. The third side of the triangle shall be a line connecting the non-intersecting ends of the other two lines. (See Illustrations following Section 23.00).

(C) Clear vision shall also include all areas adjacent to a street, ten feet from the face of the curb, regardless of property line.

(D) A clear vision area shall contain no planting, sight–obscuring fence wall, hedge, structure, vehicle parking, or any temporary or permanent obstruction exceeding 36 inches measured from the adjacent curb elevations or established street grade if no curb exists. Trees may be located in this area, provided all branches and foliage are removed up to a height of 8 feet above the ground. The vision clearance area may be increased by the Council, Planning Commission, or Administrative Official upon finding that more sight distance is required for safety reasons. (i.e., due to traffic speeds, roadway alignment, etc.)

[Section 10.01 amended by Ord. No. 395, sec. 1 and 2, passed Jan. 11, 1993; Ord. No. 471, sec. 13, passed June 26, 2000; Ord. No. 540, sec. 13, passed Aug. 9, 2004; Section 10.01 renumbered to 22.01 and amended by Ord. No. 552, sec. 7, passed Aug. 8, 2005; Ord. No. 562, sec. 6, passed Jan. 23, 2006; Ord. No. 594, sec. 66, passed Dec. 14, 2009; Ord. No. 632, sec. 28, passed Nov. 10, 2014; Ord. No. 650, sec. 19, passed May 24, 2016]

22.02 Fences, Hedges and Walls:

(A) Location and Height.

1. Residential and Commercial Fences and Walls. Fences and walls shall comply with Clear Vision Area requirements. Fences and walls shall not exceed 8 feet in height, and are subject to the following:
   (a) Front yard fences and walls shall not exceed 4 feet in height; Front yard fences shall not exceed 36” in the clear vision area; and
   (b) Any fence or wall over seven feet in height requires a building permit; and
   (c) Front yard walls shall be up to 4 feet in height; walls located on corner lots shall be considered to have two front yards; in this case only the front yard on which the improvement or contemplated improvements will face must meet the 4 foot requirement, as long as any wall exceeding 4 feet is not located in the city’s right-of-way; and
   (d) Any fence or wall over 6 feet in height requires a building permit; and
   (e) Fences and walls constructed on the property line require a written agreement between adjoining property owners, which shall be recorded with the Marion County Clerk.

2. Industrial and Public Fences and Walls. Fences and walls shall comply with Clear Vision Area requirements. Fences and walls shall not exceed eight feet in

height, including any security barbed wire.

3. Hedges.
   (a) Hedges shall be planted in compliance with the Clear Vision Area requirements in Section 22.01 and Property provisions in Section 22.02(B);
   (b) Front yard hedges shall not exceed four feet in height outside of the clear vision area, which has a limited height of 36 inches;
   (c) Hedges shall be maintained to be healthy and not overgrow onto adjacent properties or sidewalks. Plants forming hedges shall be replaced within 6 months after dying or becoming diseased;
   (d) Hedges that are dead or diseased, or poses a hazard to personal safety, property, or the health of other vegetation such as trees and hedges, shall be removed by the property owner; and
   (e) Hedges and other landscaping may be established to provide visual screening and privacy within the side and rear yards; while leaving front yards and building entrances mostly visible for security purposes.

(B) Property.
1. Damage. Where fences, walls, hedges or plantings exist on city property, easements or rights-of-way, the city absolves itself from all responsibility for replacing said fences, walls, hedges or plantings disturbed or damaged by the city accessing the existing easements or rights-of-way to either fix, repair or replace utilities.
2. Notification. Property owners that have fences, walls, hedges or plantings located in an existing easement or right-of-way shall be notified 10 days in advance of any city work requiring the property owner to remove fences, walls, hedges or plantings.
3. Access. In all instances fences, walls and hedges shall not be placed within 3 feet of a fire hydrant or utility service equipment, e.g., water meter, valve box, television/telephone pedestal or power transformer.
4. Injury. Where fences, walls or plantings exist on city property or easement rights-of-ways, the adjoining property owner shall be liable to any person suffering personal injury caused thereby.
5. In the case of an emergency, the city may take any and all necessary steps to ensure the health, safety and welfare of the citizens of Aumsville. Said steps may include the removal or damage of fences, walls, hedges, or plantings, which may be on the city's property, easements, or rights-of-way. The city may take all reasonable steps necessary to remove any encroachments upon the city right-of-way to ensure the health, safety and welfare of the citizens. Said steps shall be taken by the city without any requirement of notification to the person responsible for the placement of the encroachment upon the city's property, easements, or rights-of-way.

(C) Materials.
1. Fences and walls shall not contain any material that could cause bodily harm, such as barbed wire (except where explicitly permitted by this section), broken glass, spikes, or any other hazardous or dangerous materials. Electric fences are not permitted.
2. Chain link fences in Industrial and Public Zones that are at least seven feet in height may be topped with up to one foot of barbed wire. The barbed wire shall be straight up or slanted into the property, and the total height shall not exceed eight feet.

[Section 10.02 amended by Ord. No. 395, sec. 3, passed January 11, 1993; Ord. No. 437, sec.

15, passed March 12, 1997 and Ord. No. 471, sec. 14, passed June 26, 2000; Ord. No. 496, sec. 10, passed October 25, 2001; Section 10.02 renumbered to 22.02 and amended by Ord. No. 540, sec. 13, passed August 9, 2004; Ord. No. 552, sec. 7, passed August 8, 2005; Ord. No. 562, sec. 7, passed January 23, 2006; Ord. No. 594, sec. 68, passed Dec. 14, 2009; Ord. No. 632, sec. 29, passed Nov. 10, 2014; Ord. No. 650, sec. 20, passed May 24, 2016 w/new language and deletion of 22.02(D) and (E)]

22.03 Exception to Height Regulations: The height limitations contained in the zoning district do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. [Section 10.03 renumbered to 22.03 by Ord. No. 552, sec. 7, passed by August 8, 2005]

22.04 Residential Accessory Structures

(A) The following shall apply to residential accessory structures:

1. Height. The maximum height shall be 20 feet; measured from the ground to the highest point of the structure.
2. Location. Accessory structures shall not be located in a front yard.
3. Setbacks. Accessory structures 10 feet in height or less shall have a minimum setback of three feet from side and rear lot lines; measured from the closest point of the structure, such as overhangs, to the property line. For each one foot increase in height above ten feet, the setback shall increase one additional foot.
4. Accessory structures more than 15 feet in height shall have exterior siding and roofing similar, in terms of color and material, to single-family dwellings and accessory structures in the surrounding area. Accessory structures more than 15 feet in height are subject to a Site Development Review Type II procedure.

[Section 10.04 amended by Ord. No. 496, sec. 11, passed October 25, 2001; Section 10.04 renumbered to 22.04 by Ord. No. 552, sec. 7, passed August 8, 2005; Section 22.04 deleted and moved to 18.04 by Ord. No. 594, sec. 69, passed Dec. 14, 2009' renamed and amended by Ord. No. 650, sec. 21, passed May 24, 2016]

22.05 Parking in Required Yards: See Section 18.08(A) [Section 10.05 renumbered to 22.05 by Ord. No. 552, sec. 7, passed August 8, 2005; Ord. No. 594, sec. 70, passed Dec. 14, 2009]

22.06 Average Yard Setback Adjacent to a Street: Every building requiring a front yard shall set back from the front property line at least 20 feet, except in the case where on the same side of the street, buildings are between 20 and 10 feet from the front property line, then the average depth may be used. Average depth is calculated from the closest part of the foundation of the existing buildings to the front property line. If existing buildings are within 10 feet of the property line, then no less than 10 feet shall be used in figuring the average. If existing buildings are more than 20 feet from the property line then the minimum requirement of 20 feet shall be used in figuring the average. [Section 10.06 amended by Ord. No. 496, sec. 12, passed October 25, 2001; Section 10.06 renumbered to 22.06 by Ord. No. 552, sec. 7, passed August 8, 2005]

22.07 Yard Exceptions: The following exceptions to the yard setbacks shall apply:

(A) Front Yard Projections. Planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features of not more than 24 inches, from main buildings need not be included when determining the setbacks. Uncovered porches, and covered but unenclosed porches when not more than one story high and which do not extend more than five feet beyond the front walls of the building, are exempt from the front yard setback

provisions and need not be included when determining the setback.

(B) Side and Rear Yard Projections.

1. Planter boxes, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters and other ornamental features, may project not more than two feet into a required yard, but shall not be erected within three feet of property line.
2. A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than five feet into a required yard and shall not be erected within three feet of property line.
3. Steps, uncovered porches, and covered but unenclosed porches, including covered patios when not more than one story high and not more than three feet above grade, are exempt from side and rear yard setback requirements, but shall not be erected within three feet of property line.
4. Uncovered decks and patios attached to the main building, when measured directly beneath the outside edge of the deck or patio, may be extended to the interior yard property line when they are three feet or less in height from ground level.

(C) Commercial Yard Projections. Planter boxes, benches, steps, cornices, eaves, gutters, and ornamental features need not be included when determining the setbacks.

(D) Detached accessory structures less than 36 inches in height shall be set back at least three feet from property lines.

[Section 10.07 amended by Ord. No. 540, sec. 13, passed August 9, 2004; Section 10.07 renumbered to 22.07 and amended by Ord. No. 552, sec. 7, passed August 8, 2005; Ord. No. 594, sec. 71, passed Dec. 14, 2009; Ord. No. 604, sec. 8, passed October 25, 2010; Ord. No. 622, sec.13, passed November 13, 2012; Ord. No. 650, sec. 22, passed May 24, 2016]

Off-Street Parking: [Section 10.08 renumbered to 22.08 by Ord. No. 552, sec. 7, passed August 8, 2005; Section 22.08 Off-Street Parking is deleted and remaining sections renumbered by Ord. No. 594, sec. 72, passed Dec. 14, 2009]

Setback Measurement:[Section 10.09 amended by Ord. No. 496, sec. 14, passed October 25, 2001; Section 10.09 renumbered to 22.09 by Ord. No. 552, sec. 7, passed August 8, 2005; Section 22.09 renumbered to 22.08 by Ord. 594, sec. 72 and amended by sec. 73, passed Dec. 14, 2009; Ord. No. 622, sec.13, passed November 13, 2012; Section 22.08 deleted by Ord. No. 650, sec. 23, passed May 24, 2016]

22.08 [Reserved]

22.09 Outside Storage: In any district, outside storage display of materials, junk, parts or merchandise shall not be permitted within a required front yard. [Section 10.10 renumbered to 22.10 by Ord. No. 552, sec. 7, passed August 8, 2005; Section 22.10 renumbered to 22.09 by Ord. 594, sec. 72, passed Dec. 14, 2009]

22.10 Flood Hazard/Compliance with Ordinance No. 487: Development in Flood Hazard Areas shall comply with the following Ordinance 487, Flood Plain Regulations and Procedures, and the requirements of the major zoning district in which it is located. [Section 9.01 amended by Ord. No. 437, sec. 14, passed March 12, 1997; added to Section 10.00 and renumbered by Ord. No. 540, sec. 13, passed August 9, 2004; Section 10.11 renumbered to 22.10 (sic) and amended by Ord. No. 552, sec. 7, passed August 8, 2005; Section 22.20 renumbered to 22.10 by Ord. No 594, sec. 74, passed Dec. 14, 2009]

Section 1. Statement of Purpose. It is the purpose of this ordinance to promote the

public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

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

Section 2. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Area of Special Flood Hazard means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designations on maps always includes the letters A or V.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as “100 year flood”. Designation on maps always includes the letters A or V.

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

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

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

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

Flood Insurance Study means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

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

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in

violation of the applicable non-elevation design requirements of this ordinance found in Section 6(1)(A).

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

Mobile Home is as defined in the Aumsville Development Ordinance.

New Construction means structures for which the start of construction commenced on or after the effective date of this ordinance.

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

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

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

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

Section 3. General Provisions.

1. Lands to Which This Ordinance Applies. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the city of Aumsville.
2. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled the Flood Insurance Study report and Flood Insurance Rate Map for Marion County, Oregon and Incorporated Areas, effective January 19, 2000, is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at City Hall, 595 Main Street, Aumsville, Oregon.

Section 4. Administration.

1. Establishment of Development Permit; Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3(2). The permit shall be for all structures including manufactured homes, as set forth in the Definitions, and for all development including fill and other activities, also as set forth in the Definitions.
2. Designation of the City Council. The city council is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.
3. Duties and Responsibilities of City Council. Duties of the city council shall include, but not be limited to:
   (A) Permit Review. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
   (B) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
   (C) Review all development permits to determine if the proposed development is located in the floodway, assure that the encroachment provisions of Section 7(1) are met.
4. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 3(2), Basis for Establishing the Areas of Special Flood Hazard, the building commissioner shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 6, Specific Standards, and 7, Floodways.

5. Information to be Obtained and Maintained.
   (A) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 4(4), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
   (B) For all new or substantially improved flood proofed structures:
      1. Verify and record the actual elevation (in relation to mean sea level); and
      2. Maintain the flood proofing certifications required in Section 4(3).
   (C) Maintain for public inspection all records pertaining to the provisions of this ordinance.
6. Alteration of Watercourses.
   (A) Notify adjacent communities and the Oregon Department of Land Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
   (B) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
7. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the rules and regulations of the National Flood Insurance Program (44 CFR 59-76).

Section 5. Provisions for Flood Hazard Reduction.

1. General Standards. In all areas of special flood hazards, the following standards are required:
   (A) Anchoring.
      1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
      2. All manufactured homes and mobile homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
2. Construction Materials and Methods.
   (A) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
   (B) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
   (C) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. Utilities.
   (A) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
   (B) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and
   (C) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. Subdivision Proposals.
   (A) All subdivision proposals shall be consistent with the need to minimize flood damage;
   (B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
   (C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
   (D) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).
5. Review of Building Permits. Where elevation data is not available through the Flood Insurance Study or from another authoritative source (Section 4(4)) applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

Section 6. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3(2), Basis for Establishing the Areas of Special Flood Hazards or Section 4(4), Use of Other Base Flood Data, the following provisions are required:

1. Residential Construction.
   (A) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above the base flood elevation.
   (B) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
      1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
      2. The bottom of all openings shall be no higher than one foot above grade.
      3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
2. Non-Residential Construction. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
   (A) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
   (B) Have structural components capable of resisting hydrostatic and hyudrodynamic loads and effects of buoyancy;
   (C) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specification and plans. Such certifications shall be provided to the official as set forth in Section 4(5)(B).
   (D) Non-residential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 6(1)(B).
   (E) Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).
3. Manufactured Homes and Mobile Homes. All manufactured homes and mobile homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home be elevated a minimum of 1 foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 5(1)(A)(b).

Section 7. Recreational vehicles placed on sites in the floodplain are required to either:

1. Be on the site for fewer than 180 consecutive days;

2. Be fully licensed and ready for highway use, on wheels or jacking systems, attached to the site only by quick disconnect type utilities and security devices, and with no permanently attached additions; or
3. Meet the requirements of Sections 5 and 6 of this ordinance, including the elevation and anchoring requirements for manufactured homes.

Section 8. Floodways. Located within areas of special flood hazard established in Section 3(2) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If Section 7(1) is satisfied, all new construction and substantial improvement shall comply with all applicable flood hazard reduction provisions of Section 5, Provisions for Flood Hazard Reduction.

22.11 Flood Hazard/Disclaimer of Liability: Ordinance 487 shall not create liability on the part of the city of Aumsville, any officer or employee thereof, for any flood damage that results from reliance on said ordinance or any administrative decisions lawfully made. [Section 9.02 amended by Ord. No. 437, sec. 14, passed March 12, 1997; added to Section 10.00 and renumbered by Ord. No. 540, sec. 13, passed August 9, 2004; Section 10.12 renumbered to 22.12 and amended by Ord. No. 552, sec. 7, passed August 8, 2005; Section 22.22 (sic) renumbered to 22.11 by Ord. No 594, sec. 75, passed Dec. 14, 2009]

22.12 Flood Hazard/Time Limit of Flood Plain Development Permit: The term of an approved flood plain development permit is 2 years. The city council may extend such term for a period not to exceed 3 additional years, if upon written request, justification can be found and approved by the city council.

22.13 Access Spacing Standards

(A) Access spacing standards between streets and/or driveways are:

Spacing Requirements for Accesses on State, County, and City Roadways

Functional Classification	Distance[(1)]
Expressway (ODOT)	1,320 feet from interchange ramp termini
Arterial (County)	400 feet from any intersection with a state highway, arterial or major collector
	300 feet from any other intersection or private access
Collector (County)	250 feet from any intersection with an arterial or state highway
	150 feet from any other intersection or private access
Collector (Aumsville)	200 feet from any intersection with an arterial or state highway
	100 feet from any other intersection or private access
Local (Aumsville)	50 feet from any other intersection or private access unless no other reasonable access is available

Notes: [(1)] Distances are measured from centerline to centerline of driveways and roadways

1. Where access spacing standards cannot be satisfied, joint and cross access and shared driveways are encouraged pursuant to Section 18.03 (E).

2. New property access shall not be permitted within 50 feet of an intersection unless no other reasonable access to property is available. Where no other alternatives exist, the City may allow construction of an access connection at a point less than 50 feet from an intersection, provided the access as far away from the intersection as possible. In such cases, the City may impose turning restrictions (i.e., right in/out, right in only, or right out only).

22.14 Transportation Mobility Standards

The mobility standards identified in the following table shall be used to define the acceptable intersection traffic operation threshold within the Aumsville Urban Growth Boundary and to determine the need for transportation system improvement.

Traffic Operations Standards

Roadway [1]	Intersection Type	Operations Standard
City Street or County Road within Aumsville UGB	Signalized, All-way Stop & Roundabout	LOS D 0.85 V/C
	Unsignalized	LOS D [2] 0.85 V/C
State Highway [3]	Statewide Highway **Ramps** **- Eastbound intersection with OR 22** **- Westbound intersection with OR 22**	 0.85 V/C **0.50 V/C**

Notes:
1) For intersections where state owned roadways cross city or county owned roadways, state traffic operations standards are used in place of city and/or county standards.
2) Up to LOS F for one movement may be allowed at unsignalized intersections under County jurisdiction if the movement has relatively low volume (as determined by the City in consultation with County staff) and there is no indication that a safety problem will be created
3) Oregon Department of Transportation operations standards apply to OR 22 interchange ramp termini within the City of Aumsville.

22.15 Transportation Impacts

A transportation impact analysis (TIA) provides an objective assessment of the anticipated modal transportation impacts associated with a specific land use action. Throughout the development of the TIA (and beginning as early as possible), cooperation between City of Aumsville staff, the applicant, and the applicant's traffic engineer is encouraged to provide an efficient and effective process. The City of Aumsville assumes no liability for any costs or time delays (either direct or consequential) associated with the preparation and review of a transportation impact analysis. City of Aumsville staff may, at its discretion, and depending on the specific situation, require additional study components in a TIA beyond what is outlined in this section or waive requirements deemed inappropriate.

(A) When a Transportation Impact Analysis is Required. A TIA shall be required when:
   (1) The development generates 25 or more peak-hour trips or 250 or more daily trips, or
   (2) An access spacing exception is required for the site access driveway(s) and the development generates 10 or more peak-hour trips or 100 or more daily trips, or
   (3) The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour, or
   (4) The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high crash locations,

areas that may have other operational or safety concerns, or areas that contain a high concentration of pedestrians or bicyclists such as a school, or

(5) Based on the engineering judgment of the City Engineer, the development or land use action would significantly affect the adjacent transportation system. Examples include, but are not limited to, proposals for non-single family development in single family residential areas, proposals adding traffic to or creating known or anticipated safety or neighborhood traffic concerns, or proposals that would generate a high percentage of truck traffic (more than 5% of site traffic).

(B) When a Transportation Assessment Letter is Required. If a TIA is not required, the applicant's traffic engineer shall submit a transportation assessment letter to the City indicating the proposed development or land use action is exempt. This letter shall outline the trip-generating characteristics of the proposed land use and verify that the site-access driveways or roadways meet City of Aumsville visual clearance requirements and roadway design standards.

The City may waive the requirement for a transportation assessment letter if a clear finding can be made that the proposed land use action does not generate 25 or more peak hour trips or 250 or more daily trips.

(C) Traffic Impact Analysis Preparation. A TIA shall be prepared by a professional engineer registered in the State of Oregon in accordance with the requirements of the road authority. In addition, the preparer should have extensive experience in the methods and concepts associated with transportation impact analysis. If the road authority is the Oregon Department of Transportation (ODOT), consult ODOT's regional development review planner and OAR 734-051-180.

(D) Contents of a Transportation Impact Analysis. As a guide in the preparation of a TIA, the City of Aumsville recommends the following format be used to document the analysis.

(1) Table of Contents. Listing of all sections, figures, and tables included in the report.

(2) Executive Summary. Summary of the findings and recommendations contained within the report.

(3) Introduction. Proposed land use action, including site location, building square footage, and project scope. Map showing the proposed site, building footprint, access driveways, and parking facilities. Map of the study area, which shows site location and surrounding roadway facilities.

(4) Existing Conditions. Existing site conditions and adjacent land uses. Roadway characteristics (all transportation facilities and modal opportunities located within the study area, including roadway functional classifications, street cross section descriptions, posted speeds, bicycle and pedestrian facilities, on-street parking, and transit facilities). Existing lane configurations and traffic control devices at the study area intersections. Existing traffic volumes and operational analysis of the study area roadways and intersections. Roadway and intersection crash history analysis.

(5) Background Conditions (without the proposed land use action). Approved developments and funded transportation improvements in the study area. Traffic growth assumptions. Addition of traffic from other planned developments. Background traffic volumes and operational analysis.

(6) Full Build-out Traffic Conditions (with the proposed land use action). Description of the proposed development plans. Trip-generation

characteristics of the proposed development (including trip reduction documentation). Trip distribution assumptions. Full build-out traffic volumes and intersection operational analysis. Intersection and site-access driveway queuing analysis. Expected safety impacts. Recommended roadway and intersection mitigations (if necessary).

(7) Site Circulation Review. Evaluate internal site access and circulation. Review pedestrian paths between parking lots and buildings. Ensure adequate throat depth is available at the driveways and that vehicles entering the site do not block the public facilities. Review truck paths for the design vehicle.

(8) Turn Lane Warrant Evaluation. Evaluate the need to provide turn lanes at the site driveways.

(9) Conclusions and Recommendations. Bullet summary of key conclusions and recommendations from the TIA.

(10) Appendix. Traffic counts summary sheets, crash analysis summary sheets, and existing/background/full build-out traffic operational analysis worksheets. Other analysis summary sheets such as queuing and signal warrant analyses.

(11) Figures. The following list of figures should be included in the TIA: Site Vicinity Map; Existing Lane Configurations and Traffic Control Devices; Existing Traffic Volumes and Levels of Service (all peak hours evaluated); Future Year Background Traffic Volumes and Levels of Service (all peak hours evaluated); Proposed Site Plan; Future Year Assumed Lane Configurations and Traffic Control Devices; Estimated Trip Distribution Pattern; Site-Generated Traffic Volumes (all peak hours evaluated); Full Build-out Traffic Volumes and Levels of Service (all peak hours evaluated).

(E) Elements of a Transportation Impact Analysis Report

(1) Study Area. The study area shall include, at a minimum, all site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. If the proposed site fronts an arterial or collector street; the study shall include all intersections along the site frontage and within the access spacing distances extending out from the boundary of the site frontage.

Beyond the minimum study area, the TIA shall evaluate all intersections that receive site-generated trips that comprise at least 10% or more of the total intersection volume. In addition to these requirements, the City Engineer (or his/her designee) shall determine any additional intersections or roadway links that might be adversely affected as a result of the proposed development. The applicant and the City Engineer (or his/her designee) will agree on these intersections prior to the start of the TIA.

(2) Study Years to be Analyzed in the Transportation Impact Analysis. A level-of-service analysis shall be performed for all study roadways and intersections for the following horizon years:

(a) Existing Year. Evaluate all existing study roadways and intersections under existing conditions.

(b) Background Year. Evaluate the study roadways and intersections in the year the proposed land use is expected to be fully built out, without traffic from the proposed land use. This analysis should include traffic from all approved developments that impact the study intersections, or planned developments that are expected to be fully built out in the horizon year.

(c) Horizon Year. The horizon year of a TIA is the most distance future year that shall be considered in the TIA. The horizon year will be a specified number of years after the development opens, and this number will vary depending on the size of the development, any land use plan changes necessary to allow it, its uses, and the anticipated time until full build-out the following table shows the TIA horizon year (expressed in years after the development is planned to open) for developments expected to generate less than 5% truck traffic:

Development Type/Trip Generation per Day	Horizon Year
Any Zone Change	20 years
Other Development, Less than 1,000	0 years
Other Development, 1,000 to 1,999	5 years
Other Development, 2,000 to 4,999	10 years
Other Development, 5,000 or more	20 years

For developments expected to generate more than 5% truck traffic, consult city staff for the TIA horizon year. City staff may, at their discretion, reduce the horizon year in cases where less future study is necessary.

(d) Evaluate the expected roadway, intersection, and land use conditions resulting from the background growth and the proposed land use action assuming full build-out and occupancy. For phased developments, an analysis shall be performed during each year a phase is expected to be completed.

(e) Twenty-Year Analysis. For all land use actions requesting a Comprehensive Plan Amendment and/or a Zone Change or that are expected to generate more than 5,000 daily trips, a long-term level-of-service analysis shall be performed for all study intersections assuming build-out of the proposed site with and without the comprehensive plan designation and/or zoning designation or proposed development in place. The analysis should be performed using the future year traffic volumes identified in the Transportation System Plan (TSP). If the applicant's traffic engineer proposes to use different future year traffic volumes, justification for not using the TSP volumes must be provided along with documentation of the forecasting methodology.

(3) Study Time Periods to be Analyzed in the Transportation Impact Analysis. Within each horizon year, a level-of-service analysis shall be performed for the time period(s) that experience the highest degree of network travel. These periods typically occur during the midweek (Tuesday through Thursday) morning (7:00 a.m. to 9:00 a.m.), mid-week evening (4:00 p.m. to 6:00 p.m.), and Saturday afternoon (12:00 p.m. to 3:00 p.m.) periods. The TIA should always address the weekday a.m. and p.m. peak hours when the proposed land use action is expected to generate 25 trips or more during the peak time periods. If the applicant can demonstrate that the peak-hour trip generation of the proposed land use action is negligible during one of the two peak study periods and the peak trip generation of the land use action corresponds to the roadway system peak, then only the worst-case study period need be analyzed.

Depending on the proposed land use action and the expected trip-generating

characteristics of that development, consideration of non-peak travel periods may be appropriate. Examples of land uses that have non-typical trip generating characteristics include schools, movie theaters, and churches. The City Engineer (or his/her designee) and applicant should discuss the potential for additional study periods prior to the start of the TIA.

(4) Traffic Count Requirements. Once the study periods have been determined, turning movement counts should be collected at all study area intersections to determine the base traffic conditions. These turning movement counts should typically be conducted during the time period(s) that experience the highest degree of network travel as identified in (3) above depending on the proposed land use. Historical turning movement counts may be used if the data are less than 12 months old, but must be factored to meet the existing traffic conditions.

(5) Trip Generation for the Proposed Development. To determine the impacts of a proposed development on the surrounding transportation network, the trip-generating characteristics of that development must be estimated. Trip-generating characteristics should be obtained from one of the following acceptable sources:

(a) Institute of Transportation Engineers (ITE) Trip Generation Manual (latest edition).

(b) Specific trip generation studies that have been conducted for the particular land use action for the purposes of estimating peak-hour trip-generating characteristics. The City Engineer (or his/her designee) should approve the use of these studies prior to their inclusion in the TIA.

(c) In addition to new site-generated trips, several land uses typically generate additional trips that are not added to the adjacent traffic network. These trips include pass-by trips and internal trips and are considered to be separate from the total number of new trips generated by the proposed development. The procedures listed in the most recent version of the Trip Generation Handbook (ITE) should be used to account for pass-by and internal trips.

(6) Trip Distribution. Estimated site-generated traffic from the proposed development should be distributed and assigned on the existing or proposed arterial/collector street network. Trip distribution methods should be based on a reasonable assumption of local travel patterns and the locations of off-site origin/destination points within the site vicinity. Acceptable trip distribution methods should be based on one of the following procedures:

(a) An analysis of local traffic patterns and intersection turning movement counts gathered within the previous 12 months.

(b) A detailed market study specific to the proposed development and surrounding land uses.

(7) Intersection Operation Standards. The City of Aumsville evaluates the intersection operational performance of city-owned intersections based on levels of service standards. It should be noted that the Oregon Department of Transportation (ODOT) and Marion County have their own operations performance standards that apply to their facilities. The ODOT roadways operational performance is measured with volume-to-capacity analysis and Marion County's roadways operational performance is measured with volume-to-capacity analysis and level of service standards. Intersection operational performance standards for all road authorities within the City of Aumsville are as

found in Section 22.14. When evaluating the volume-to-capacity ratio, the total traffic demand shall be considered.

(a) A capacity analysis should be performed at all intersections within the identified study area.

(b) The City of Aumsville requires all intersections within the study area to maintain an acceptable level of operations per Section 22.14 upon full build-out of the proposed land use action. Calculations should be made using the methods identified in the most recent version of the Highway Capacity Manual (or by field studies), published by the Transportation Research Board. Any intersections not operating at standards described in Section 22.14 will be considered to be unacceptable.

(c) All signalized intersection and all way-stop controlled intersections shall operate at a Level of Service D or better (all individual movements shall operate at LOS E or better). Other unsignalized intersections (including unsignalized private access) shall operate at a Level of Service D or better, although LOS F may be allowed if the movement has a relatively low volume (as determined by City staff) and there is no indication that a safety problem will be created. Intersections at state highways shall also meet the standards of the Oregon Department of Transportation.

(8) Recommendations and Conclusions. Provide descriptions and analysis of the appropriate conclusions, mitigation measures and recommended improvements necessary for compliance with the applicable standards. Include analysis showing that these measures will bring identified intersections and locations into compliance and include signal, turn lane, or other warrant analyses as appropriate. The TIA shall also specify the timing and phasing of any new traffic signals and the length of any new turn lanes. Any new parking facility needs shall be identified and the conformance of the proposed parking facilities to applicable standards. Any new pedestrian and bicycle transportation needs arising from the development shall also be identified.

Any and all mitigation measures recommended in the TIA shall be physically and economically feasible, and this feasibility may need to be demonstrated in questionable cases. In addition, the recommendations and conclusions presented in the TIA shall be consistent with and supported by the data, calculations, and analysis in the report. Inconsistent and/or unsupported conclusions will not be accepted, and may lead to the TIA being returned to the applicant's traffic engineer for correction.

(F) Review Policy and Procedure. The following criteria should be used in reviewing a TIA as part of a subdivision or site development review.

(1) The road system is designed to meet the projected traffic demand at full build-out in terms of safety, adequacy of property access, connectivity, width, right-of-way, and capacity based on the mobility standards in Section 22.14.

(2) Proposed driveways do not adversely affect the functional character of the surrounding roadways.

(3) Adequate intersection and stopping sight distance is available at all driveways.

(4) Proposed driveways meet the City's access spacing standard or sufficient justification is provided to allow a deviation from the spacing standard.

(5) Opportunities for providing joint or crossover access have been pursued.

(6) The site does not rely upon the surrounding roadway network for internal vehicular circulation.
(7) The road system provides adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
(8) Bicycle and pedestrian circulation is provided per Section 20.73 (Q) and (R), respectively.

(G) Conditions of Approval. The City of Aumsville, Marion County (if access to a County roadway is proposed), and ODOT (if access within the IAMP boundary is proposed) will be required to identify conditions of approval needed to meet operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Conditions of Approval that should be evaluated as part of subdivision and site development reviews include the criteria identified above in Section (F)(1) and include but not be limited to the following:
(1) Consideration of joint and cross access and joint use driveways for developments that do not meet the designated access spacing policy.
(2) Right-of-way dedications for future planned roadway improvements.
(3) Half or three-quarter street improvements along site frontages that do not have full-build-out improvements in place at the time of development.

(H) Transportation Impact Analysis Checklist. As part of the TIA review process, all transportation impact analyses submitted to the City of Aumsville must satisfy the requirements illustrated in the Checklist for Acceptance of a Transportation Impact Analysis. Incomplete and/or unacceptable TIAs will be returned to the applicant's traffic engineer for completion and/or correction.

Provide three (3) copies of the TIA report for City staff to review. If any portion of the study area falls within another jurisdiction (such as Marion County or ODOT roadways), consult that jurisdiction to determine the number of additional copies needed for review.

22.16 Interchange Area Management Plan Boundary
Within the Interchange Area Management Plan Boundary identified on the Official Zoning Map, the following conditions shall apply:
(A) Transportation Impact Analyses shall be prepared in accordance with the requirements of Section 22.15
(B) ODOT shall be consulted and provided with an opportunity to review all land development applications, zoning and/or comprehensive plan modifications, and applications for urban growth boundary expansions.
(C) The access spacing requirements of OAR 734, Division 51, as amended, shall be applied to Shaw Highway/1st Street, except where deviations are approved by ODOT.

[Section 9.03 added by Ord. No. 471, sec. 12, passed June 26, 2000; added to Section 10.00 and renumbered by Ord. No. 540, sec. 13, passed August 9, 2004; Section 10.13 renumbered to 22.13 by Ord. No. 552, sec. 7, passed August 8, 2005; Section 22.23 (sic) renumbered to 22.12 and amended by Ord. No 594, sec. 76, passed Dec. 14, 2009; Sections 22.13, 22.14, 22.15, and 22.16 added by Ord. 608, sec. 15-18, passed March 14, 2011]

22.17 Food Vendor Classifications and Vendors
(A) All vendors shall meet these requirements and the regulations of the City. These may include, but are not limited to the following:
1. The use shall be limited to the preparation and/or sale of food and beverages.

2. The structure shall retain the ability to be moved and will not involve any structure requiring a building permit.
3. The use shall not be conducted within public rights-of-way unless a permit is issued by the city for this purpose.
4. The use shall be conducted on private or public property only with written consent of the property owner.
5. Business operations for a food stand or a food cart shall only be conducted between 7:00 AM and 7:00 PM except the hours can be extended earlier or later by the City Administrator upon a finding the extended hours will not create negative impacts on surrounding properties due to noise, light, traffic, and similar factors.
6. The use shall conform to all setback standards, vision clearance requirements, and other standards of the zone in which it is located.
7. The use shall not block driveways, entrances, fire lanes, or parking aisles. Food trucks or trailers may not be placed in a landscaped area required by this code.
8. The use may be connected to water and sewer by approved temporary connections only. No discharge will be made into any stormwater system.
9. Signs associated with the use shall be counted towards the property's incidental sign limitation, and be limited to six square feet total surface area of all sign faces. Menu boards are not signs, but are limited to six square feet total surface area.
10. A trash receptacle shall be located within 10 feet of the use and shall be emptied and maintained by the operator of the mobile food cart.
11. The operator of the uses shall possess valid county certification of compliance with health and sanitation standards as applicable.

Failure to comply with mobile food vendor requirements and regulations may result in the Mobile Vendor Permit being revoked by the City Administrator, which will require the business operation to cease and the stand, cart, or vehicle to be removed from the site.

(B) The Location and Development Standards are summarized in the following tables:

Location Standard	**Food Stand**	**Food Cart**	**Food Van/Trailer**	**Food Kiosks**
Permitted in RS - Single Family	Yes	No	No	No
Permitted in RM - Multi-Family	Yes	Yes	No	No
Permitted in CL - Commercial	Yes	Yes	Yes	Yes
Permitted in I – Industrial	Yes	Yes	Yes	No
Permitted in ID - Interchange	Yes	Yes	Yes	Yes
Permitted in P – Public	Yes	Yes	Yes	No

Development Standard	**Food Stand**	**Food Cart**	**Food Van/Trailer**	**Food Kiosks**
Permitted in landscape areas	Yes	Yes	No	No
Permitted on paved areas	Yes	Yes	Yes	Yes
Permitted on gravel areas[1]	Yes	Yes	Yes	Yes

Permitted in parking lot aisles, driveways, or fire lanes	No	No	No	No
Permitted on undeveloped lots	Yes	Yes	Yes	No
Drive Through allowed[2]	No	No	Yes	Yes
Utility Connection allowed[3]	No	Yes	Yes	Yes
Utility Connection Required[3]	No	No	No	Yes
Required to meet design standards of zone	No	No	No	Yes
Parking Required	No	No	Yes[4]	Yes[4]
Limited daily duration[5]	Yes	Yes	Yes	N/A
Limited number of days[6]	Yes	Yes	Yes	N/A
Site Development Review Required	No	No	No, except Yes if a drive-through is proposed	Yes
Permitted in landscape areas	Yes	Yes	No	No

Parking on gravel surfaces limited to a maximum of 90 days in any 365 day period
[2] Subject to approval through Site Development Review process
[3]No discharge of liquids onto the ground or into the stormwater system allowed
[4] See parking standards – Section 18.05.R
[5]Business operations for a food stand or a food cart shall only be conducted between 7:00 AM and 7:00 PM except the hours can be extended earlier or later by the City Administrator upon a finding the extended hours will not create negative impacts on surrounding properties due to noise, light, traffic, and similar factors.
[6] The use and structure can only be in place 90 days in any 180 day period

[Section 22.17 added by Ord. No. 632, sec. 30, passed Nov. 10, 2014; 22.17(A) amended by Ord. No. 650, sec. 24, passed May 24, 2016]

22.18 Marijuana Related Uses:

(A) Exemptions. The cultivation of marijuana for personal use, as permitted by State law, is exempt from the provisions of this section.

(B) Conflicting Uses. No marijuana-related uses shall be permitted within 1,000 feet of real property comprising any of the following uses:

1. Public elementary or secondary school for which attendance is compulsory under ORS 339.020
2. Private or parochial elementary or secondary school, teaching children as described under ORS 339.030.
3. Daycare or child care facility licensed by the State of Oregon
4. Public park, playground, recreation facility, or athletic field
5. Church
6. Another MMF

The 1,000 feet shall be measured by a straight line extending in every direction from any point on the boundary line of the real property comprising the uses listed above.

(C) If a conflicting use described in (B) is established within 1,000 feet of a legally established marijuana-related use, the marijuana-related use may remain at its legally established location. If such a conflict arises, the marijuana-related use shall be considered a legal non-conforming use and shall be subject to Section 4.11.

(D) A marijuana retailer shall not operate except between the hours of 10:00 am and 7:00pm.
(E) A marijuana-related use shall be located entirely within a permanent building and shall not include drive-through facilities.
(F) A marijuana-related use shall at all times be registered in good standing with the Oregon Health Authority or licensed in good standing with the Oregon Liquor Control Commission.

[Section 22.18 added by Ord. No. 636, sec. 7, passed March 30, 2015; Ord. No. 649, sec. 4, passed May 9, 2016]

22.19 Temporary Use for Hardship. The Council may temporarily allow a non-conforming use by resolution for a period not to exceed six months if:

(A) the applicant has already applied for the first required land use action to allow the use,
(B) agrees in writing to apply for all subsequent required land use actions as soon as practicable,
(C) and it appears to the Council that the application would be granted.

The applicant shall enter into a non-remonstrance agreement with the city which does not hold the city liable if the application is denied and they are caused to discontinue the non-conforming use. Where more than two land use actions are required, the Council may grant by resolution one six-month extension where it still appears to the council that the applications will be approved.

[Section 22.19 added by Ord. No. 650, sec. 25, passed May 24, 2016]

SECTION 23.00

LANDSCAPING DESIGN

Purpose: The purpose of this section is to establish standards for landscaping, buffering and screening of land use within Aumsville in order to enhance the aesthetic environmental quality of the city. Landscaping is a significant factor in maintaining the livability and economic viability of the community. Plant materials eliminate pollutants from the air we breathe, and maintain physical health mental equilibrium by fulfilling our instinctive need for contact with the natural environment.

Major gateways to the city and key travel routes through the city and urbanized areas give a lasting impression to the visitor for good or ill, an impression critical to our tourist economy. The knowledgeable use of plant materials by experienced professionals can achieve these extraordinary benefits at very little cost:

- By using plant materials to define spaces and articulate the uses of specific areas;
- By using trees and other landscaping materials to mitigate the effects of the sun, wind, noise and lack of privacy by the provision of buffering and screening;
- By promoting the retention and use of existing vegetation;
- By restoring natural communities through re-establishment of native plants, urban wildlife and mitigate for loss of natural resource values.

23.01	Purpose
23.02	Scope
23.03	Minimum Area Requirements
23.04	General Provisions
23.05	Screening and Buffering
23.06	Commercial, Industrial, Institutional Streetscapes
23.07	Planting and Maintenance
23.08	Revegetation in Unlandscaped or Natural Landscaped Areas
23.09	Recommended Street Trees

SECTION 23.00

Landscaping Design

23.01 Purpose.

(A) To guide the planting and maintenance of landscaping materials.

(B) To enhance the appearance of the city, provide areas for outdoor recreation and to:

1. Provide shade and windbreaks where appropriate to conserve energy in building and site development;
2. Buffer and screen conflicting land uses;
3. Provide for vegetation of streetscapes within the commercial, industrial and interchange development zones;
4. Provide for the landscaping of parking areas to facilitate vehicular movement and break up large areas of impervious surface;
5. Promote public safety through appropriate design principles.

(C) To prevent or reduce erosion potential on steep terrain by providing appropriate landscape materials.

[Section 23.01 added by Ord. No. 562, sec. 10, passed January 23, 2006]

23.02 Scope. All construction, expansion, or redevelopment of structures or parking lots for commercial, institutional, or industrial uses shall be subject to the landscaping requirements of this section. Landscaping plans shall be submitted as required by the Site Development Review procedures of Section 21.00 and reviewed by the Aumsville Planning Commission, subject to Type II review procedures set forth in Section 12.00.
[Section 23.02 added by Ord. No. 562, sec. 10, passed January 23, 2006]

23.03 Minimum Area Requirements.

(A) The following area requirements shall be the minimum areas devoted to landscaping as listed below:

1. Commercial Developments. A minimum of 5 percent of the gross land area shall be devoted to landscaping in commercial developments. Landscaping located in rights-of-way shall be included in the minimum requirement, and shall include the use of streets, tree insets within sidewalks, or sidewalk planters. Landscaping located in rights-of-way shall be maintained by the property owner.
2. Industrial Developments. A minimum of 10 percent of the gross land area shall be devoted to landscaping in industrial developments.
3. Interchange Development. A minimum of 15 percent of the gross land area shall be devoted to landscaping in interchange development.
4. Residential Development. All required front yards, exclusive of accessways, shall be devoted to landscaped area for all development in residential zones.

(B) For the expansion of existing developments and parking lots, or a change of use, requirements in this section shall only apply whenever a site development review or other land use application is required to complete the expansion or stablish the change in use. Such expansion or change of use shall be subject to the landscaping provisions in this section.

(C) Landscaped areas may include landscaping:

1. Around buildings;
2. In open spaces and outdoor recreation areas;
3. In islands and perimeter planting areas in parking and loading areas;

4. Along street frontages; and
5. In areas devoted to buffering and screening as required in this section and elsewhere in this ordinance.

[Section 23.03 added by Ord. No. 562, sec. 10, passed January 23, 2006; Ord. No. 594, sec. 77, passed Dec. 14, 2009]

23.04 General Provisions.

(A) For purposes of satisfying the minimum requirements of this ordinance, a "landscaped area" is 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, decorative rock ground cover, topsoil, and re-vegetation or the preservation, protection and replacement of trees.

(B) Landscaping shall be designed, developed and maintained to satisfy the specific functional and aesthetic objectives appropriate to the development, considering the following:
1. Type, variety, scale and number of plants used;
2. Placement and spacing of plants;
3. Size and location of landscaped areas;
4. Contouring, shaping and preparation of landscaped areas;
5. Use and placement of non-plant elements within the landscaping;
6. Use of root barrier planting techniques to prevent root infiltration of utility lines and limit possible surface cover damage.

(C) The landscape design shall incorporate existing significant trees and vegetation preserved on the site.

(D) Landscape Completion: All required landscaping shall be landscaped within one year of issuance of occupancy permit. Landscaping, including location of materials used, shall not obstruct vision clearance at street or railroad intersections.

[Section 23.04 added by Ord. No. 562, sec. 10, passed January 23, 2006; Ord. No. 594, sec. 78 and 79, passed Dec. 14, 2009]

23.05 Screening and Buffering.

(A) Screening shall be used to eliminate or reduce the visual impacts of the following uses:
1. Commercial and industrial uses when abutting residential uses.
2. Industrial uses when abutting commercial uses.
3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas.
4. Outdoor storage areas.
5. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners.
6. Any other area or use as required by this ordinance.

(B) Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement or other design techniques.

(C) Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:
1. Planting Area: Width not less than 15 feet, planted with the following materials:

(a) At least 1 row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart.
(b) At least 1 row of evergreen shrubs which will grow to form a continuous hedge at least 5 feet in height within 1 year of planting.
(c) Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.

2. Berm Plus Planting Area: Width not less than 10 feet, developed in accordance with the following standards:
   (a) Berm form should not slope more than 40 percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary,
   (b) A dense evergreen hedge shall be located so as to most effectively buffer the proposed use.
3. Wall Plus Planting Area: Width must not be less than 5 feet developed in accordance with the following standards:
   (a) A masonry wail or fence not less than 5 feet in height.
   (b) Lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area.
4. Other methods which produce an adequate buffer considering the nature of the impacts to be mitigated as approved by the planning commission.

[Section 23.05 added by Ord. No. 562, sec. 10, passed January 23, 2006]

23.06 Commercial, Industrial, Institutional Streetscapes. Trees shall be installed at street frontages as follows:

(A) Types of trees. Street trees shall be limited to a city recommended list in Section 23.09.
(B) Minimum installation size. Street trees shall be a minimum caliper of 2 inches when measured 4 feet in height at the time of installation.
(C) Spacing. The spacing of street trees by mature tree size shall be as follows:
   1. Small sized trees (under 25 feet tall and less than 16 feet wide) shall be no greater than 20 feet apart.
   2. Medium sized trees (25 feet to 40 feet tall and more than 16 feet wide) shall be spaced no greater than 30 feet apart.
   3. Large trees (over 40 feet tall and more than 35 feet wide) shall be spaced no greater than 40 feet apart.
(D) Placement. The placement of trees is subject to the site development review process. Tree placement shall not interfere with utility poles, light standards, power lines, utility services, visual clearance areas, or sidewalk access.

[Section 23.06 added by Ord. No. 562, sec. 10, passed January 23, 2006]

23.07 Planting and Maintenance.

(A) No sight-obscuring plantings exceeding 48 inches in height shall be located within any required clear-vision area as defined in Section 22.00 of this ordinance.
(B) A recommended maintenance plan shall be included with the application and planting plan.

[Section 23.07 added by Ord. No. 562, sec. 10, passed January 23, 2006]

23.08 Revegetation in Unlandscaped or Natural Landscaped Areas.

(A) Areas where natural vegetation has been removed or damaged through grading or construction activity in areas not affected by the landscaping requirements and that are not to be occupied by structures or other improvements shall be replanted.

(B) Plant material shall be watered at intervals sufficient to assure survival and growth.
(C) The use of native plant materials or plants acclimated to the Pacific Northwest is encouraged to reduce irrigation and maintenance demands.

[Section 23.08 added by Ord. No. 562, sec. 10, passed January 23, 2006]

23.09 Recommended Street Trees.

(A) The following tree species are recommended for use as street trees:

1. Trees maturing to small mature stature:

COMMON NAME	LATIN NAME
Amur Maple	Acer ginnala
Trident Maple	Acer buergeranum
Hedge Maple	Acer compestre
Globe Norway	Acer calleryana
Bradford Pear (varieties: aristocrat, chanticleer, etc.)	Pyrus calleryana
Golden Rain Tree	Koelreuteria paniculata
Redbud (needs protection from Southwest sun)	Cercis Canadensis
Kwanzan Cherry	Prunus serrulata
Crape Myrtle	Lagerstroemia indica
Flowering Plum (varieties: Flireiana, Thundercloud, etc.)	Purnus cerasifera
Raywood Ash or Flame Ash	Faxinus oxycarpa
Snowdrift Flowering Crabapple	Malus ‘sonwdrift’
Japanese Crabapple	Malus floribunada
Washington Hawthorne	Crataegus phaenopyrum
European Hornbeam	Carpinus betulus
Profusion Crabapple	Malus ‘profusion’

2. Trees maturing to medium stature:

COMMON NAME	LATIN NAME
Sargent Cherry	Prunus sargentii
Sweet Gum	Lizuidamber styraciflua
Kimberly Blue Ash	Faxinus excelsior
Flowering Ash	Fraxinus ornus
Canyon Live Oak (evergreen)	Quercus chrysolepis
Holly Oak (evergreen)	Quercus ilex
Chinese Pistachio	Pistacia chinensis
Variegated Boxelder	Acer negundo
Grecian Laurel	Laurus nobilis

3. Street Trees Not Recommended: The following trees are not recommended as street trees except under special circumstances and with the approval of the Public Works Director. As street trees, they cause one or more of the following problems: 1) Their roots damage sewer lines or pavement; 2) They are particularly subject to disease or insects; 3) They cause visibility problems along streets or intersections; 4) They create messy sidewalks and pavements, usually due to fruit drop; 5) Their average height at maturity is larger than the ordinance standard.

COMMON NAME	LATIN NAME
Marshall's Seedless Ash	Fraxinus pennsylvanica
Rosehill Ash	Fraxinus Americana
Norway Maple Cultivars	Acer platinoides
Red Maple Cultivars	Acer rubrum
Scarlet Oak	Quercus coccinea
Red Oak	Quercus rubra
English Oak	Quercus robur
Ginko Biloba	Ginko Biloba
Japanese Zelkova	Zelkova serrata
Amur Cork Tree	Phellodendron amurense
Thornless Honey Locus	Gelitsia triancanthos
English Conifers	Numerous species
Poplar and related species	Populus tricocarpa and related species
Black Locust	Robinia pseudoacacia
Box Elder (except variegated)	Acer negundo
Sycamore	Platanus species
Siberian Elm	Ulmus pumila
American Elm	Ulmus Americana
Walnut	Juglans species
Weeping Willow	Saxix babylonica
Commercial Fruit Trees	Numerious species
Catalpa	Catalpa speciosa
Tree of Heaven	Ailanthus altissima
Big Leaf Maple	Acer macrophyllum
Fruiting Mulberry	Morus alba
Osage Orange	Maclura pomifera
Weeping varieties of various trees: i. e., cherry, crabapple, mulberry	

[Section 23.09 added by Ord. No. 562, sec. 10, passed January 23, 2006]

ILLUSTRATIONS

How to Calculate Clear-Vision Area

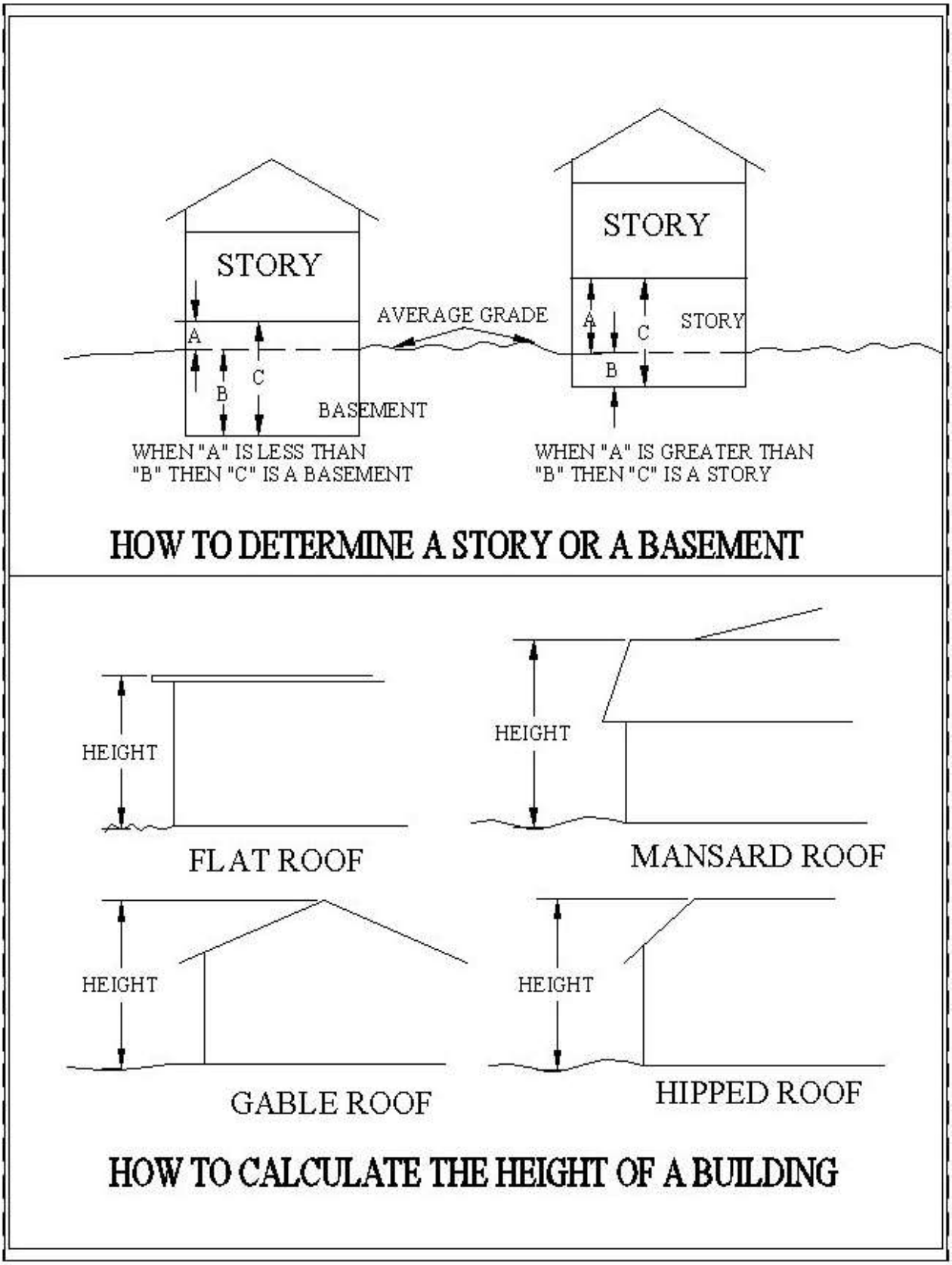
How to Calculate the Height of a Building

How to Establish Building Lines, Front and Rear for Odd Shaped Lots

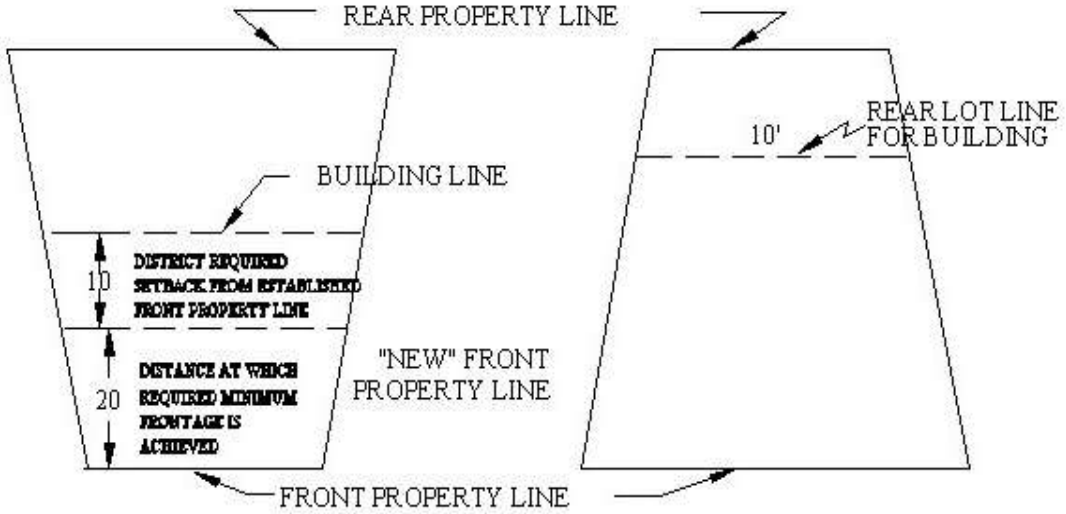
Lot Types

[Amended by Ord. No. 562, sec. 10, passed January 23, 2006; Ord. No. 632, sec. 31, passed November 10, 2014]

HOW TO CALCULATE CLEAR-VISION AREA



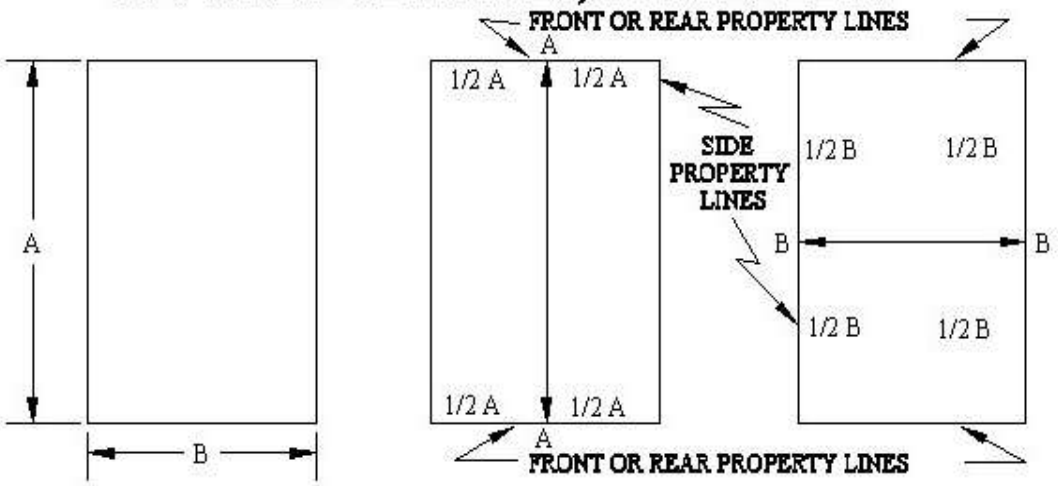
HOW TO ESTABLISH BUILDING LINES, FRONT AND REAR FOR ODD SHAPED LOTS



THE "NEW" FRONT PROPERTY LINE IS THE LINE PARALLEL TO THE ESTABLISHED FRONT PROPERTY LINE WHICH MEASURES THE MINIMUM FRONTAGE REQUIREMENTS FOR THE ZONE

THE REAR PROPERTY LINE FOR BUILDING IS THE LINE PARALLEL TO THE REAR PROPERTY LINE WHICH MEASURE THE MINIMUM TEN FEET

HOW TO MEASURE LOT AREA, WIDTH AND DEPTH

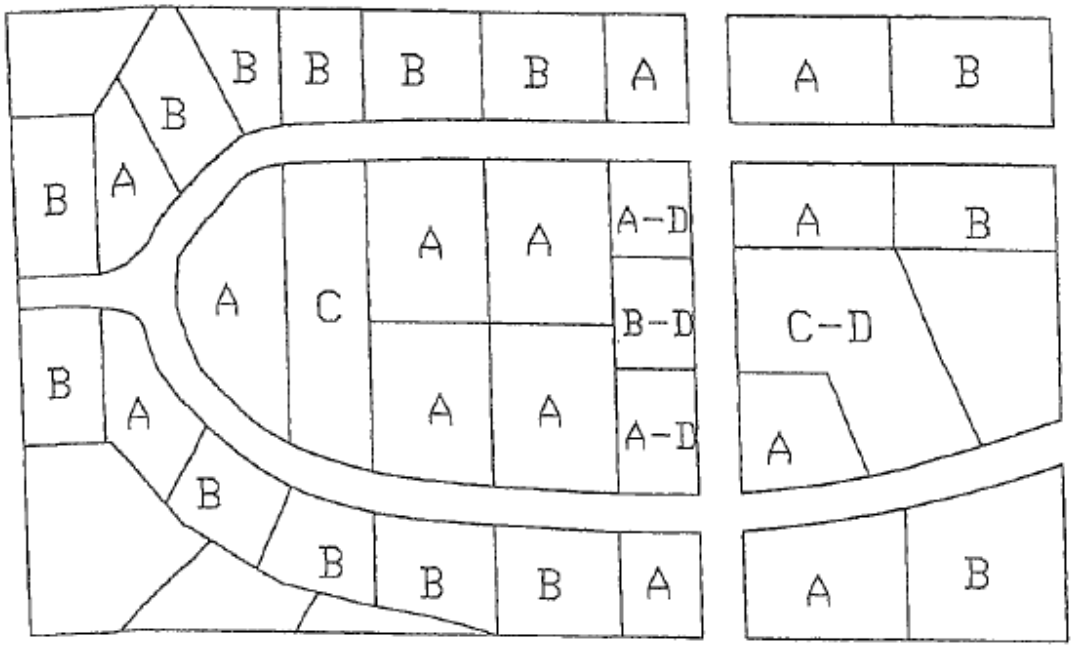


AREA = A X B

LOT DEPTH: DISTANCE ALONG A-A, FROM MID-POINT OF FRONT PROPERTY LINE TO MID-POINT OF REAR PROPERTY LINE

LOT WIDTH: DISTANCE ALONG B-B, FROM MID-POINT OF SIDE PROPERTY LINE TO MID-POINT OF SIDE PROPERTY LINE

Lot Types



A = CORNER LOT
B = INTERIOR LOT
C = THROUGH LOT
A-D = REVERSED FRONTAGE LOT
C-D = REVERSED FRONTAGE LOT

SECTION 24.00

Severability

24.00 Severability: The provisions of this ordinance are severable. If any section, sentence, clause or phrase of this ordinance, or its application to any statute, is determined by any court of competent jurisdiction to be invalid or unenforceable for any reason, such determination shall not affect the validity of the remainder of the ordinance and its application to any other statute, but shall continue to be in effect. [Section 22.00 amended by Ord. No. 496, sec. 34, passed October 25, 2001; Section 22.00 renumbered to 24.00 by Ord. No. 552, sec. 9, passed August 8, 2005]