

**ORDINANCE NO. 2012-05**

**Attachment "B"**

**CITY OF LA PINE**

**ZONING ORDINANCE**

**ORDINANCE NO. 2012-05**

Table of Contents

| <u>Section</u> | <u>Topic</u>                                     | <u>Page</u> |
|----------------|--|-------------|
| 1.             | Short Title                                      | 8           |
| 2.             | Purpose and Authority                            | 8           |
| 3.             | Community Objectives                             | 8           |
| 4.             | Scope  | 10          |
| 5.             | Application                                      | 10          |
| 6.             | Severance  | 10          |
| 7.             | Zoning Permit, Certificate of Use, and Occupancy | 11          |
| 8.             | Definitions                                      | 12          |
| 9.             | Zones  | 24          |
| 10.            | Permitted Uses                                   | 26          |
| 11.            | Lot, Yard, & Height Requirements                 | 68          |
| 12.            | Special Uses                                     | 69          |
| 13.            | Site Plan Review                                 | 80          |
| 14.            | Conditional Uses                                 | 91          |
| 15.            | Variances  | 92          |
| 16.            | Similar Uses                                     | 93          |
| 17.            | Exceptions                                       | 93          |
| 18.            | Exemptions                                       | 95          |
| 19.            | Off-Street Parking and Loading                   | 97          |

**ORDINANCE NO. 2012-05**

|     |   |     |
|-----|---|-----|
| 20. | Non-Conforming Uses   | 100 |
| 20A | Historical and Cultural Preservation Program and the La Pine Landmarks Commission | 104 |
| 21. | Fees  | 121 |
| 22. | Enforcement Notice  | 121 |

*Special Note - Given that the City Transportation System Plan, (TSP) is not yet complete, any property that must retain current Deschutes County Zoning until the TSP is adopted and the City has rezoned the properties.*

## ORDINANCE NO. 2012-05

### 1. SHORT TITLE

A. This ordinance shall be known as the “La Pine Zoning Ordinance” hereinafter referred to as the “Zoning Ordinance.”

B. The official map showing zones and boundaries shall be known as the “La Pine Zoning Map” and is part of this ordinance. Copies of this ordinance shall be retained by the City Clerk.

### 2. PURPOSE AND AUTHORITY

This Zoning Ordinance and its regulations are adopted by authority granted to the city of La Pine by the State of Oregon and are made in accordance with the following purpose:

To implement the City of La Pine Comprehensive Plan by various means including but not limited to the following:

1. Promote health, safety, and general welfare and to protect the public from the adverse secondary effects of various activities
2. To promote coordinated, orderly, and practical community development
3. To lessen congestion on the roads and highways
4. To secure safety from fire, panic and other dangers
5. To provide adequate light and air
6. To prevent the overcrowding of land through use of good planning principles and techniques that encourage sustainability and reduced vehicle miles traveled.
7. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements
8. To protect and enhance the value of natural resources and historical elements
9. To encourage, manage and foster new development and growth in the City.

Such regulations are also made with reasonable consideration to the character of the zones hereinafter set forth and their suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City. These regulations apply to all City of La Pine property owners, tenants, and business operations and business owners.

### 3. COMMUNITY DEVELOPMENT OBJECTIVES

A. This article shall serve as the statement of community development objectives for the City of La Pine Zoning Ordinance. The Zoning Ordinance reflects the policy goals of the La Pine Comprehensive Plan “Plan” as stated in the following community development objectives. The

## ORDINANCE NO. 2012-05

ordinance has been developed as a legislative and administrative tool of the City to implement the goals, policies, and programs of the Plan.

### B. Specific objectives

1. Preserve the City's existing community character most exemplified by open spaces and woodlands, mixed-use opportunities, variable density development, uncongested local roads, clean air and water, and quiet noise levels.
2. Identify development that may adversely impact the City's desired community character and the health, safety, and welfare of its residents and establish conditions to minimize impacts.
3. Identify areas where growth is desired and where it is not desired and establish site development standards to minimize impacts of growth on adjacent lands.
4. Provide opportunities for types of development beneficial to the economy, but ensure that such development maintains a scale and character compatible with the City's desired community character.
5. Provide opportunities for mixed development so that residents can have close-to-home access to needed goods and services.
6. Provide opportunities for larger-scale industrial and commercial development which would create jobs and enlarged tax base for the City and would be located where adequate highway access, public sewer service, and public water service is available now or in the near future and where such development would be a reasonable extension of existing similar development.
7. Provide for a variety of housing choices, including a variety of housing types including but not limited to single-family, duplexes, apartments, live/work, recreational housing, etc.
8. Encourage buffer areas and vegetative screening to minimize impacts of commercial and industrial uses on adjacent non-commercial and non-industrial uses and to encourage that commercial/industrial uses "blend in" with the City's desired rural community character.
9. Control construction and placement of signs to minimize public safety hazards.
10. Control off-street parking to minimize public safety hazards and to promote conformity to the City's desired community character.
11. Encourage public involvement in the development of and any amendments to the zoning ordinance.
12. Encourage land uses and development and location of development that is most efficient to the delivery of City services and minimizes the cost of same.

## ORDINANCE NO. 2012-05

### 4. SCOPE

The Zoning Ordinance regulates and restricts land uses within the boundaries of the City of La Pine and Urban Growth Boundary by managing:

1. The height, number of stories and size of buildings and other structures
2. Their construction, alteration, extension, repair and maintenance
3. All facilities and services in or about such buildings and structures
4. The percentage of lot that may be covered by structures and/or uses
5. The size of yards, courts and other open spaces
6. The density of population
7. The location and use of buildings, structures and land for trade, industry, residence or other purposes
8. The establishment and maintenance of building lines and setback building lines upon any or all public roads or highways
9. Mitigation of development impacts upon public facilities, services, and public

### 5. APPLICATION

In applying the provisions of the Zoning Ordinance, they shall be held to be the minimum requirements as they shall apply to the use, and/or occupancy of all buildings, other structures and/or lots. Where the Zoning Ordinance imposes greater restrictions than those of any statute, other ordinance or regulations, the provisions of the Zoning Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than the Zoning Ordinance, those shall be controlling. The Zoning Ordinance is not intended to interfere with any covenant or other agreement between private parties. However, where the Zoning Ordinance imposes greater restrictions than those imposed by any such easement, covenant or agreement, the provisions of the Zoning Ordinance shall govern. Where any such easement, covenant or other agreement imposes greater restrictions than those imposed by the Zoning Ordinance, those shall govern.

### 6. SEVERANCE

- A. If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the Zoning Ordinance or the zone boundaries as shown on the Zoning Map, shall be for any reason, declared to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole or any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance.

## ORDINANCE NO. 2012-05

B. The City of La Pine hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, and each zone boundary of the Zoning Map irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, words or boundaries may be declared illegal, unconstitutional or invalid.

### 7. APPLICATION FOR LAND USE PERMIT, CERTIFICATE OF USE, AND OCCUPANCY

**A. When zoning permit is required** – A zoning permit shall be required for any of the following (except where otherwise indicated in this ordinance):

1. Commencing a use, changing a use or intensity of use, or extending or displacing the use of any building, structure, and/or land in the City.
2. Construction, erection, enlargement, reconstruction, or structural alteration of any building and/or structure including placement of a mobile home on a property.

**B. When a certificate of use and occupancy is required** – It shall be unlawful to use and/or occupy any building, other structure, and/or land for which a zoning permit is required until a certificate of use and occupancy for such building, other structure and/or land has been issued by the City. The purpose of the certificate is to confirm that the work or development described in the zoning permit application has been completed in compliance with this ordinance. The application for issuance of a certificate of use and occupancy shall be made at the same time an application for a permit is filed with the City.

1. Forms of application – The Application for a zoning permit and a certificate of use and occupancy shall be submitted in such form as the City may prescribe and shall be accompanied by the required fee as prescribed in Section 1004.

2. Site plan diagram – Applications shall be accompanied by a site plan diagram as required by the City. The Site plan shall be drawn to a suitable scale and shall clearly and accurately show dimensions of buildings and lots, both existing and proposed, abutting streets, proposed uses of buildings and lots, north arrow and scale, and other information which the City may require to make a decision on the zoning permit. One copy shall be returned to the applicant indicating approval or disapproval; one copy shall be retained by the City.

3. Additional application requirements for uses specified – An application for a use specified shall be accompanied by additional information and drawings as appropriate to demonstrate how the proposed use and the design of that use will comply with the conditions, criteria, and standards specified for that use in Article VII. If such use is a conditional use, further information and drawings may be required by the City to address compliance with any other conditions imposed by the City.

## ORDINANCE NO. 2012-05

4. Amendments to a permit – Amendments to a zoning permit or other records accompanying it may be filed at anytime before completion of the work. The City shall approve all such amendments. Amendments shall be deemed part of the original application.

### 8. DEFINITIONS

For the purposes of the Zoning Ordinance, certain terms, phrases and words shall have the meaning given herein. Words used in the present tense include the future; the singular includes the plural; the word "used" shall be construed as though followed by the words "or intended or designed to be used"; the words "building", "structure", and "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "structure" includes the word "building". The word "shall" is always mandatory and not merely directory.

**Abutting.** Having property or zone lines in common; e.g., two lots are abutting if they share a common property line.

**Access.** A way of approaching or entering a property, such as a driveway, alley, or right of way.

**Accessory Apartment.** A separate, complete housekeeping unit which is contained within the structure of a single-family dwelling but can be isolated from it, or which is contained within an existing accessory building.

**Accessory Structure.** See Structure, Accessory.

**Accessory Use.** See Use, Accessory.

**Agriculture.** The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, aquaculture, and animal and poultry husbandry, provided that specialized animal raising, care, and processing is separately defined and regulated by this ordinance. Agriculture includes the necessary accessory uses for packing, treating, or storing the produce, provided that the operation of any such accessory uses shall be secondary and accessory to that of normal agricultural activities.

**Alley.** The space or area between the rear or side lot lines of lots which has a minor right-of-way width of twenty (20) feet or less which is dedicated for the public use of vehicles and pedestrians and which affords secondary access to an abutting lot.

**Alteration.** As applied to a building or structure, is a change or rearrangement in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or moving from one location or position to another.

**Alteration, Structural.** A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing wall, columns, beams and girders.

**Awning.** An awning shall include any structure made of cloth or metal with a metal frame attached to a building and projecting over a yard or thoroughfare, when the same is so erected as to permit its being raised to a position flat against the building when not in use or not



## ORDINANCE NO. 2012-05

permanently attached to and an integral part of a porch, carport, or similar attached accessory structure.

**Basement.** Portion of a building partly underground.

**Bed and Breakfast.** An owner-occupied residence offering, for pay, overnight or short-term lodging, and breakfast for transient guests where no more than 5 rooms are for rent.

**Block.** The length of a street between two (2) street intersections; or a piece of land bounded on all sides by streets or other transportation routes such as railroad lines, or by physical barriers such as waterbodies or public open space, and not traversed by a through street.

**Building.** An enclosed structure built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, and protection of persons, animals, or property of any kind, including mobile homes.

**Building, Accessory.** A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building, and which is located on the same lot as that occupied by the principal building.

**Building, Attached.** A building where both side walls of all except the end structures are party walls.

**Building, Detached.** A building, which has no party wall.

**Building, Principal.** A building in which is conducted the principal use of the lot on which it is situated.

**Building Setback.** The distance on a lot from the centerline of any road within which no building or structure, principal or accessory, shall be placed, unless otherwise indicated in this Ordinance.

**Building Setback Line.** A line on a lot, which marks the building setback.

**Campground.** A facility containing sites or spaces for the temporary and recreational occupancy of persons in tents and/or RV's. Such facility may also contain recreation and other support facilities subordinate to and serving only the camping occupants.

**Carport.** A roofed structure having two or more open sides and extending from the side or rear wall of a principal or accessory building, used primarily as a shelter for automotive vehicles or recreation equipment. The open sides may be screened or enclosed, but at least fifty (50) percent of such wall area must remain open. In addition, the carport shall not extend into any required yard.

**Centerline.** The line located at the middle of the travelled surface of a road, equi-distant from both edges of the road surface.

**ORDINANCE NO. 2012-05**

**Certificate of Use and Occupancy.** A statement, based on an inspection and signed by the City, indicating that a building, structure, and/or land conforms with the provisions prescribed in the Zoning Ordinance and may lawfully be occupied or used for a specified use or uses.

**Child Care Facility.** Provides out-of-home care for part of a 24-hour day to children 15 years and younger including care provided in public or private profit or nonprofit facilities. Definition does not apply to care provided by a relative, in places of worship during religious services, and in a facility where the parent is present at all times child care is provided.

**Church.** A building for public religious worship.

**Clinic.** Any professional medical building or establishment where people are examined or treated by doctors or dentists, but are not hospitalized overnight.

**Clear Vision.** Clear Vision Areas.

A. In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, fence, wall, structure, private signage, or temporary or permanent obstruction exceeding three and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade.

B. A clear vision area shall consist of a triangular area on the corner of a lot at the intersection of two streets or a street and a railroad. Two sides of the triangle are sections of the lot lines adjoining the street or railroad measured from the corner to a distance specified in DCC 18.116.020(B)(1) and (2). Where lot lines have rounded corners, the specified distance is measured from a point determined by the extension of the lot lines to a point of intersection. The third side of the triangle is the line connecting the ends of the measured sections of the street lot lines. The following measurements shall establish clear vision areas within the County:

1. In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet or at intersections including an alley, 10 feet.

|  |              |
|--|--------------|
| 2. In all other zones, the minimum distance shall be in relationship to street and road right of way widths as follows: Right of way Width | Clear vision |
| 80 feet or more  | 20 feet      |
| 60 feet  | 30 feet      |
| 50 feet and less   | 30 feet      |

## ORDINANCE NO. 2012-05

**Club, Lodges and Fraternal Organizations.** An establishment operated for social, recreational, or educational purposes, and open only to members and their guests, but not the general public.

**Commercial Recreation.** See Recreation, Commercial.

**Conditional Use.** See Use, Conditional.

**Construction.** The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

**Court.** A portion of a lot unoccupied above grade but partially or wholly surrounded by building walls.

**Covenant.** A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.

**Curb Level.** The elevation of the street grade as established in accordance with the law or when a curb level has not been established, the grade at the center of the street.

**Deck.** A horizontal, unenclosed platform that is either attached to a structure or detached (freestanding) and is greater than 18 inches in height at any point and has no roof, extended soffit, or walls, but may have railings, seats, or other related features.

**Dedication.** The transfer of property from private to public ownership.

**Deed Restriction.** See Covenant.

**Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the subdivision of land, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

**Driveway.** A private roadway providing vehicular access to a street or highway for a lot and its structures, or providing for interior vehicular movement on the lot or within a development.

**Dwelling.** A building arranged and used for residential occupancy containing a dwelling unit or units, but excluding a boarding house, hospital, institutional home, hotel, motel, and other similar types of uses. Residential care facilities, as permitted by law, are included in this definition.

**Dwelling, Multiple-Family.** A building having two (2) or more dwelling units and designed to be used or occupied as a residence by two (2) or more families living independently of each other and each with its own exterior entrance door or own entrance door from an interior hallway.

**Dwelling, Single-Family.** A detached, permanent building designed for and used exclusively for occupancy by one family.

## ORDINANCE NO. 2012-05

**Dwelling Unit.** A building or portion thereof providing complete house keeping facilities for one family. The term shall include all structures designed for and/or used for living purposes, including mobile homes, prefabricated dwellings, and similar portable structures.

**Easement.** A right given by the owner of land to another party for specific limited use of that land.

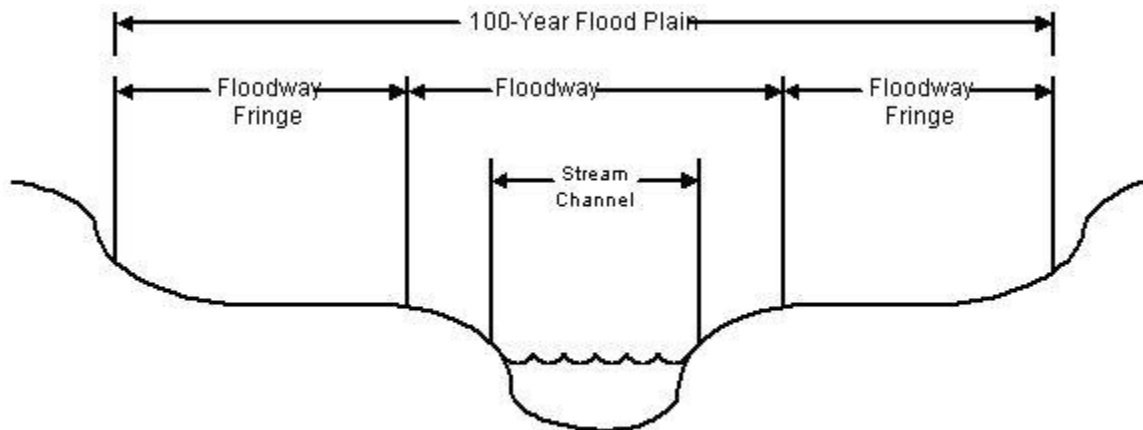
**Enlargement.** A construction activity which increases the size of a building or other structure.

**Essential Services.** The erection, construction, alteration or maintenance by public utilities or municipal departments or authorities of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare. Communication towers and communication antenna shall be considered essential services by this ordinance.

**Exception.** A provision, which permits, under specified terms and conditions, particular uses to locate in a zone without detriment to the routine and orderly development as provided for that Zone. The provision is granted by the Planning Commission or other designated entity.

**Farm.** A lot, parcel, or tract of land used for agricultural purposes on which the principal structure(s) shall be the agricultural building(s) and farm house(s).

**Flood Hazard Areas** Areas which will be inundated by a 100-year flood event, also called the base flood, are the greatest concern. The 100-year flood plain includes the river channel, the floodway, and the "floodway fringe." Floodway and flood plain boundaries are shown in dark gray on the flood maps; the floodway is crosshatched. It is important to note that the flood maps do not identify all areas subject to flooding, particularly from local drainage sources or from flood events larger than a 100-year flood.



**Flood Plain Cross Section**

## ORDINANCE NO. 2012-05

**Flood Plain** The FP zone protects the public from flood hazards and preserves scenic and natural resources along river/sloughs and streams.

**Floor Area, Gross.** The total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.

**Floor Area, Residential.** The total area of all floors of a residential building devoted solely to residential use, measured between interior faces of walls, and exclusive of entrance ways, porches, breezeways and roofed terraces, whether enclosed or not, and excluding cellars, basements and garages.

**Forestry.** The management of forests and timberlands, when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.

**Fraternal Organization.** A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

**Frontage.** The frontage, or front of a lot, is the side nearest the street. For the purposes of determining yard and setback requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards and setbacks shall be provided as indicated in this Ordinance.

**Garage, Private.** A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned or operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

**Grade.** The mean curb level, or when the curb level has not been established or all the walls of the building are more than fifteen (15) feet from street lot lines, grade means the mean elevation of the ground adjoining the structure on all sides.

**Height of Building or Structure.** The vertical distance from the grade to the highest point on a building or structure.

**Height of Wall.** The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.

**Home-Based Business.** A business or professional use conducted within a dwelling or its accessory structure(s) which is conducted in whole or part by the occupant(s) of the dwelling unit and which remains subordinate and incidental to the residential use.

**Home Occupation.** A business or professional occupation in which only the occupant(s) of a dwelling unit is(are) engaged, which occurs within the dwelling unit or customarily subordinate accessory structure, which remains subordinate and incidental to the residential use, and which

## ORDINANCE NO. 2012-05

does not alter the appearance or essential character of the residential use, or have signs, parking, traffic, lighting, odors, noise, etc., uncharacteristic of a residential use.

**Hotel.** A building designed for occupancy as the temporary residence of individuals or transients who are lodged with or without meals.

**Interior Street.** A newly constructed street designed to provide vehicular access to abutting properties in a Planned Development and discourage other through traffic. The sole purpose of an interior street is to serve the lots and/or units in a Planned Development.

**Junk.** Any worn, cast off, or discarded articles or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use. Any such article or material which is stored on a farm for exclusive use of the owner or occupant of the farm or any article or material which, unaltered, not needed to be disassembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

**Junk Dealer.** Shall mean any person, as hereinafter defined, who shall engage in the business of selling, buying, salvaging, and dealing in junk and who maintains and operates a junk yard within the City of La Pine.

**Junk Yard.** The use of more than two hundred (200) square feet of the area of any lot, outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk. A "junk yard" shall include an automotive wrecking yard. Three or more unregistered and inoperable vehicles stored on any lot outside of a building shall be considered a junk yard.

**Land.** The solid portion of the earth's surface which is capable of being used or occupied.

**Land, Developed.** "Improved land" with buildings.

**Land, Improved.** "Raw land" which has been provided with basic utilities such as water and sewerage, streets, sidewalks, but not buildings.

**Land, Raw.** Vacant land unsubdivided and unimproved (without utilities or streets).

**Landscaping.** Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.

**Land Use.** A description of how land is occupied or utilized.

**Large Land Area Commercial Recreation.** See Recreation, Large Land Area Commercial.

**Light Manufacturing.** The assembly, fabrication, manufacture, production, processing, storage, and/or wholesale distribution of goods or products which does not produce nor cause to be produced noise, light, vibration, air pollution, fire hazard, or emissions, that is noxious,

## ORDINANCE NO. 2012-05

dangerous, or a nuisance to neighboring properties in consideration of the separation distances and buffering and screening required by this ordinance.

**Loading Space.** An off-street space or berth on same lot with a building, or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access to a public right-of-way.

**Lodge.** (1) A building or group of buildings under single management, containing both rooms and dwelling units available for temporary rental to transient individuals or families; (2) The place where members of a local chapter of an association hold their meetings; and, the local chapter itself.

**Lot.** The basic development unit - an area with fixed boundaries, used or intended to be used customarily by one building and its accessory building(s) and not divided by any road or alley.

**Lot Area.** The computed area of a lot contained within the lot lines and measured at grade on a horizontal plane in accordance with current law.

**Lot, Corner.** A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the "corner".

**Lot Coverage.** The percentage of the lot area occupied or covered by principal and accessory structures.

**Lot Depth.** The mean horizontal distance between the front lot line and the rear lot line.

**Lot, Double Frontage.** An interior lot whose front and rear lot lines abut roads, or a corner lot with two opposite lot lines abutting a road.

**Lot Frontage.** See "Frontage".

**Lot, Interior.** A lot whose side lot lines do not abut a road.

**Lot Lines.** The property lines bounding the lot.

**Lot Line, Front.** The line separating the lot from a road right-of-way.

**Lot Line, Rear.** The lot line opposite and most distant from the front lot line.

**Lot Line, Side.** Any lot line other than a front or rear lot line; a side lot line separating a lot from a street is called a side street lot line.

**Lot Line, Alley.** A lot line separating the lot from an alley.

## ORDINANCE NO. 2012-05

**Lot, Non-Conforming.** A lot lawfully existing at the effective date of the Zoning Ordinance or by subsequent amendment thereto which does not completely conform with the area regulations and other provisions prescribed for the Zone in which it is located.

**Lot of Record.** A lot which is part of a recorded subdivision or a parcel of land which has been recorded or registered in Deschutes County.

**Lot Width.** The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth.

**Marquee.** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

**Mobile Home.** A transportable, self-contained, dwelling designed for occupancy by one family and designed to be transported on its own wheels or on a flatbed or other trailer or detachable wheels; and which may be temporarily or permanently affixed to land; used for nontransient residential purposes; constructed with the same, or similar, electrical, plumbing and sanitary facilities as immobile housing; and upon arrival at the site where the mobile home is to be situated for occupancy as a residence, it is complete and ready for occupancy except for minor and incidental unpacking operations, location on foundation supports, connections to utilities and the like.

Prefabricated units designed to be assembled or joined together upon arrival at the site and requiring extensive finishing operations prior to occupancy (excluding location on foundation and connection to utilities) shall not be considered as a mobile home.

**Mobile Home Lot.** A parcel of land within a mobile home park for the placement of a single mobile home and the exclusive use of its occupants.

**Mobile Home Park.** A parcel of land under single ownership which has been specifically planned and improved for the long-term placement of two or more mobile homes for non-transient use in a safe and desirable manner.

**Motel.** Any building or group of attached, semi-attached, or detached buildings (not including a trailer) located on a single lot containing individual sleeping or housekeeping units designed for use by transients.

**Non-Commercial Recreation.** See Recreation, Non-Commercial.

**Non-Conforming Structure.** See Structure, Non-Conforming.

**Non-Conforming Use.** See Use, Non-Conforming.

**Nursing home.** A profit or nonprofit facility licensed by the State of Oregon providing long-term skilled nursing care and/or intermediate nursing care to the aged, ill, or disabled.



## ORDINANCE NO. 2012-05

**Open Space.** An area of land unoccupied by a building and/or other structure which is maintained to permit human use, recreation, and enjoyment.

**Owner.** The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or contingent interest in the lot, building, or structure in question.

**Parking Area.** An open space on a lot used as an accessory use for the parking of automotive vehicles.

**Parking Space.** A space, whether outside or inside a structure, to be used exclusively as a parking stall for one (1) motor vehicle.

**Permit, Zoning.** A license issued by the City which permits the applicant to proceed with the work specified in the permit application as approved by the City

**Person.** An individual, association, co-partner or corporation.

**Personal storage unit.** A building or group of buildings containing storage units or spaces intended to be rented or leased individually to persons and/or businesses for storage of their belongings and/or vehicles. A commercial/industrial warehouse containing storage space not generally available to the public for rent or lease shall not be considered a personal storage unit.

**Planned Development.** A contiguous land area under single ownership, containing two (2) or more principal uses, permitted by right or by conditional use in the Zone in which the parcel lies, provided conditional use approval must be obtained through the process outlined in the City's ordinances. Such Planned Developments shall be planned and developed as a whole in a single development operation or in a series of phases. All buildings and/or structures shall conform to the provisions of this Ordinance and all provisions for the established Zone.

**Plat.** A map, plan or chart of a section or subdivision of the City indicating the location and boundaries of individual lots.

**Plot.** A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.

**Porch.** A roofed and predominantly open and/or unheated structure projecting from the front, side or rear wall of a building. A porch is considered a part of the principal building and is not permitted to extend into any required yards.

**Principal Structure.** See Structure, Principal.

**Principal Use.** See Use, Principal.

**Projections** (into yards). Parts of buildings such as architectural features which are exempted, to a specified amount, from the yard requirements of the Zoning Ordinance.

**Public Recreation.** See Recreation, Public.

## ORDINANCE NO. 2012-05

**Recreation, Commercial.** Recreational facilities operated as a business and open to the general public for a fee.

**Recreation, Large Land Area Commercial.** A for-profit or fee-based recreation facility located on 10 or more acres in which the recreation activity is primarily outdoors and conducted on land typically requiring large land area, including but not limited to a golf course, horse-back riding area, hunting or fishing preserve, or paint-ball.

**Recreation, Non-Commercial.** Recreation facilities operated by a non-profit organization and open only to bonafide members of such organization.

**Recreation, Public.** Recreation facilities operated as a non-profit enterprise by the City, and any other governmental entity, or any non-profit organization which are open to the general public.

**Recreational Vehicle.** A vehicular-type unit primarily designed for temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home. No Recreational Vehicle shall be used as a dwelling or business nor shall be used for other than recreational purposes.

**Recreational Vehicle Park.** means a park intended, designed or utilized for temporary occupancy primarily by recreational vehicles. Such facility may also contain recreational and other support facilities subordinate to the occupants of the park. .

**Residential Care Facility** means a residential treatment or training home or facilities licensed by the State of Oregon that may provide residential care alone, or in conjunction with treatment and/or training, for individuals who need not be related. Residential care facilities provide accommodations for (6) six or more individuals. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents.

**Residential home** means a home licensed by or under the authority of the Department of Human Resources which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

**Road.** Any street, highway, or other public roadway which is dedicated to public use by governmental authority.

**Screening.** A method of visually shielding or obscuring abutting or nearby structures or uses from another by fencing, walls, or densely planted vegetation.

**Setback.** See "Building Setback".

## ORDINANCE NO. 2012-05

**Shelter.** means a permanent facility providing temporary housing for individuals and/or families who are homeless or in transition. Services may be provided including, but not limited to, accommodations, meals, toilet/bathing facilities, clothing/laundry, case management services and information on or referral to other community resources.

**Site.** A plot of land intended or suitable for development.

**Site Plan.** A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major landscape features - both natural and man-made - and the locations of proposed utility lines.

**Specialized animal raising, care & processing.** Feed lots, pens, facilities or structures, which are maintained in close quarters, related to the processing of animals or animal products for the purpose of sale to market.

**Story.** A part of a building comprised between a floor and a floor or roof next above.

**Street.** See "Road".

**Structure.** Means something constructed or built having a fixed base on, or fixed connection to, the ground or another structure

**Structure, Accessory.** An attached, semi-detached or detached structure whose use is customarily incidental and subordinate to that of the principal structure or use and which is located on the same lot as the principal structure or use.

**Structure, Non-Conforming.** A legal structure existing at the effective date of the Zoning Ordinance or by a subsequent amendment thereto which does not completely conform to the height regulations, area regulations, and other provisions prescribed for the zone in which it is located.

**Structure, Principal.** A structure in which is conducted the principal use of the lot on which it is located.

**Subdivision.** The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development.

**Terminal.** (1) A place where transfer between modes of transportation takes place; (2) A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

**Trailer.** Any licensed or unlicensed piece of mobile equipment designed or constructed to be towed or pulled by a motor vehicle.

## ORDINANCE NO. 2012-05

**Use, Accessory.** A use customarily incidental and subordinate to the principal use of a building, structure and/or land or a use not the principal use which is located on the same zoning lot as the principal building, other structure and/or land, except parking and/or loading facilities as herein provided.

**Use, Conditional.** A permission or approval granted by the City to use land in a zone for a purpose other than that permitted outright in that zone. Conditional uses are specified in the zoning ordinance and may be approved or denied only in accordance with the express standards and conditions set forth herein. The City may attach such reasonable conditions and safeguards, in addition to those expressed herein, as it may deem necessary to implement the purposes of the zoning ordinance.

**Use, Non-Conforming.** A legal use of a building, other structure and/or land existing at the effective date of the Zoning Ordinance or by a subsequent amendment thereto, which does not completely conform with the use regulations and other provisions prescribed for the Zone in which it is located.

**Use, Principal.** The main or primary purpose, for which a building, other structure and/or land is designed, arranged, or intended, or for which it may be used, occupied or maintained under the Zoning Ordinance.

**Utility, Private or Public.** (1) Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

**Variance.** Relief granted by the City in specific cases, from the terms of the Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Regulations will result in unnecessary hardship, and so that the spirit of the Zoning Regulations will be observed and substantial justice done.

**Vision Clearance Area.** See “Clear Vision” definition above.

**Visual Obstruction.** Any fence, wall, sign, structure, tree, hedge, or shrub, or a combination of them which limits visibility.

**Written Notice.** Shall have been served if delivered in person to the person intended or if delivered or sent by certified mail to the last known address of the person intended.

**Yard.** An unoccupied space, other than a court, on the same lot with a building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

**Yard, Minimum Dimension.** The minimum, permitted horizontal distance between a lot line and the nearest point of a main wall of a principal building or structure exclusive of permissible yard encroachments and occupancy and street projections as provided by this Ordinance. The measurement of the minimum dimension shall be made at grade and perpendicular to the lot line and building or structure.

## ORDINANCE NO. 2012-05

**Yard, Rear.** A yard across the full width of the lot, extending from any point of a wall of a building or structure to the rear lot line of the lot.

**Yard, Side.** A yard extending from any point of a wall of a building or structure to the adjacent side lot line of the lot, extending from the front yard to the rear yard.

### 9. ZONES

A. La Pine is comprised of the following Zones:

| <u>Full name</u>  | <u>Short name</u> |
|---|-------------------|
| 1. Residential Single- Family   | RSF               |
| 2. Residential Multi-Family   | RMF               |
| 3. Master Plan Residential  | RMP               |
| 4. Traditional Commercial   | C                 |
| 5. Commercial/Residential Mixed-use                                   | CRMX              |
| 6. Mixed-use Commercial   | CMX               |
| 7. Neighborhood Commercial  | CN                |
| 8. Transitional Area  | TA                |
| 9. Light Industrial   | LI                |
| 10. Industrial  | I                 |
| 11. Forest, and Public Facility                                       | F, and PF         |
| 12. Flood Plain Overlay   | FP                |
| 13. Little Deschutes River Riparian Area Overlay Zone - LDRRA Overlay |                   |

B. Boundaries of the Zones

The boundaries of the zones shall be as shown on the Zoning Map. Where uncertainty exists with respect to the boundaries of the various zones, the following rules shall apply:

- Where a Zone boundary follows a street, alley, railroad, or watercourse – The centerline of such street, alley, railroad, or watercourse shall be interpreted to be the Zone boundary.
- Where a Zone boundary approximately parallels a street or alley – The boundary shall be interpreted as being parallel to it and at such distance from it as indicated on the Zoning

**ORDINANCE NO. 2012-05**

Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.

- Where a Zone boundary approximately follows a lot line – The lot line shall be interpreted to be the zone boundary.
- Submerged areas – Where areas within the City are underwater and are bounded by two or more zones, the boundary lines of these zones shall be extended to the center of the body of water unless platted.
- Vacation of public ways – Whenever any street or alley is vacated, the zone or zones adjoining the side of such street or alley shall be automatically extended to the center of the vacated area.
- Where a zone boundary does not follow a physical feature or lot line and none of the previous rules apply – The location of such boundary, unless the same is indicated by dimensions shown on the Zoning Map, shall be determined by the use of the map scale appearing thereon.

**10. PERMITTED USES**

The following table lists principal and accessory uses that are permitted in each zone. Uses shall be interpreted according to the common meaning of the term or as defined. Uses not specifically listed shall not be permitted.

| <b>RSF and RMF<br/>Single Family and Multi-Family Residential Zones</b>   |  |
|---|--|
| <p><u>Principal uses</u></p> <p>Single-family &amp; multi-family dwellings<br/>                     Mobile home parks<br/>                     Public, non-commercial parks &amp; recreation<br/>                     Public &amp; private schools<br/>                     Bed &amp; breakfast establishments<br/>                     Forestry activities, including but not limited to timber harvesting<br/>                     Essential services</p> | <p><u>Conditional uses</u></p> <p>Large land area commercial recreation<br/>                     Agriculture, farms &amp; agricultural services<br/>                     Residential Care Facility<br/>                     Veterinary clinics, kennels or stables<br/>                     Churches, cemeteries<br/>                     Clubs, lodges &amp; fraternal organizations<br/>                     Personal storage units on a minimum lot area of 5 acres<br/>                     Government buildings &amp; services<br/>                     Specialized animal raising, care &amp; processing<br/>                     Campgrounds &amp; recreational vehicle parks</p> <p><u>Accessory uses to a Primary Use*</u></p> <p>Garage, storage shed, swimming pool<br/>                     Home occupation &amp; home-based business<br/>                     Family day care home, group day care home</p> |

**ORDINANCE NO. 2012-05**

|  |  |
|--|--|
|  | <p>Shelter for domestic pets<br/>Accessory dwellings<br/>Farm buildings as part of normal operations<br/>On-site farm produce sales<br/>Other clearly incidental &amp; subordinate uses</p> <p>*Accessory uses shall be constructed after or in conjunction to the construction of the property's primary use.</p> |
|--|--|

A. Additional regulations for Single-Family Zones:

1. No dwelling structures shall have visible, unclosable openings, which allow penetration of air, outside elements, or animals into the structure's interior – except for screened-in porches.
2. All dwelling structures shall be placed on a basement foundation, concrete pad or piers, or other permanent foundation and secured, anchored, or tied down in accordance with the current International Building Code and all other applicable FHA requirements.

B. Additional regulations for Multiple Family Zones:

1. Minimum lot area shall be 3,000 square feet for the first dwelling unit plus 1,000 square feet for each additional dwelling unit thereafter.
2. Multi-family dwellings of 5 or more dwelling units shall comply with the following:
  - a. Interior drives, automobile parking, and areas for loading and unloading of delivery trucks and access by service vehicles shall be located and arranged to prevent blockage of interior drives and automobile parking facilities, prevent blockage of vehicles entering or leaving the site, and prevent use of the public street for such activities.
  - b. Drainage of increased stormwater runoff caused by the development shall be managed so as to be directed away from buildings and prevent ponding, accelerated erosion, or flowing of adjacent properties and roads.

**ORDINANCE NO. 2012-05**

- c. A minimum of 1,000 square feet for the first dwelling unit of open space shall be provided and 500 additional square feet for each subsequent unit(s).
- d. Any landscaping shall not, by reason of location or height, constitute a traffic hazard.

| <b>RMP</b>  |  |
|---|--|
| <b>Master Plan Residential Zone/County Newberry Neighborhood</b>  |  |
| <u>Principal uses</u><br><br>All RSF and RMF principal uses<br>Retail sales and/or product service establishments<br>Eating & drinking establishments<br>Personal & health service establishments<br>Business, professional & government offices<br>Commercial recreation<br>Day care centers & nursing homes<br>Forestry activities, including but not limited to timber harvesting<br>Essential services<br>Trails and pathways | <u>Conditional uses</u><br><br>All RSF and RMF conditional uses<br>Automobile & truck sales and/or service<br>Light manufacturing<br><br><u>Accessory uses to a Primary Use*</u><br>RSF and RMF accessory uses<br>Other clearly incidental & subordinate uses<br>*Accessory uses shall be constructed after or in conjunction to the construction of the property's primary use. |

**Additional regulations for the Newberry Neighborhood Planning Area.**

- A. Purpose. The Neighborhood Planning Area provides standards and review procedures for development in the Neighborhood Planning Area of the City of La Pine and is the “receiving area” for transferable development credits (TDCs). The Neighborhood Planning Area includes six zoning districts, each with its own set of allowed uses, as currently set forth in DCC 18.61.050 (current as of 2011) and as below.
- B. Water and Wastewater Facilities.
  - 1. All uses in the Neighborhood Planning Area requiring water shall be connected to the La Pine Water District water system.
  - 2. All uses in the Neighborhood Planning Area that discharge wastewater shall be connected to the La Pine Special Sewer District sewage treatment facility or a Department of Environmental Quality approved community waste water treatment facility serving the La Pine Neighborhood Planning Area.
- C. Transportation.
  - 1. Two perimeter collector and three neighborhood collector roads will provide access from Huntington Road into the neighborhoods.
  - 2. The central collector and a perimeter collector will provide access from Burgess Road. The three perimeter collectors dividing the neighborhoods will be adjacent to open space corridors that provide buffers between the four Neighborhoods in the Neighborhood Planning Area..



## ORDINANCE NO. 2012-05

3. Driveway access will not be allowed onto the central collector and the neighborhood collectors.
  4. Rather than a continuous paved parking shoulder, parking in designated pullout areas can be provided along the collectors for access to open space, parks and residential lots.
  5. Direct access from residential lots onto the local streets and perimeter collectors is permitted.
  6. Shallow vegetated swales alongside the roads will provide for drainage.
  7. A network of multi-use paths will be developed parallel to many of the collector roads and in the open space buffer areas within the development and along Huntington Road and the eastern perimeter collector parallel to Highway 97.
  8. The precise layout of these roads and multi-use paths will occur during the Quadrant Plan approval process as each Neighborhood and Quadrant is planned.
  9. Modifications to the layout and/or alignment of a path or trail outside of the Neighborhood/Quadrant process shall follow an administrative process as determined by the City.
- D. Residential General District. Purpose: The Residential General District is the largest area of Neighborhood Planning Area. The district is primarily for single-family residential uses with a variety of lot sizes and housing styles. Some higher density housing is allowed in specified locations.
1. Uses permitted outright.
    - a. Single-family dwelling, including a “Class A” manufactured home.
    - b. Duplex.
    - c. Accessory dwelling.
    - d. Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process
    - e. Open space.
    - f. Residential facility or residential home.
    - g. Home occupation that:
      - 1) Is carried on within a dwelling only by members of the family who reside in the dwelling;
      - 2) Does not serve clients or customers on-site;
      - 3) Does not produce odor, dust, glare, flashing lights or noise;
      - 4) Does not occupy more than 25 percent of the floor area of the dwelling; and
      - 5) Does not include the on-premises display or sale of stock in trade.
      - 6) Does not have any outdoor storage of materials used in the home occupation.
    - h. Class II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230 until the City develops its own standards.
    - i. Class III road and street project.
  2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review until the City develops its own standards:
    - a. Multi-family dwelling, located along the central collector road in the Neighborhood Planning Area or adjacent to Huntington or Burgess Roads.

**ORDINANCE NO. 2012-05**

- b. Bed and Breakfast Inn, located along the central collector road in the Neighborhood Planning Area or Huntington or Burgess Roads.
- c. Child care facility located adjacent to the central or a neighborhood collector road in the Neighborhood Planning Area or Huntington or Burgess Roads.
- d. Park or playground.
- 3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of this code:
  - a. Home occupation as defined in DCC 18.04 until the City develops its own standards.
  - b. Outdoor Recreational Equipment Storage area as defined in DCC 18.04 until the City develops its own standards.
- 4. Dimensional Standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Residential General District.
- 5. Yard and Setback Requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Residential General District.
- 6. Residential Density. The residential density requirements in Tables 1 and 2 shall apply to the Residential General District.
- E. Residential Center District. Purpose: The Residential Center District is a location for social activities and small mixed-use residential/commercial businesses. It is located near the geographical center of each Neighborhood. This district is the location for more compact housing types such as townhomes and apartment buildings that activate the center and allow a greater number of people the option to walk for their daily needs.
  - 1. Uses permitted outright.
    - a. Single Family Dwelling.
    - b. Single Family Dwelling – Zero Lot Line
    - c. Town home, duplex or triplex.
    - d.. Accessory dwelling.
    - e.. Live/work unit.
    - f. Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process
    - .
    - g. Open space.
    - h. . Home occupation that:
      - 1. Is carried on within a dwelling only by members of the family who reside in the dwelling;
      - 2. Does not serve clients or customers on-site;
      - 3. Does not produce odor, dust, glare, flashing lights or noise;
      - 4. Does not occupy more than 25 percent of the floor area of the dwelling; and
      - 5. Does not include the on-premises display or sale of stock in trade; and,
      - 6. Does not have any outdoor storage of materials used in the home occupation.
    - i. Class II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230 until the City develops its own standards.
    - j. Class III road and street project.
  - 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116,

## ORDINANCE NO. 2012-05

Supplementary Provisions, and DCC 18.124, Site Plan Review until the City develops its own standards.

- a. Community center up to 4,000 square feet in floor area.

Neighborhood commercial building as defined in DCC 18.04 until the City develops its own standards.

- a. Multi-family dwelling.
- c. Bed and Breakfast Inn.
- d. Church.
- e. Park or playground.

3. Conditional uses permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use until the City develops its own standards:

- a. Residential facility or residential home.
- b. Home occupation as defined in DCC 18.04 until the City develops its own standards.

4. Dimensional standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Residential Center District.

5. Yard and setback requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Residential Center District.

Residential density. The residential density requirements in Tables 1 and 2 shall apply to the Residential Center District.

- F. Community Facility District. Purpose: The purpose of this district is to provide a location for public and private uses and facilities that serve the civic, social and recreational needs of the community. The Community Facility District also includes higher density housing.

1. Uses Permitted Outright.

- a. Duplex, triplex or town home.
- b. Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process

- c. Open space.

- d. Class II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230 until the City develops its own standards.

- e. Class III road and street project.

2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review until the City develops its own standards:

- a. Multi-family dwelling.
- b. Continuing care retirement center.
- c. Hospital.
- d. Medical facility.
- e. Assisted living, congregate care facility.
- f. Nursing home.
- g. Mixed use building (residential with other permitted use in the district).
- h. Child care center.

## ORDINANCE NO. 2012-05

- i. Public use.
- j. Community center.
- k. Church.
- l. Senior center.
- m. Library.
- n. Museum.
- o. Performing arts building.
- p. Theater.
- q. School.
- r. Park or playground.
- 3. Conditional Uses Permitted. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use until the City develops its own standards:
  - a. Single-family dwelling.
  - b. Retail or professional office use that supports a permitted use in the district.
- 4. Dimensional Standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Community Facility District
- 5. Yard and Setback Requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Community Facility District.
- G. Community Facility Limited District. Purpose. The purpose of this district is to provide locations for a school, recreation and transportation facilities.
  - 1. Uses permitted outright.
    - a. Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process.
    - b. Open space.
    - c. Class II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230 until the City develops its own standards.
    - d. Class III road and street project.
  - 2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review until the City develops its own standards:
    - a. Park and ride facility.
    - b. School.
    - b. Park or playground.
  - 3. Uses Permitted Subject to Conditional Use. The following uses and their accessory uses are permitted subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use until the City develops its own standards until the City develops its own standards:
    - a. Equestrian facility.
- H. Neighborhood Commercial District. Purpose: The purpose of this district is to provide a location for small-scale convenience commercial uses designed to serve the Neighborhood Planning Area.
  - 1. Uses Permitted Outright.

## ORDINANCE NO. 2012-05

- a. Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process.
  - b. Open space.
  - c. Class II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230 until the City develops its own standards:
  - d. Class III road and street project.
  2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted in a building or buildings each not exceeding 4,000 square feet of floor space, subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review until the City develops its own standards.
    - a. Convenience market.
    - b. Video store.
    - c. Retail store.
  3. Conditional Uses Permitted. The following uses and their accessory uses are permitted in a building or buildings each not exceeding 4,000 square feet of floor space, subject to applicable provisions of DCC 18.61 and DCC 18.116, Supplementary Provisions, DCC 18.124, Site Plan Review, and DCC 18.128, Conditional Use until the City develops its own standards: : Such as but not limited to:
    - a. Restaurant.
    - b. Laundromat.
    - c. Dry cleaning.
    - d. Art studio in conjunction with retail use.
    - e. Professional office.
  4. Dimensional Standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 2 shall apply to the Commercial District.
  5. Yard and Setback Requirements. The front, side and rear yard requirements in Table 2 shall apply to uses in the Commercial District.
- I. Park District. The purpose of this district is to provide Neighborhood Parks in each of the four neighborhoods within the Neighborhood Planning Area. This district may also apply to an optional Regional Park that may be located in Neighborhood 2 and or 3 during Quadrant Plan approval process.
1. Uses Permitted Outright.
    - a. Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process.
    - b. Open space.
    - c. Class II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230 until the City develops its own standards.
    - d. Class III road and street project.
  2. Uses Subject to Provisions of DCC 18.61.050(H)(4) until the City develops its own standards.
    - a. Neighborhood Park.
  3. Conditional Uses. The following uses and their accessory uses are permitted subject to the development standards in DCC 18.61.050(H)(5) and the applicable provisions of

## ORDINANCE NO. 2012-05

- DCC 18.61 and DCC 18.116, Supplementary Provisions, and DCC 18.124, Site Plan Review until the City develops its own standards.
- a. Regional Park.
  4. Neighborhood Park Development Standards.
    - a. Size standard. Neighborhood Parks shall be a minimum of two acres and no more than five acres in size.
    - b. Location. Neighborhood Parks shall be located at the center of each Neighborhood and be fronted on at least three sides by public streets including the central collector and a neighborhood collector.
    - c. Boundary Determination. The boundaries of the Neighborhood Parks are generally depicted on the Neighborhood Planning Area Park Plan, Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The exact boundaries of the Neighborhood Parks shall be established at the time of approval of a Quadrant Plan under DCC 18.61.050(J) until the City develops its own standards.
    - d. Platting. Neighborhood Parks shall be platted as part of the first phase subdivision in an approved Quadrant Plan.
  5. Regional Park Development Standards.
    - a. The La Pine Neighborhood Planning Area may include one Regional Park. The Regional Park may be developed in Neighborhood 3 or 4.
    - b. Size Standard. The Regional Park shall be between 10 and 25 acres in size.
    - c. The location of a Regional Park shall be determined during the quadrant planning of Neighborhoods 3 and/or 4.
    - d. If the Regional Park is located at the intersection of the central collector and a neighborhood collector at the center of a Neighborhood, it may replace the required Neighborhood Park.
    - e. Siting Standards.
      - i. The Regional Park shall have direct access to either a collector street and an arterial street or the central collector and a neighborhood collector street.
      - ii. The Regional Park shall have direct access to a paved multi-use path.
  - J. Open Space District. The purpose of this district is to provide two types of open space in the Neighborhood Planning Area. Perimeter Open Space is located adjacent to Huntington and Burgess Roads, Highway 97, and between existing residential lots west of Neighborhood 4. Perimeter Open Space will provide visual and noise screening and locations for multi-use paths. Corridor Open Space divides the four Neighborhoods, helps to maintain a rural feeling and contains multi-use paths.
    1. Perimeter Open Space Uses Permitted Outright.
      - a. Open space.
      - b. Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process
    2. Corridor Open Space Uses Permitted Outright.
      - a. Open space.  
Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process.
      - c. Picnic area.
      - d. Benches along multi-use path.

## ORDINANCE NO. 2012-05

- e. Park or playground managed by the La Pine Park District or a Neighborhood Planning Area homeowners association.
  3. Uses Permitted Subject to an Open Space Management Plan under the provision of DCC 18.61.050(I)(4) until the City develops its own standards.
    - a. Vegetation management for wildfire hazard reduction.
    - b. Vegetation management for wildlife habitat enhancement.
    - c. Landscaped earthen berm.
    - d. Class I and II road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by DCC 18.116.230.
  4. Open Space Management Plan.
    - a. An open space management plan shall be prepared for each Quadrant as a component of a Quadrant Plan. The plan shall be implemented as a condition of approval for the final plat of the first phase of any development in a Quadrant. The open space management plan shall identify the funding source and management responsibility for zoned open space.
- K. Quadrant Plan.
- Plan Approval Required. Prior to issuance of a building permit, approval of a tentative plan or initiation of development including streets or placement of utilities within a Neighborhood or Quadrant, a Quadrant Plan shall be approved according to the provisions of DCC 18.61.050 until the City develops its own standards.
1. Eligibility to Submit an Application. The City of La Pine will accept a Quadrant Plan application from an owner or developer who has an agreement with Deschutes County of intent to purchase land in the Quadrant. The County may also prepare a Quadrant Plan.
  2. Application Requirements. All applications shall include the following elements.
    - a. Zoning Plan, drawn to scale, showing the boundaries of the proposed zones and the acres in each zone.
    - b. Transportation Plan, drawn to scale, including locations of street rights-of-way for central collector, neighborhood collector, perimeter collector and local streets, block configurations and connections with adjacent Quadrants.
    - c. Non-motorized Circulation Plan showing locations of any sidewalks or multi-use paths and where they will connect to adjacent Quadrants.
    - d. Open Space and Park Plan, drawn to scale, defining boundaries for the open space district and Neighborhood or Regional Parks where applicable.
    - e. Open Space Management Plan.
    - e. Utility Plan, drawn to scale, identifying location and specifications for sewer and water facilities. The utility plan shall include a schedule of improvement initiation and completion and a written narrative that explains or describes:
      1. How the proposed water and sewer systems will be adequate to serve the type and size of development planned.
      2. How the proposed location and sizing of facilities will be consistent with existing and planned facilities.
      3. How adequate water flow volumes will be provided to meet fire flow and domestic demands.
    - g. Proposed design guidelines and process for reviewing and approving buildings for conformance with the guidelines. Notwithstanding DCC 23.40.020(F)(1)(g), and this

## ORDINANCE NO. 2012-05

- requirement, no design guidelines shall be required for Quadrant 1c until the City develops its own standards.
- h. A plan showing the zone boundaries for Neighborhood General and Neighborhood Center Districts.
  - i. A plan showing the proposed locations and dimensions of road rights-of-way.
  - j. A written burden of proof statement with findings demonstrating conformance with the goals and policies of The Deschutes County Comprehensive Plan, DCC 23.40.020, the applicable sections of DCC 18.61, and any other applicable provisions of DCC Title 18 until the City develops its own standards.
  - k. A proposal for deed restrictions, Covenants, Conditions and Restrictions (CCRs), and a homeowners association. Notwithstanding DCC 23.40.020(F)(1)(g) and (h), no proposal for deed restrictions, CCRs, and a homeowners association shall be required with an application for a quadrant plan for Quadrant 1c until the City develops its own standards.
4. Quadrant Plan Approval. Approval of a Quadrant Plan is a land use action and shall be reviewed under the provisions of DCC 22.20.020 until the City develops its own standards. Notwithstanding the order of hearings bodies listed under DCC 22.24.020(A), Quadrant Plans shall be subject to a public hearing before the City of La Pine Planning Commission. The Planning Commission shall make the decision to approve or deny an application for a Quadrant Plan. The Board of County Commissioners will act as the hearings body on an appeal of such a decision. An appeal of a quadrant plan decision shall be considered pursuant to DCC Chapter 22.32, Appeals. A Quadrant Plan may be approved subject to conditions with findings that the following criteria are met:
- The Quadrant Plan contains all of the elements required in DCC 18.61.050(J)(3) until the City develops its own standards.
- The Quadrant Plan conforms to the policies in the Deschutes County Comprehensive Plan, DCC 23.36.052 until the City develops its own standards.
- c. There is adequate sewer and water capacity to serve the development planned for the Quadrant and agreements to provide service have been signed with appropriate water and sewer districts or providers.
  - d. The streets proposed in the Quadrant Transportation Plan conform to the general location and connection requirements of the La Pine Neighborhood Street Plan, Figure 15 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The proposed street design conforms to the standards in DCC Title 17, Table 2 for the La Pine Neighborhood Planning Area. Final locations of road rights-of-way approved under a quadrant plan will be determined through the process for approval of a tentative plat under DCC Title 17 until the City develops its own standards.
  - e. The multi-use paths are located within or adjacent to the Perimeter or Corridor Open Space as generally shown in the Non-Motorized Plan, Figure 16 in the Deschutes County Comprehensive Plan, DCC 23.36.052 until the City develops its own standards. Path(s) and modifications of paths and/or trail alignments must consistent with the intent of the Plan as determined by the City through an administrative process
  - f. The open space in the Open Space and Park Plan conforms to the standards in Deschutes County Comprehensive Plan, DCC 23.36.020(D) and general location



## ORDINANCE NO. 2012-05

shown in the La Pine Neighborhood Parks and Open Space Plan, Figure 17 in the Comprehensive Plan. DCC 23.36.052 until the City develops its own standards.

- g. The Zoning Plan conforms to the following performance standards:
  1. Neighborhood Commercial District. A minimum of two and a maximum of four acres of Neighborhood Commercial District shall be established in Quadrant 3a or 3c. Alternatively, if Quadrant Plans for Quadrant 3a and 3c are approved at the same time, the maximum area of Neighborhood Commercial District may be divided between the two Quadrants. The Neighborhood Commercial zone shall be located at the intersection of Huntington Road and the neighborhood collector that bisects Neighborhood 3.
  2. Community Facility District. Quadrant 1c shall be zoned as Community Facility District.
  3. Community Facility Limited District. The portion of Quadrant 3a that is located west of Huntington Road shall be zoned Community Facility Limited. A maximum of 15 acres in the northwest section of Quadrant 4a may be zoned Community Facility Limited.
  4. Residential Center District. Each Quadrant except Quadrant 1c and 1d shall have a Residential Center District with a minimum of three acres and a maximum of six acres. The area of the Residential Center District is gross acres including public rights-of-way. The Residential Center District shall be a contiguous area located so that it is adjacent to both the central collector and the collector street that bisects the Neighborhood.
  5. Residential General District. The area zoned Residential General shall be the area in each Quadrant that remains after the mandatory minimum Residential Center, Neighborhood Parks and Open Space zoning is defined.
  6. Neighborhood Park District. Where a Neighborhood Park is specified on the La Pine Neighborhood Parks and Open Space Plan (Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052, the Quadrant Plan shall zone a minimum of two acres and a maximum of five acres as Neighborhood Park District until the City develops its own standards. The Neighborhood Park District shall be located at the intersection of the central collector and the neighborhood collector that that bisects the Neighborhood.
  7. Open Space District. The Quadrant Plan shall designate the following minimum areas as Open Space District:
    - i. Minimum 500 foot wide Corridor Open Space Buffer between Neighborhoods 1 and 2; 2 and 3; and 3 and 4.
    - ii. Minimum 200 foot wide Perimeter Open Space adjacent to Highway 97.
    - iii. Minimum 75 foot wide Perimeter Open Space adjacent to Huntington and Burgess Roads.
    - iv. Minimum 50 foot wide Perimeter Open Space on the west edge of Quadrants 4a and 4c.
  8. The proposed residential densities and lot sizes conform with the requirements of the Residential General and Residential Center Zones as further described as follows in Tables 1 and 2:

**ORDINANCE NO. 2012-05**

**TABLE 1. La Pine Neighborhood Planning Area Density Standards**

|                                  | Maximum Density | Minimum Density | Lot Size Range Single-family |
|----------------------------------|-----------------|-----------------|------------------------------|
| <b>NEIGHBORHOOD 1</b>            |                 |                 |                              |
| Residential Center               | 12 units/acre   | 8 units/acre    | 2,400 – 4,500                |
| Residential General              | 6 units/acre    | 3 units/acre    | 4,000 – 7,000                |
| <b>NEIGHBORHOOD 2, 3 &amp; 4</b> |                 |                 |                              |
| Residential Center               | 12 units/acre   | 6 units/acre    | 2,400 – 7,000                |
| Residential General              | 6 units/acre    | 2 units/acre    | 7,000 – 15,000               |

NOTE: Density is calculated using gross acres, excluding collector street right-of-way.

**TABLE 2. La Pine Neighborhood Planning Area Zoning Standards**

|                               | RESIDENTIAL GENERAL | RESIDENTIAL CENTER | COMMUNITY FACILITY | COMMUNITY FACILITY LIMITED | NEIGHBORHOOD COMMERCIAL |
|-------------------------------|---------------------|--------------------|--------------------|----------------------------|-------------------------|
| <b>LOT SIZE Single-family</b> |                     |                    |                    |                            |                         |
| <b>NEIGHBORHOOD 1</b>         |                     |                    |                    |                            |                         |
| Maximum square feet           | 7,000               | 4,500              | N/A                | N/A                        | N/A                     |
| Minimum square feet           | 4,000               | 2,400              | N/A                | N/A                        | N/A                     |
| <b>NEIGHBORHOOD 2</b>         |                     |                    |                    |                            |                         |
| Maximum square feet           | 15,000              | 5,000              | N/A                | N/A                        | N/A                     |
| Minimum square feet           | 7,000               | 3,500              | N/A                | N/A                        | N/A                     |
| <b>LOT SIZE Townhome</b>      |                     |                    |                    |                            |                         |
| Minimum square feet           | N/A                 | 2,400              | 2,400              | N/A                        | N/A                     |

**ORDINANCE NO. 2012-05**

|  | RESIDENTIAL<br>GENERAL   | RESIDENTIAL<br>CENTER   | COMMUNITY<br>FACILITY | COMMUNITY<br>FACILITY<br>LIMITED | NEIGHBORHOOD<br>COMMERCIAL |
|--|--|---|-----------------------|----------------------------------|----------------------------|
| <b>LOT SIZE Duplex<br/>Triplex</b>                         |  |   |                       |                                  |                            |
| Minimum square feet  | 8,000  | 8,000   | 8,000                 | N/A                              | N/A                        |
| <b>LOT SIZE Multi-family</b>                               |  |   |                       |                                  |                            |
| Maximum square feet  | no maximum   | no maximum  | no maximum            | N/A                              | N/A                        |
| Minimum square feet  | 15,000   | 10,000  | 10,000                | N/A                              | N/A                        |
| <b>LOT SIZE Other uses</b>                                 |  |   |                       |                                  |                            |
| Maximum square feet  | no maximum   | no maximum  | no maximum            | no maximum                       | 22,000                     |
| Minimum square feet  | 7,000  | 4,500   | None                  | None                             | 7,000                      |
| <b>LOT WIDTH</b>   |  |   |                       |                                  |                            |
| Minimum (feet)   | 50' for detached<br>dwellings<br><br>24' for attached<br>town home | 35' for detached<br>single-family<br>dwelling<br><br>24' for attached<br>town home or<br>zero lot line<br>development | 50'                   | 50'                              | 50'                        |
| <b>LOT DEPTH</b>   |  |   |                       |                                  |                            |
| Minimum (feet)   | 100'   | 100'  | 150'                  | 150'                             | 150'                       |
| <b>RESIDENTIAL<br/>DENSITY</b><br><br>(per gross acre) (1) |  |   |                       |                                  |                            |
| <b>NEIGHBORHOOD 1</b>                                      |  |   |                       |                                  |                            |
| Maximum  | 8.0  | 12.0  | 12.0                  | N/A                              | N/A                        |

**ORDINANCE NO. 2012-05**

|  | RESIDENTIAL<br>GENERAL | RESIDENTIAL<br>CENTER                                | COMMUNITY<br>FACILITY                                | COMMUNITY<br>FACILITY<br>LIMITED                                   | NEIGHBORHOOD<br>COMMERCIAL                                      |
|--|------------------------|--|--|--|---|
| Minimum  | 3.0                    | 8.0  | N/A  | N/A  | N/A   |
| NEIGHBORHOODS 2,<br>3 & 4  |                        |  |  |  |   |
| Maximum  | 6.0                    | 12.0   | N/A  | N/A  | N/A   |
| Minimum  | 2.0                    | 6.0  |  |  |   |
| <b>SETBACKS</b>  |                        |  |  |  |   |
| Primary Building   |                        |  |  |  |   |
| Front  | 15' min.               | 10' min.   | 10' min  | 10' min  | 10' min.  |
| Side   | 10' min.               | None   | 5' min. or 0 lot<br>line                             | 5' plus 1/2 foot<br>for each ft.<br>building height<br>exceeds 20' | 5' plus 1/2 foot for<br>each ft. building<br>exceeds 20' height |
| Side at corner (2)   | 10'                    | 5' or 0 lot line                                     | 5'   | 5'   | 5'  |
| Rear   | 10'                    | None except<br>abutting<br>Residential<br>General 5' | None except<br>abutting<br>Residential<br>General 5' | 5' plus 1/2 foot<br>for each ft.<br>building height<br>exceeds 20' | 5'  |
| <b>GARAGE SETBACKS</b>   |                        |  |  |  |   |
| Min. from front of<br>building   | 5'                     | 5'   | 5'   | N/A  | N/A   |
| <b>SPECIAL SETBACKS</b>  |                        |  |  |  |   |
| Percentage of the front<br>side of the structure that<br>shall be sited at the<br>minimum front yard<br>setback. | N/A                    | 50% min.(2)  | N/A  | N/A  | N/A   |
| <b>LOT COVERAGE</b>  |                        |  |  |  |   |

**ORDINANCE NO. 2012-05**

|  | RESIDENTIAL<br>GENERAL | RESIDENTIAL<br>CENTER   | COMMUNITY<br>FACILITY   | COMMUNITY<br>FACILITY<br>LIMITED | NEIGHBORHOOD<br>COMMERCIAL |
|--|------------------------|---|---|----------------------------------|----------------------------|
| Maximum  | 35%                    | 50%   | 60%   | 60%                              | 50%                        |
| <b>BLOCK<br/>REQUIREMENTS(3)</b>                         |                        |   |   |                                  |                            |
| Maximum Perimeter  | 2,000'                 | 1,600'  | 1,200'  | N/A                              | 1,200'                     |
| Maximum block length<br>without pedestrian<br>connection | 600'                   | 600'  | 400'  | 800'                             | 600'                       |
| <b>BUILDING HEIGHT</b>                                   |                        |   |   |                                  |                            |
| Primary  | 30'                    | 40' except Res.<br>General<br>standards apply<br>to single family.<br>Town homes 35<br>ft. max. | 45' except Res.<br>General<br>standards apply<br>to single family.<br>Town homes 35<br>ft. max. | 45'                              | 30'                        |
| Accessory Dwelling or<br>Building                        | 20'                    | 25'   | 30'   | 30'                              | 25'                        |
| Higher with Conditional<br>Use Permit                    | NO                     | YES up to 40'   | YES   | YES                              | NO                         |
| <b>MINIMUM ONSITE<br/>PARKING</b>                        | DCC 18.116             | DCC 18.116  | DCC 18.116  | DCC 18.116                       | DCC 18.116                 |

NOTES:

- (1) Gross acres, excluding collector street right of way
- (2) Must meet clear vision requirements of DCC 18.116.020 until the City develops its own standards.
- (3) The block requirements not applicable to review and approval of quadrant plans.

**ORDINANCE NO. 2012-05**

**C  
Traditional Commercial Zone**

Principal uses

Retail sales and/or product service, including auto sales/service establishments, including auto related sales/services  
 Public, non-commercial parks & recreation  
 Eating & drinking establishments  
 Personal & health service establishments such as Health clubs and training  
 Business, professional &, government offices  
 Hotels and lodging  
 Transit Facilities  
 Commercial recreational uses  
 Multi-family dwellings  
 Veterinary clinic  
 Public, non-commercial parks & recreation  
 Public & private schools  
 Residential Care Facilities & nursing homes  
 Family day care home, group day care home  
 Churches  
 Cemeteries  
 Bed & breakfast establishments  
 Clubs and lodges  
 Government buildings & services  
 Forestry activities, including but not limited to timber harvesting  
 Essential services  
 Day care centers  
 Funeral homes

Conditional Uses

Single-family dwellings (701.1)  
 Parking lots not associated with a principal use  
 Any use that emits fumes or noxious odors such as paint booths, refinishing, sand blasting, food processing, animal processing, tanneries, composting, and the like  
 Any use that requires a DEQ air quality permit  
 Any use that emits noise beyond 20 dB

Accessory uses

Garage, storage shed, swimming pool  
 Home occupation & home-based business  
 Shelter for domestic pets  
 Other clearly incidental & subordinate uses

**CRMX  
Commercial/  
Residential Mixed-use Zone**

Principal uses

All uses in the RSF, RMF, and RMP zones except that residential uses must be the dominant use as compared to other non-residential uses and at least 60% of the total amount of all uses as measured by floor area.

Conditional uses

Automobile gas and carwash services  
 Accessory dwellings

Accessory uses to a Primary Use\*

Clearly incidental & subordinate uses

**ORDINANCE NO. 2012-05**

Subordinate uses

The following uses are allowed in combination with residential uses provided they are less than 60% of the total amount of all uses as measured by floor area.

- Retail sales and/or product service, including show rooms
- Personal & health service establishments
- Eating and drink establishments
- Business, professional &, government offices, not including business parks
- Bus stops
- Parking lots and structures
- Motels and hotels
- Clubs, lodges & fraternal organizations
- Commercial recreation
- Government buildings & services
- Essential services

\*Accessory uses shall be constructed after or in conjunction to the construction of the property's primary use.

**CMX  
Mixed-use Commercial Zone**

Principal uses

- All uses in the RSF, RMF, and RMP zones
- Retail sales and/or product service, including show rooms
- Personal & health service establishments
- Eating and drink establishments
- Business, professional &, government offices including business parks
- Passenger transportation terminals
- Parking lots and structures
- Motels and hotels
- Clubs, lodges & fraternal organizations
- Commercial recreation and amusement
- Funeral homes
- Veterinary clinic
- Government buildings & services
- Forestry activities, including but not limited to timber harvesting
- Essential services

Conditional uses

- Automobile, RV & truck sales and/or service uses
- Accessory dwellings

Accessory uses to a Primary Use\*

Clearly incidental & subordinate uses

\*Accessory uses shall be constructed after or in conjunction to the construction of the property's primary use.

**ORDINANCE NO. 2012-05**

| <b>CN<br/>Neighborhood Commercial Zone</b>  |  |
|---|--|
| <u>Principal uses</u><br><br>All RSF and RMF principal uses<br>Retail sales and/or product service establishments, <i>excluding</i> automobile, RV, & truck sales and/or service<br>Eating & drinking establishments<br>Personal & health service establishments<br>Business, professional & government offices<br>Commercial recreation<br>Day care centers & nursing homes<br>Forestry activities, including but not limited to timber harvesting<br>Essential services | <u>Conditional uses</u><br><br>All RSF and RMF conditional uses<br>Light manufacturing, such as artist’s kilns, welding, refinishing, casting, metalwork, assembly, and the like.<br><br><u>Accessory uses to a Primary Use*</u><br>RSF and RMF accessory uses<br>Clearly incidental & subordinate uses<br><br>*Accessory uses shall be constructed after or in conjunction to the construction of the property’s primary use. |

**Additional Commercial Use Regulations**

1. Any permitted principal and/or accessory commercial use shall be subject to the following use regulations.
2. For commercial uses located on corner lots where one street is predominantly residential and one street is predominantly commercial, any commercial structure shall front on the street that is predominantly commercial.
3. Any business, servicing, or processing shall be conducted within a completely enclosed building, except for parking and loading facilities and for “drive-in” type establishments offering goods or services to customers waiting in parked motor vehicles.
4. All accessory storage of junk, waste, discarded or salvaged material, machinery or equipment, including automobile, truck, or other vehicle parts shall not be permitted except within a completely enclosed structure.
5. Any business establishment shall deal directly with the consumer only and any manufacturing done on the premises shall be for sale on the premises; using commercial structures for only non-public wholesaling is prohibited.
6. Any display of goods shall be located behind the building setback line.



## ORDINANCE NO. 2012-05

7. Access driveways and entrances shall be permitted in a number and locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal highway traffic is not impaired, and the driveway or entrance will not create a hazard or an area of undue traffic congestion on highways to which it has access. The City may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances.
8. Adequate storm drainage facilities shall be installed to ensure that stormwater does not flow onto abutting property, sidewalks, or streets.
9. Any part or portion of a lot developed for "C" type zone uses which are not used for buildings, other structures, parking or loading spaces, or aisles, driveways, sidewalks, and designated storage areas shall be planted and maintained with grass or other all season groundcover vegetation. Grass shall be kept neatly mowed. Landscaping with trees and shrubs is permitted and encouraged.
10. Any off-street parking area located in a required front yard building setback shall be located at least 5 feet from the road right-of-way with the area in between the road right-of-way and parking maintained according to Section 702.1(8).
11. It shall not emit any noxious, toxic, or corrosive fumes or gases nor shall it emit any offensive odors.
12. It shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment, or uses or processes with electrical apparatus.
13. All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.

### **Buffering and Screening Requirements**

Where any permitted principal and/or accessory use abuts any land zoned RSF, RMF, RMP, CRMX, or CMX the following buffer and screening shall be required. These requirements shall apply in instances where such use is being newly developed on vacant land, expanded in floor area by 50% or greater, or removed and a new use developed.

1. A buffer strip at least 10 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts an RSF, RMF, RMP, or TA zone. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier.
2. The buffer strip shall contain suitable screening, defined as either of the following:
  - a. A solid fence or wall, architecturally compatible with existing structures in the area, no less than 5 feet nor more than 8 feet in height; or

**ORDINANCE NO. 2012-05**

- b. A sight-obscuring planting of evergreens, not less than 4 feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than 6 feet upon maturity, planted at a spacing of the lesser of 8 feet or the diameter of a mature specimen of the species being planted.
- c. Areas of the buffer strip not covered with a fence, wall, or screening plantings, shall be planted with appropriate ground cover vegetation, including native species. Xeriscape methods are highly encouraged.
- d. Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the “C” type zone permitted use is located. Installation must be completed prior to issuance of a Certificate of Use and Occupancy by the City. Fences or walls must be maintained in safe and structurally sound condition. Dead or diseased plants shall be removed and replaced in a timely manner. Grass shall be kept neatly mowed.

| <b>TA<br/>Transitional Areas</b>   |  |
|--|--|
| <u>Principal uses</u><br>All permitted residential and commercial uses<br>Forestry activities, including but not limited to timber harvesting<br><br>These uses shall be implemented as transitional uses between different zones as shown on the zoning map. Development in the TA requires master planning to assess uses and transitional needs given the specific area of development. | <u>Conditional uses</u><br>All conditional uses in the residential and commercial zones<br><br><u>Accessory uses to a Primary Use*</u><br>Clearly incidental & subordinate uses<br><br>*Accessory uses shall be constructed after or in conjunction to the construction of the property’s primary use. |

**Master Planning For TA Zones**

The purpose of a master plan is to provide opportunities to create a desirable environment through the application of flexible design and development standards to tracts of land under common ownership or control. It is intended to provide a transition area between zones and to blend uses without creating conflict between different zones. The master plan shall encourage a creative approach in the development of land in an efficient and aesthetic manner and to provide a desirable use of open areas, while encouraging a higher dwelling unit density and area coverage permitted in the abutting zones. It is intended to achieve economy in development and maintenance while providing privacy, usable open space, safe pedestrian and vehicular circulation and compatible relationships between different land uses.

## ORDINANCE NO. 2012-05

### Standards.

The following standards and requirements shall apply to all special master plans in the TA zones:

- A. The maximum number of developable units or the dwelling unit density allowed is determined by dividing the minimum lot area allowed in the abutting zone into the net land area of the project. Development occurring next to a single-family residential district may exceed by 20 percent the average dwelling unit density permitted by the underlying zone. Development occurring in multifamily districts may exceed by 30 percent the average dwelling unit density permitted by the underlying zone;
- B. The perimeter of the project shall be aesthetically compatible with the land use of adjoining properties. Perimeter lots adjoining or abutting property outside the project shall comply with the requirements of the underlying zone, or shall be screened in an aesthetic manner from adjoining properties so as to protect such adjacent lots from visual and audible impacts from the project which are inconsistent with the underlying zoning;
- C. Improvements on the site shall contain adequate landscaping so as to provide a compatible effect as seen from the adjoining properties;
- D. One or more major egress circulation points must be functionally connected to a public arterial or collector street or streets;
- E. Open space shall be arranged so as to be an integrated part of the project, not isolated and apart therefrom;
- F. A minimum of 20 percent of the land area of every master plan shall be comprised of open space.
- G. Water and sewer systems shall be publicly owned and designed to city standards;
- H. Streets may be private or public.

### Application.

A. The process to be followed in the application for a master plan shall consist of four procedures:

1. Conceptual review by the City staff.
2. Review of the preliminary development plan by the City Planning Commission and recommendation to the City Council.
3. Approval of the preliminary development plan by the City Council.

## ORDINANCE NO. 2012-05

4. Approval of the utility and street plans by the City staff and approval of the final development plan by the City Council.

Application procedure – Preliminary development plan.

The applicant shall submit to the City 3 copies of the preliminary plan material, including the following:

- A. Legal description of the project and site location map of the property;
- B. A proposed site plan and/or drawings showing the principal topographic contours and designated placement, location and principal dimensions of buildings, streets, parking areas, recreational areas, other open space and landscaping areas;
- C. Preliminary elevation and perspective drawings of project structures and improvements;
- D. Description of the special features of the development;
- E. A text describing conditions or features which cannot be adequately displayed on maps or drawings;
- F. A description of plans for covenants, restrictions, uses and continuous maintenance provisions for the project;
- G. The following plans and diagrams:
  1. A survey of the property, showing existing features, including contours, buildings, structures, streets, utility easements, rights-of-way, and existing land use;
  2. An off-street parking plan;
  3. A circulation diagram indicating the proposed movement of vehicles and pedestrians within the planned unit development and to and from existing and planned thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be shown;
  4. Preliminary landscape plans;
  5. A topographic map or model of the site and surrounding vicinity;
  6. Preliminary drainage plan;
  7. Proposed source of water supply, electric supply, cable, gas, fiber, and sewage disposal;
  8. Preliminary layout of water and sewer system;
  9. Lighting plan;
  10. Site plan showing minimum lot area, lot dimensions, lot coverage and yard requirements and the building heights.

## LI Light Industrial Zone

### Principal uses

Industrial establishments for assembly, fabrication, manufacturing, processing, packing & bottling  
Industrial research & development, computer sciences, software, and other related establishments  
Call Centers  
Wholesale and warehousing  
Storage and distribution facilities  
Vehicle, equipment and boat repair, rental, storage, service  
Medical and dental laboratories  
Small-scale personal and professional services

- up to 2500 square feet of gross floor area (e.g., coffee shop / deli, dry cleaners, barber shops and salons, copy center, banks, and financial institutions and similar uses)
- No limit to size (e.g., child care, fitness center and similar uses)

Corporate Headquarter/Office when co-located with a permitted or conditional use  
Vocational schools  
Forestry activities, including but not limited to timber harvesting  
Essential services

### Conditional uses

Agricultural processing establishments  
Truck transportation and loading terminals  
Heavy Equipment Sales  
Personal storage units  
Non-point of service government buildings & operations  
Parks and Recreation, trails  
Outdoor commercial uses (e.g., outdoor storage, building, farm, and garden supply)  
Large animal veterinary clinics

### Accessory uses to a Primary Use\*

Clearly incidental & subordinate uses and where retail functions shall occupy less than 50% of the total structure area

\*Accessory uses shall be constructed after or in conjunction to the construction of the property's primary use.

## I Industrial Zone

### Principal uses

Industrial establishments for assembly, fabrication, manufacturing, processing, packing & bottling  
Industrial research & development, computer sciences, software, and other related establishments  
Call Centers  
Wholesale and warehousing  
Storage and distribution facilities  
Sawmills  
Agricultural processing establishments  
Truck transportation and loading terminals  
Personal storage units  
Government buildings & services  
Essential services  
Power and/or Energy generation facilities  
Forestry activities, including but not limited to timber harvesting

### Conditional uses

Mineral excavation  
Parks and Recreation, trails

### Accessory uses to a Primary Use\*

Clearly incidental & subordinate uses and where retail functions shall occupy less than 50% of the total structure area

\*Accessory uses shall be constructed after or in conjunction to the construction of the property's primary use.

## ORDINANCE NO. 2012-05

### Additional Industrial Zone Regulations (II and I zones)

Any principal and/or accessory use shall be subject to the following use regulations:

1. Access driveways and entrances shall be permitted in a number and locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal highway traffic is not impaired, and the driveway or entrance will not create a hazard or an area of undue traffic congestion on highways to which it has access. The City may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances.
2. All accessory storage of junk, waste, discarded or salvaged material, machinery, or equipment shall not be permitted except within a completely enclosed structure. Or if the lot area devoted to such use is over two-hundred (200) square feet in area, the owner may have the alternative of enclosing it on all sides, except for an exit and entrance not over twenty-five (25) feet in width, by a solid fence or wall at least six (6) feet in height and maintained in good condition or by a cyclone or equal-wire fence at least six (6) feet in height and surrounded, except for an exit and entrance not over twenty-five feet in width, by evergreens at least six (6) feet in height and planted not further apart than six (6) feet so as to form a solid screen.
3. Industrial uses shall provide necessary shielding or other protective measures against interference caused by mechanical and nuclear equipment, or uses or processes with electrical apparatus, to nearby residences.
4. Adequate storm drainage facilities shall be installed to ensure that stormwater does not flow onto abutting property, sidewalks, or streets.
5. Any part or portion of a lot developed for industrial uses which is not used for buildings, other structures, active land filling areas in approved sanitary landfills, parking or loading spaces, or aisles, driveways, sidewalks, and designated storage areas shall be planted and maintained with grass or other all season ground cover vegetation. Xeriscape landscaping with trees and shrubs is permitted and encouraged.
6. All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.
7. Industrial uses shall comply with all applicable pollution control regulations enacted by the federal and state government and other governmental authorities.

Where any permitted principal and/or accessory use abuts any RSF, RMF, RMP, or TA zoned land, the following buffering and screening are required:

1. A buffer strip at least 30 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts any RSF, RMF, RMP, or TA zoned land. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials,

**ORDINANCE NO. 2012-05**

nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier.

2. The buffer shall be planted with evergreens capable of obtaining and maintaining a dense growth to a full height and a full canopy diameter of no less than 12 feet. The minimum height at the time of planting shall be 6 feet. Plants shall be situated in two rows within the buffer strip, each row being located at least 10 feet from the edge of the buffer strip. Plants in each row shall be spaced no more than 20 feet center-to-center and the two rows shall be situated in an alternating pattern so that the trees in one row are located centrally between the trees in the other row. Plants shall be allowed to obtain a minimum height of 12 feet and shall not be trimmed below that height thereafter.
3. Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the industrial use is located. Installation must be completed prior to issuance of a Certificate of Use and Occupancy by the City. Dead or diseased plants shall be removed and replaced in a timely manner. Xeriscape methods and use of native species is highly encouraged.
4. A property owner may not sell, lease, or otherwise transfer property if such action results in a reduction of a separation distance for a commercial or light manufacturing use below the minimum required in this section. Likewise, a property owner may not remove or alter natural vegetation or landforms serving upon a waiver from the City as buffer and screening for a commercial or light manufacturing use if such action results in the natural buffer and screening being less effective that as required in this and other sections of this ordinance.

| <b>F and PF<br/>Forest, and Public Facility Zones</b>  |  |
|--|--|
| <u>Principal uses</u>  | <u>Conditional uses</u>  |
| All I zone principal uses<br>Public utilities, facilities, and structures that do not contain point of service offices open to the general public<br>Wildfire interface and wildfire prevention activities<br>Energy production facilities that do not contain point of service offices pen to the general public<br>Forestry activities, including but not limited to timber harvesting | All I zone conditional uses<br>Establishments for storage and/or sale of junk<br>Sanitary landfill, solid waste transfer stations, or similar facility for processing and disposal of solid waste<br><br><u>Accessory uses to a Primary Use*</u><br>Clearly incidental & subordinate uses<br><br>*Accessory uses shall be constructed after or in conjunction to the construction of the property's primary use.<br><br><u>Prohibited Uses</u> |

## ORDINANCE NO. 2012-05

Residential subdivisions, commercial service and retail uses

### Flood Plain, FP Overlay

#### Principal uses

All uses allowed in the underlying zone

#### Conditional uses

All conditional uses allowed in the underlying zone

#### Accessory uses to a Primary Use\*

Clearly incidental & subordinate uses

\*Accessory uses shall be constructed after or in conjunction to the construction of the property's primary use.

The FP zone includes all areas designated as "Special Flood Hazard Areas" in a study prepared locally using local rainfall and geologic information. Flood hazard areas are shown on maps prepared by the federal government in 1988 as a result of the county's participation in the National Flood Insurance Program. Deschutes County is one of many organizations and agencies responsible for development in the flood plain. For example, lending institutions require property owners to obtain flood insurance before any loan is given for development in a flood plain. If you are considering buying a lot or building in the FP zone, you should first consult with a planner so that you are aware of special requirements involved.

#### Purpose.

The purposes of the Flood Plain Overlay Zone are: To implement the Comprehensive Plan; to protect the public from the hazards associated with flood plains; to conserve important riparian areas along river/sloughs and streams for the maintenance of the fish and wildlife resources; and to preserve significant scenic and natural resources while balancing the public interests with those of individual property owners in the designated areas.

#### Designated Areas.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study for Deschutes County, Oregon and Incorporated Areas" revised September 28, 2007, with accompanying Flood Insurance Rate Maps is hereby adopted by reference and incorporated herein by this reference. The Flood Insurance Study is on file at the Deschutes County Community Development Department. The Flood Plain Zone shall include all areas designated as "Special Flood Hazard Areas" by the Flood Insurance Study for Deschutes County. When base flood elevation data has not been provided in the Flood



## ORDINANCE NO. 2012-05

Insurance Study, the City will obtain, review and reasonably utilize any base flood elevation or floodway data available from federal, state or other sources, in determining the location of a flood plain or floodway.

Prohibited Uses.

Marinas, boat slips and boat houses on private property.

Uses Permitted Outright.

In addition to the underlying zones and their permitted/conditional uses, the following uses and their accessory uses are permitted outright:

- A. Agricultural use conducted without establishing or utilizing a structure. A "structure" does not include a boundary fence as long as such fence is designed to impede as little as possible the movement of floodwaters and flood-carried material.
- B. Management, propagation and harvesting of a forest product.
- C. Open space.
- D. Portions of a residential use that do not contain structures, such as lawn, garden or play areas.
- E. Road or street projects subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by the City that do not involve Floodplain development.
- F. Excavation, grading and fill for the routine maintenance and repair of existing roads and roadway drainage within the road right-of-way that will have not adverse effect on flood waters.
- G. Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District.
- H. Recreational vehicles provided they meet the standards and criteria established by this ordinance.

Conditional Uses Permitted.

The following uses and their accessory uses may be allowed subject to applicable sections of this ordinance:

- A. A roadway, bridge or utility structure, except a landfill, that will not impede the waters of a base flood.
- B. Incidental storage of material or equipment that is either not subject to damage by flood, or is mobile and readily removable from the area within time available after flood warning. If such material is not readily removable, it shall be anchored to prevent flotation and shall not obstruct water flow. Material or equipment stored shall include only items which will not create a hazard to the health or safety of persons, property, animals or plant life should the storage area be inundated.
- C. Single-family dwelling, or a manufactured home on an individual lot. In addition to the other requirements of this code, single-family dwellings proposed to be sited in areas of the Flood Plain Overlay Zone designated "Agriculture" on the Comprehensive Plan Map may be approved. Single-family dwellings proposed to be sited in areas of the Flood Plain Zone designated "Forest" on the Comprehensive Plan Map may be approved and are subject to the applicable provisions of this ordinance.
- D. Agricultural accessory buildings.

## ORDINANCE NO. 2012-05

- E. Hydroelectric facilities.
- F. Excavation, grading and fill and removal within the bed and banks of a stream or river/slough or in a wetland, subject to this ordinance.
- G. Recreational uses requiring only structures having an insignificant effect on flood waters outside the Floodway, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, wildlife or nature preserves, game farms, fish hatcheries, shooting preserves and hunting or fishing areas.
- H. Subdividing or partitioning of land, any portion of which is located in a flood plain, subject to the provisions of this ordinance.
- I. All new construction, expansion or substantial improvement of an existing dwelling, an agricultural related structure, a commercial, industrial or other non-residential structure, or an accessory building having an insignificant effect on flood waters.
- J. A boat dock or pier, either individual or community, on private property which lies on the Deschutes River between river miles 226.4 and 224.5. This area is identified in the Scenic Waterway Management Plan as the Wickiup River Community Area.
- K. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.

### Limitations on Conditional Uses.

The following limitations shall apply to all uses allowed by this ordinance:

- A. No new construction of a dwelling (including manufactured housing), accessory structure or farm use structure shall be allowed in the floodway of any river/slough or stream except for replacement in conformance with the applicable provisions of a dwelling lawfully in existence as of the effective date of ordinance.
- B. No new construction of a dwelling (including manufactured housing), accessory structure or farm use structure shall be located in the flood plain unless it can be demonstrated by the applicant that no alternative exists on the subject property which would allow the structure to be placed outside of the flood plain.
- C. No subdivision or partition shall be allowed which creates the potential for additional residential dwellings in the flood plain.
- D. All necessary federal, state, and local government agency permits shall be obtained.

### Application for Conditional Use.

All records of any application for a conditional use permit and all certification of elevations shall be maintained in the records of the City for public inspection. An application for a conditional use permit in the Flood Plain Overlay Zone shall, at a minimum, contain the following information:

- A. A detailed explanation of why it is necessary to conduct the proposed use in the Flood Plain Overlay Zone. Where base flood elevation data is not available from the Flood Insurance Study or from another authoritative source, it shall be generated and submitted with the application for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).
- B. A site plan, drawn to scale and accompanied by drawings, sketches and descriptions which describe and illustrate the proposed use. This site plan shall include, at a minimum, existing and proposed site contours in relation to the base flood elevation, existing and proposed

## ORDINANCE NO. 2012-05

structures, drainage facilities, and an explanation of how erosion will be dealt with during and after construction of the use.

- C. The location of the property relative to the channel of the river/slough or stream.
- D. The location of existing and proposed diking or abutments, if any.
- E. The elevation of the lowest habitable floor and of any basement floor for any dwelling unit or structure.
- F. The elevation to which the structure is to be floodproofed, if applicable.
- G. Elevations on the site plan shall be established by a licensed surveyor or engineer, and shall be in relation to mean sea level.
- H. Certification by a registered professional engineer or architect that the floodproofing methods for any structure meet the floodproofing criteria established by the Federal Emergency Management Agency and the applicable standards of this ordinance.
- I. All other elements or information which will assist in the evaluation of the proposed development and conformance with the applicable criteria.

### Criteria to Evaluate Conditional Uses.

- A. A conditional use permit in a Flood Plain Overlay Zone shall not be approved unless all standards established by the Federal Emergency Management Agency and this ordinance are addressed and findings are made by the City that each of the standards and criteria are satisfied.
- B. Approval to alter or relocate a water course shall require notification to adjacent communities, the Department of Land Conservation and Development and Department of State Lands, prior to any such alteration or relocation and submit evidence to the Federal Insurance Administration. Maintenance shall be provided within the altered and relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- C. A conditional use permit shall be based upon findings which relate to the property and existing and proposed structure(s). They shall not pertain to the property owner, inhabitants, economic or financial circumstances.
- D. All structures in the flood plain shall meet the following standards.
  - 1. Anchoring.
    - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
    - b. All manufactured homes must 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.
  - 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.

## ORDINANCE NO. 2012-05

- 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 systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into flood waters.
  - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. Below-grade crawlspace is allowed subject to the standards in FEMA Technical Bulletin 11-01.
- E. Subdivision and Partition Proposals.
1. All subdivision and partition proposals shall be consistent with the need to minimize flood damage.
  2. All subdivision and partition proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
  3. All subdivision and partition proposals shall have adequate drainage provided to reduce exposure to flood damage.
- F. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, 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.)
- G. Specific Standards. In the Flood Plain Zone, the following requirements must be met:
1. Residential Construction.
    - a. New construction, including replacement, and substantial improvement of any residential structure shall have the lowest floor of the entire structure, including basement, elevated at least one foot above base flood elevation.
    - b. Fully enclosed areas below the lower floor that are subject to flooding are prohibited unless they are 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 satisfy the standards in FEMA Technical Bulletin 11-01 and must either be certified by a registered professional engineer or architect and ~~or~~ must meet or exceed the following criteria:
      - i. 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.
      - ii. The bottom of all openings shall be no higher than one foot above grade.
      - iii. Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
  2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at least one foot above the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:
    - a. Be flood proofed 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 hydrodynamic loads and effects of buoyancy.

## ORDINANCE NO. 2012-05

- c. Be certified by a registered professional engineer or architect that the design and methods of construction are subject to accepted standards of practice for meeting provisions of this ordinance, based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the City as set forth in this ordinance.
  - d. Nonresidential structures that are elevated, but not flood proofed, must meet the same standards for space below the lowest floor.
  - e. Applicants for floodproofing nonresidential 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 flood level will be rated as one foot below that level).
3. **Manufactured Homes.** All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation. Such manufactured homes shall be securely anchored to an adequately anchored foundation system.
  4. **Parking Facilities.** No parking facility shall be located within 20 feet (measured at right angles) of the ordinary high water mark (OHM).
- H. **Floodways.** In floodways the following provisions shall apply:
1. Encroachments, including fill and removal, replacement of a dwelling lawfully in existence on the effective date of this ordinance and other development are prohibited unless certification by a registered professional engineer is provided demonstrating that the proposed encroachments will not result in any increase in flood levels during a base flood discharge.
  2. The applicant must demonstrate that all necessary federal, state and local government agency permits have been or can be obtained and that all other applicable sections of this code have been satisfied.
  3. Replacement of a dwelling shall not increase the square footage or footprint of the structure by more than 20 percent of the square footage or footprint of such dwelling as of the effective date of this ordinance.
  4. No replacement of a dwelling shall be allowed if the use of the preexisting dwelling has been abandoned or otherwise terminated for a period of over one year.

### Elevation Certification.

Elevation of all new construction, including replacement and substantial improvements, relative to mean sea level of the lowest floor shall be documented before the framing inspection with a survey certified by a State of Oregon registered professional engineer or land surveyor.

### Yard and Setback Requirements.

In an FP Zone, the following yard and setback requirements shall be maintained:

- A. The front setback shall be a minimum of 20 feet from a property line fronting on a local street, 30 feet from a property line fronting on a collector and 50 feet from an arterial.
- B. There shall be a minimum side yard of 10 feet for all uses.
- C. The minimum rear yard shall be 20 feet.
- D. The minimum yard setback for a nonfarm use from the property line adjacent to a farm use not owned by the applicant shall be 100 feet.

## ORDINANCE NO. 2012-05

- E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the City shall be met.

### Little Deschutes River/slough and Stream Setback.

To permit better light, air, vision, stream and pollution control, to protect fish and wildlife areas and to preserve the natural scenic amenities along streams and lakes, the following setbacks shall apply:

- A. All sewage disposal installations such as septic tanks or septic drain fields shall be setback from the ordinary high water mark along all river/sloughs and streams a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet, and the County Sanitarian finds that a closer location will not endanger public health or safety, a setback exception may be permitted to locate these facilities closer to the stream or lake, but in no case closer than 25 feet.
- B. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles from the ordinary high water mark.

### Dimensional Standards.

In an FP Zone, the following dimensional standards shall apply:

- A. Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of 30 percent of the total lot area.
- B. Building Height. No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed through an exception.
- C. Minimum lot size shall be 10 acres for all areas which have received an exception to the Statewide Planning Goals for resource uses. Areas which have not received an exception to the Statewide Planning Goals shall have a minimum lot size of 80 acres.

### Warning and Disclaimer of Liability.

The degree of flood protection required by the City is considered reasonable for regulatory purposes and is based upon scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance shall not create liability on the part of the City, Deschutes County, any officer, agent or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any decision lawfully made hereunder.

### Interpretation of FIRM Boundaries

The City shall 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).

**ORDINANCE NO. 2012-05**

| <b>LDRRA Overlay<br/>Little Deschutes River Riparian Area Overlay Zone</b> |   |
|--|---|
| <u>Principal uses</u>  | <u>Conditional uses</u>   |
| All underlying zone principal uses   | All underlying zone conditional uses  |
|  | <u>Accessory uses to a Primary Use*</u><br>Clearly incidental & subordinate uses                                |
|  | *Accessory uses shall be constructed after or in conjunction to the construction of the property's primary use. |

**Little Deschutes River Riparian Overlay Zone**

**I. Purpose**

The purpose of this ordinance is to protect La Pine's water bodies and associated riparian areas, thereby protecting the hydrologic, ecological and land conservation functions these areas provide. This ordinance is intended to protect habitat for fish, other aquatic life, and wildlife; safeguard water quality for human uses and for aquatic life; control erosion and limit sedimentation; and reduce the effects of flooding. This ordinance attempts to meet these goals by excluding structures from areas adjacent to fish-bearing lakes and streams and their associated wetlands, and by prohibiting vegetation removal or other alterations in those areas.

**II. Definitions**

- (A) "Fish Use" means inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the federal or state endangered species acts. Fish use is determined from Oregon Department of Forestry Stream Classification maps.
- (B) "Impervious surface" means any material which reduces or prevents absorption of storm water into previously undeveloped land.
- (C) "Lawn" is grass or similar materials maintained as a ground cover of less than 6 inches in height, and generally managed to restrict the growth of shrubs and trees that inhibit the growth of grasses and forbs. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.
- (D) "Mitigation" A means of compensating for impacts to a Significant Riparian Resource including: restoration, creation, or enhancement. Some examples of riparian impact mitigation actions are replanting trees, removal of nuisance plants, and restoring streamside vegetation where it is disturbed or were it has been degraded due to past practices.

## ORDINANCE NO. 2012-05

- (E) “Net Loss” means a permanent loss of riparian functions provided by riparian structure and vegetation that results from a development action despite mitigation measures having been taken.
- (F) “Off Site Mitigation” means mitigation undertaken on a lot or parcel adjacent to or distant from the lot or parcel affected by a development action.
- (G) “On Site Mitigation” means mitigation undertaken within the lot or parcel affected by a development action.
- (H) “Ordinary high water level” shall be regarded as the 2-year recurrent flood elevation.
- (I) “Riparian area” is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.
- (J) “Riparian corridor” is a Goal 5 resource that includes the water areas, fish habitat, riparian areas, and adjacent wetland and upland areas that serve to protect water quality and the habitat functions of the water body.
- (K) “Stream” is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.
- (L) “Structure” is a building or other major improvement that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances.
- (M) “Substantial Improvement” is 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:
  - (a) Before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred.
  - (b) 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.

The term “substantial improvement” does not, however, include either:

- (c) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (d) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.



## ORDINANCE NO. 2012-05

- (N) “Top of Bank” means a distinct break in slope between the stream bottom and the surrounding terrain which corresponds with the bankfull stage (the two-year recurrence interval flood elevation) of the stream.

### III. Riparian Corridors in La Pine

The inventory of riparian corridors established by Deschutes County as Goal 5 resources serves as the City’s inventory. This inventory identifies the Little Deschutes River as the only fish-bearing stream within the City of La Pine. Based on the classification contained in this inventory, it shall be protected as a significant riparian resource as follows:

- (A) Along the Little Deschutes River, the significant riparian resource shall extend 75 feet upland from the top of each bank except as identified in III C.
- (C) Where the riparian corridor includes all or portions of a significant wetland as identified in the Goal 5 element of the Deschutes County Comprehensive Plan, the distance to the significant riparian corridor boundary shall be measured from, and include, the upland edge of the wetland.
- (D) Except as provided for in III(C), the measurement of distance to the significant riparian corridor boundary shall be from the top of bank. In areas where the top of the bank cannot be clearly determined, the significant riparian corridor boundary shall be measured from the ordinary high water level,

### IV. Allowed Activities Within the Little Deschutes River Riparian Corridor Overlay Zone

- (A) The permanent alteration of the significant riparian corridor by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses, provided they are designed to minimize intrusion into the significant riparian corridor, and no other options or locations are feasible:
- (1) Streets, roads, and paths;
  - (2) Drainage facilities, utilities, and irrigation pumps;
  - (3) Water-related and water-dependent uses
  - (4) Replacement of existing structures with structures in the same location that do not disturb additional surface area;
  - (5) Non-conforming uses existing fully or partially within the significant riparian corridor may be expanded, provided the expansion does not occur within the significant riparian corridor. Substantial improvement of a non-conforming structure in the significant riparian corridor shall comply with the standards of this ordinance.

## ORDINANCE NO. 2012-05

- (6) Shoreline stabilization and flood control structures that legally existed on the effective date of this ordinance may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the Director and appropriate state natural resource agency staff. Such alteration of the significant riparian corridor shall be approved only if less-invasive or non-structural methods will not adequately meet the stabilization or flood control needs.
- (B) Removal of vegetation is prohibited, except for:
- (1) Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation.
  - (2) Removal of vegetation necessary for the development of approved water-related or water-dependents uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent or water-related use.
  - (3) Trees in danger of falling, as determined by a certified arborist, and thereby posing a hazard to life or property may be felled, following consultation and approval from the Director.. The Director may require these trees, once felled, to be left in place in the riparian corridor.
  - (4) Existing lawn within the significant riparian corridor may be maintained, but not expanded to further intrude into the resource.
- (C) Exceptions: The following activities are not required to meet the standards of this section.
- (1) Commercial forest practices regulated by the Oregon Forest Practices Act.
  - (2) Normal and accepted farming practices other than the construction of buildings, structures, or paved roads.

### **V. Alteration Requiring Mitigation**

- (A) Permanent alteration of the significant riparian corridor by placement of a structure or impervious surface not provided for under Section IV may be allowed adjacent to a significant riparian corridor as established under section II (B) of this ordinance under the following conditions
- (1) Placement of fill, impervious services (including structures), and removal of vegetation shall be limited to the minimum amount necessary to accommodate the use. Any vegetation removed in excess of this standard shall be non-native species, and the proposal shall specify replacement of that vegetation with native species.
  - (2) The applicant shall provide sufficient information regarding the proposed development, the impacts to resources in the riparian corridor, and mitigation measures to allow the Director, in consultation with the Oregon Department of

## ORDINANCE NO. 2012-05

Fish and Wildlife, to determine if the proposal will provide equal or better protection of riparian resources within the designated corridor through, provision of additional buffer along other portions of the reach, or enhancement and restoration of degraded riparian resources within the designated corridor. This information shall include at least a plot plan showing the top of bank, the extent of development within the significant riparian corridor, uses that are proposed to occur in association with the development, the extent of vegetation removal proposed, characteristics of the existing vegetation (types, density), proposed riparian enhancement or restoration measures, proposed alterations of topography or drainage patterns, and existing uses on the property.

- (3) Proposals for development activities within the significant riparian corridor permitted under this section shall be subject to review by the Oregon Department of Fish and Wildlife, according to OAR 635-415, the Fish and Wildlife Habitat Mitigation Policy. Proposed alterations of the riparian corridor shall result in at least no net loss of riparian values or functions.
- (4) In no case shall a structure or impervious surface intrude more than 37.5 feet into the significant riparian corridor as measured from the significant Riparian area boundary established under section II B of this ordinance.
- (5) Findings shall be provided that demonstrate that any necessary state or federal permits will be obtained.

### VI. Variance

In cases where the limitations on activities within the significant riparian corridor unduly restricts the development of a lot or parcel legally created before the effective date of this ordinance, a property owner may request a variance. Granting of a variance requires findings that:

- (A) The proposed development represents a reasonable and legal use of the lot or parcel, considering the zoning;
- (B) Strict adherence to the applicable standards of the significant Riparian Corridor overlay would effectively preclude a use of the parcel that could be reasonably expected to occur in similarly zoned parcels; and
- (C) The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.
- (D) The variance is the minimum necessary to retain a use of the property.
- (E) Granting the variance will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises.
- (F) The variance will be in general harmony with the intent and purpose of this ordinance, and will not adversely affect any officially adopted comprehensive plan provision.

**ORDINANCE NO. 2012-05**

11. LOT, YARD & HEIGHT REQUIREMENTS

| <b>Zone</b>                            | <b>Minimum Lot Width</b> | <b>Minimum Front Yard Building Set-back</b>                     | <b>Min. Side Yard</b>   | <b>Min. Rear Yard</b>               | <b>Maximum Structure Height</b> | <b>Maximum Lot Coverage</b> |
|--|--------------------------|---|---|-------------------------------------|---------------------------------|-----------------------------|
| <u>RSF</u><br><u>RMF</u><br><u>RMP</u> | 25 feet                  | 20 feet   | 10 feet   | 20 feet                             | 45 feet                         | 50%                         |
| <u>C</u>                               | N/A                      | 20 feet   | N/A   | N/A                                 | 70 feet                         | 80%                         |
| <u>CMX</u><br><u>CRMX</u>              | N/A                      | 20 feet   | 10 feet   | 10 feet                             | 45 feet                         | 60%                         |
| <u>CN</u>                              | 25 feet                  | 20 feet   | 10 feet   | 15 feet                             | 45 feet                         | 50%                         |
| <u>TA</u>                              | 25 feet                  | 20 feet   | 15 feet   | 20 feet                             | 45 feet                         | 60%                         |
| <u>I, F, and FP</u><br><u>LI</u>       | N/A<br>N/A               | N/A<br>20 feet  | N/A<br>10 feet  | N/A<br>10 feet                      | 75 feet<br>45 feet              | 80%<br>60%                  |
| <u>FP**</u><br>OVERLAY                 | Underlying zone          | See FIRM data   | See FIRM data   | See FIRM data                       | See FIRM data                   | TBD via site plan approval  |
| <u>LDRRA*</u><br>OVERLAY               | Underlying zone          | Underlying zone unless abutting the riparian area then 100 feet | Underlying zone unless abutting the riparian area then 100 feet | 100 feet from edge of riparian area | 45 feet                         | TBD via site plan approval  |

\*Special conditions apply for development in the LDRRA Overlay Little Deschutes River Riparian Area Overlay Zone

\*\* Special conditions apply for development in or near the floodway and/or floodway per FIRM

## ORDINANCE NO. 2012-05

### Supplementary height regulations

The maximum height limitations shall not apply to:

1. The following principal structures: Church, college, farm structure (other than a farm dwelling), hospital, radio or television tower, exhaust stack, emergency services structure, or public utility structure which is a permitted use and is located in any zone, provided it shall conform to the setback and yard requirements of the zone where it is located plus 1 additional foot horizontally for each foot over 45 feet in height.
  - e. The following appurtenances attached to or part of a principal or accessory structure: Church spire, belfry, cupola, dome, monument, smoke-stack, derrick, conveyor, flag pole, mast, antenna, aerial, roof tank; ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided it shall be set back in conformance with the setback and yard requirements plus 1 foot horizontally for each foot in which it exceeds 45 feet in height above ground level. The principal or accessory structure to which it is attached may conform to setback and yard requirements with no additional setback provided the principal or accessory structure conforms to the height limitations of the zone.

## 12. SPECIAL USES

### A. Accessory Dwellings

In any zone permitting residential uses, an existing single-family dwelling or an existing lawful accessory structure to a single-family dwelling may be altered or changed in use to create an accessory dwelling, provided:

1. Only one accessory dwelling may be created per single-family dwelling lot.
2. The accessory dwelling shall be a complete, separate housekeeping unit that can be isolated from the original unit.
3. The accessory dwelling shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. Any new entrances shall be located on the side or in the rear of the building, and any additions shall not increase the square footage of the original house by more than 10 percent.
4. Conversion of accessory structures to accessory dwellings shall not increase the ground floor area of the original structure.
5. Maximum floor area - The accessory dwelling shall be clearly a subordinate part of the single-family dwelling. In no case shall it be more than thirty (30) percent of the building's total floor area nor have more than two (2) bedrooms, unless, in the opinion

## ORDINANCE NO. 2012-05

of the City, a greater or lesser amount of floor area is warranted by the circumstances of the particular building.

6. Any alterations shall not violate requirements for yards or height for a single-family dwelling.
7. Additional off-street parking spaces shall be provided for the additional dwelling unit in accordance with this ordinance.
8. The design and size of the accessory dwelling shall conform to all applicable standards in health, building, fire, and other laws.
9. Any other appropriate or more stringent conditions deemed necessary may be required by the City to protect public health, safety, and welfare, and the single-family character of the neighborhood.
  - f. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the City may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons. This shall be regulated through the Exceptions process.

### **B. Temporary mobile homes**

The placement of a mobile home on a temporary basis on the same lot occupied by a principal structure may be permitted provided:

1. The mobile home shall be placed behind the principal structure at a separation distance of no less than 15 feet and shall comply with the rear yard requirement for principal structures in the zone.
2. The mobile home placement shall be for a period of no more than five (5) years. However, an extension of time may be granted by the City upon request by the property owner.
3. The occupant of the mobile home shall be a relative of the property owner and shall indicate the relationship by cosigning the permit application.
4. The property owner shall occupy the principal structure.

### **C. Fences**

The yard and setback requirements of this ordinance shall not be deemed to restrict any otherwise lawful fence, wall, or sign, provided that no fence, wall, or sign shall be located on any right-of-way of a public road.

### **D. Home-based business**

Where permitted, a home-based business shall comply with the following:

## ORDINANCE NO. 2012-05

1. It shall be conducted entirely within either the owner-occupied dwelling unit or accessory structure provided that such accessory structure is clearly accessory and subordinate to the dwelling.
2. No more than 25% of the combined gross floor area of the dwelling and accessory structure(s) shall be devoted to the home-based business.
3. No more than 2 persons other than the occupants of the dwelling shall be employed at the site.
4. The home-based business shall not produce offensive noise, vibration, smoke (or other particulate matter), heat, humidity, glare, other objectionable effects, traffic, or signs which are not consistent with or characteristic of other dwellings in the area.

### **E. Mobile home and Recreational Vehicle parks**

New mobile home and recreational vehicle parks and expansions of existing parks shall comply with the following requirements and any applicable State of Oregon and Federal provisions.

1. A recreational vehicle park shall conform to state standards in effect at the time of construction, or in the case of pre-existing parks, at the time of permitting.
2. The space provided for each recreational vehicle shall be not less than 700 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles and landscaped areas.
3. Roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or not less than 20 feet in width if parking is not permitted on the edge of the roadway and shall be surfaced with asphalt, concrete, compacted crushed gravel or similar surface designed to permit easy access to each recreational vehicle space.
4. A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide for the control of runoff of surface water. The part of the space, which is not occupied by the recreational vehicle, not intended as an access way to the recreational vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
5. A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
6. A recreational vehicle space shall be provided with electrical service.
7. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.

## ORDINANCE NO. 2012-05

8. No recreational vehicle shall remain in the park for more than 30 days in any 60-day period.
9. The total number of parking spaces in the park, except for the parking provided for the exclusive use of the manager or employees of the park, shall be one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
10. The park shall provide toilets, lavatories and showers for each sex in the following ratios: For each 15 recreational vehicle spaces or any fraction thereof, one toilet, one urinal, one lavatory and one shower for men; two toilets, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
11. The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and 15 square feet of space for clothes drying lines for each 10 recreational vehicle spaces or any fraction thereof, unless such facilities are available within a distance of three miles and are adequate to meet these standards.
12. Required building spaces shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of 68 degrees Fahrenheit, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with floor drains adequate to permit easy cleaning.
13. Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring fence not less than six feet in height, unless otherwise approved by the City.
14. A neat appearance shall be maintained at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.
15. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.
16. Access to the recreational vehicle park shall be from an arterial or collector street.

### **F. Campgrounds**

1. Minimum lot area shall be 2 acres.
2. Drainage of increased stormwater runoff caused by the development shall be managed so as to prevent ponding, accelerated erosion, or flooding of adjacent properties and roads.
3. No tent, camp site, or building shall be located within 50 feet of a neighboring lot line.



## **ORDINANCE NO. 2012-05**

4. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the campground and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.
5. No recreational vehicle shall remain in the campground for more than 30 days in any 60-day period.
6. The total number of parking spaces in the campground, except for the parking provided for the exclusive use of the manager or employees of the campground, shall be one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
7. The campground shall provide toilets, lavatories and showers for each sex in the following ratios: For each 15 recreational vehicle spaces or any fraction thereof, one toilet, one urinal, one lavatory and one shower for men; two toilets, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
8. The campground shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and 15 square feet of space for clothes drying lines for each 10 recreational vehicle spaces or any fraction thereof, unless such facilities are available within a distance of three miles and are adequate to meet these standards.
9. Required building spaces shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of 68 degrees Fahrenheit, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with floor drains adequate to permit easy cleaning.
10. Except for the access roadway into the campground, the campground shall be screened on all sides by a sight-obscuring fence not less than six feet in height, unless otherwise approved by the City.
11. A neat appearance shall be maintained at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the campground or to any guest of the park.
12. Evidence shall be provided that the campground will be eligible for a certificate of sanitation as required by state law.
13. Access to the campground shall be from an arterial or collector street.

### **G. Animal raising, care & processing**

1. Minimum lot area shall be 1 acre.

## ORDINANCE NO. 2012-05

2. No more than 2 recreation or meat/milk producing livestock animals shall be allowed per acre. This includes horses, cattle, llamas, goats, alpaca, sheep, pigs and similar species.
3. 12 chicken hens are permitted per half-acre, but not roosters.
4. 12 rabbits are permitted per half-acre.
5. No pens, runs, or buildings used for housing stock or processing shall be closer than 75 feet from neighboring lot lines.
6. If containing runs for more than 2 birds or mammals, the owner must provide evidence that waste products or manure will be removed weekly and not create a malodorous nuisance.
7. The animal raising, care, and/or processing use shall comply with all appropriate local, state, and federal environmental regulations.
8. Properties, which do not comply with the above requirements, shall have 6 months from the date of the adoption of this code to remove animals and manure piles so as to be in conformance with this code.

### **H. Establishment for the storage and/or sale of junk**

1. License. No person shall engage in business as a junk dealer, or maintain a junk yard without first having obtained a license from the City, for which license a fee in accordance with the schedule hereinafter set forth shall be paid to the City for the use of the City. The license shall be issued for the twelve month period beginning July 1 and ending June 30 of the following year, and each license must be renewed annually on or before the first day of July of each year.
  - a. Application for License. The license provided for in this ordinance shall be issued by the City after written application shall have been made therefore by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises on which such business is to be conducted, or such junkyard is to be maintained. Such license shall be posted conspicuously upon the premises thereunder. The written application for license described above shall be accompanied by a form, every question of which must be answered, and the form will be supplied by the City. Applicant shall also submit a plot of the premises used or to be used in connection with such license.
  - b. Issuance of License. Upon receipt of an application by the City, the City shall issue a license or shall refuse to issue a license to the person applying therefore after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purpose of the license, the character of the properties located nearby, and the effect of the proposed use upon the City, both economic and aesthetic. In the event the City shall issue a license, it may impose upon the license and the person applying therefore such terms and conditions in

## ORDINANCE NO. 2012-05

addition to the regulations herein contained and adopted pursuant to this ordinance as may be deemed necessary to carry out the spirit and intent of this ordinance.

- c. License Fee. A license fee, in an amount prescribed by City resolution/ordinance shall be paid immediately upon the issuance or renewal of a license.
- d. License Limitation. No person licensed under this ordinance shall, by virtue of one license, keep more than one place of business within the City or maintain more than one junkyard, for the purpose of buying, selling and dealing in junk. No person shall engage in business as a junk dealer in any place other than the place designated upon his/her license, or maintain a junkyard in any place other than the place designated upon his/her license.
- e. Transfer of License. No license issued by the City shall be transferable by the licenser to any other person unless such a transfer is authorized by the City. Any person desiring to transfer his/her license shall notify the City in writing, which notification shall be accompanied by an application for a license, as described in Section 4 of this ordinance, by the transferee.
- f. Transfer Fee. In the event the City shall approve the transfer of a license the transferee shall immediately pay to the City a transfer fee in an amount prescribed by resolution of the City Council.
- g. Regulations. Every person licensed under this ordinance shall constantly maintain the licensed premises in accordance with any special provisions imposed by the City and in the manner prescribed by this section and any subsequent regulations adopted by the City:
  - a. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.
  - b. No garbage or other organic waste shall be stored in such premises.
  - c. Whenever any motor vehicles shall be received in such premises as junk, all gasoline and oil shall be drained and removed therefrom. Gasoline in an amount not exceeding ten (10) gallons may be stored above ground in said junk yards provided the same be placed in containers approved by appropriate authority. All other gasoline which is kept in the premises shall be stored underground, which underground storage must be approved by appropriate authority.
  - d. The manner of storage and arrangement of junk, and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises, and to facilitate access for firefighting purposes.
  - e. The lot on which such are located shall be enclosed on all sides, except for an entrance and exit not over 25 feet in width, by a solid fence or wall at least 6 feet in height and maintained in good condition. As an alternative, a cyclone, or equal,

## ORDINANCE NO. 2012-05

wire fence at least 6 feet in height and surrounded, except for exit and entrance described above, by evergreens at least 6 feet in height and planted no further than 6 feet apart so as to form a solid screen may be used.

- f. The premises to be licensed shall be set back a minimum distance of 200 feet from the center of any road and a minimum distance of 100 feet from all other property lines. The area between the set back line and the road and all other property lines shall be at all times kept clear and vacant.
- g. It shall not emit any offensive odors or noxious, toxic, or corrosive fumes or gases.
- h. It shall not exhaust into the air any excessive dust or smoke.
- i. It shall be carried on only in buildings classified as fire-resistant and be carried on in such a manner and with such precautions against fire and explosion hazards as to produce no exposure hazards to an adjacent property.
- j. It shall not discharge any wastes, whether liquid or solid, into river/sloughs or streams, including any surface and underground waters – both natural and artificial unless approved by the City and/or any other public regulatory agency which has jurisdiction in water quality.

### **I. Sanitary landfills, solid waste transfer station, or similar facilities for processing and disposal of solid waste**

- 1. The applicant shall comply with all applicable regulations and requirements of the State of Oregon and shall present to the City an approved permit for the proposed facility.
- 2. The applicant shall grant a right of entry to the proposed facility to the City or its authorized representatives, upon written request by the City, in order to inspect the facility and ensure that all applicable regulations and requirements are being met while the facility is in operation.
- 3. The City may impose other conditions, based on consideration of the unique physical conditions and natural and man-made characteristics of the proposed facility site and its surroundings, which do not violate the minimum standards of the State of Oregon and which are reasonably necessary to provide maximum protection to the City's underground and surface water supplies and to minimize adverse impacts to surrounding properties.

### **J. Large land area commercial recreation uses**

In order to allow such uses, which require large land area in a rural or low-density development setting, but also generate above-normal traffic and related activity, the following requirements must be met:

- 1. A full plan of the proposed activity and land area to be utilized and a plan for traffic circulation and ingress to/egress from the site must be presented.

## ORDINANCE NO. 2012-05

2. Any club house or other buildings for use of the public shall be located at least 100 feet from any property line.
3. The use shall not produce or cause to be produced noise or lighting that results in a hazard or a nuisance to neighboring properties.
4. Permanent facilities for stock car or other motorized vehicle racing is prohibited

### **K. Mineral excavation**

**General** – Excavation of sand, soil, gravel, coal, oil, natural gas, or other minerals from the ground may be permitted only in the I and F Zones and only as a conditional use upon application to and approval by the City. Conditional approval and these regulations do not apply where such excavation activities are to be conducted entirely as a non-commercial accessory or subordinate use to a principal use permitted by the zone.

**Conditions** – Prior to approval of the excavation activities by the City, the applicant for a conditional use shall comply with the following conditions:

1. An approved permit from the State of Oregon, if needed, shall be presented to the City.
2. The applicant shall guarantee that a notice of the final inspection conducted by the State of Oregon, if needed, will be provided to the City in order that the City has the opportunity to participate in the inspection.

### **L. Wireless Telecommunication Facilities and Uses**

**Definitions** – It is the purpose of this subsection, together with its subparagraphs to provide clear and concise definitions of those words, terms and phrases most commonly utilized in the provisions of these regulations in order to assist any interpretations of said provisions and to insure uniformity of application. The following definitions are intended to supplement the definitions contained in Article III.

1. **Communication Antenna:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. The definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.
2. **Communication Equipment Building:** An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas..
3. **Communication Tower:** A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support Communication Antennas.

**ORDINANCE NO. 2012-05**

4. Height of a Communication Tower: The vertical distance measured from the ground level to the highest point on a Communication Tower, including antennas mounted on the tower.
5. Public Utility Transmission Tower: A structure, owned and operated by a public utility electric company regulated by the State or Federal government, designed and used to support overhead electricity transmission lines.
6. Private HAM operator towers and antennae must comply with all local, State and Federal rules. This includes the maximum height restriction permitted in the specific zones.

**Permitted Types of Wireless Telecommunication Facilities in the City’s Zones:**

| Type of equipment  | RSF<br>RMF<br>RMP<br>TA<br>CN | C | CRMX<br>CMX | I | F |
|--|-------------------------------|---|-------------|---|---|
| Communication antennas mounted on existing public utility transmission towers  | C                             | X | X           | X | X |
| Communication antennas mounted on existing public buildings                    | C                             | X | X           | X | X |
| Communication antennas mounted on existing public structures                   | C                             | X | X           | X | X |
| Communication antennas mounted on existing private buildings and/or structures | C                             | X | X           | X | X |
| Communication equipment building   | C                             | X | X           | X | X |
| Communication tower  | C                             | X | C           | X | X |

(X indicates the equipment listed is permitted in that zone and C indicates the equipment listed is a conditional use in that zone)

**Regulations governing Communication Antennas and Communications Equipment Buildings:**

1. Building mounted Communication Antennas shall not be located on any single-family, two-family or multi-family dwelling.
2. Building mounted Communication Antennas shall be permitted to exceed the height limitations of the applicable zone by no more than twenty (20) feet.
3. Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches diameter.
4. Directional or panel Communication Antennas shall not exceed five (5) feet in height and three (3) feet in width.

## ORDINANCE NO. 2012-05

5. Any applicant proposing Communications Antennas to be mounted on a Building or other structure shall submit evidence from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.
6. Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the City for compliance with this Zoning Ordinance.
7. Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit to the City evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications equipment Building can be accomplished.
8. Communication Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.
9. Communication Antennas shall not cause radio frequency interference with other communications facilities located in Deschutes County.
10. A Communication Equipment Building shall be subject to the height and setback requirements of the applicable zone for an accessory structure.
11. The owner or operator of Communications Antenna shall be licensed by the Federal Communications Commission to operate such antennas.
12. Any applicant proposing Communications Towers to be constructed shall submit evidence from a registered professional engineer certifying that all Facilities will be constructed to meet Federal, State, and Local requirements for loads.
13. The Tower foundation and base, as well as any other communications equipment buildings, shall be screened from the abutting properties.
14. The applicant and owner of record of any Wireless Telecommunications Facilities must supply a facility removal plan and provide evidence that removal expenses have been properly estimated. The owner must file, at its cost and expense, a security performance bond with the City to insure the removal of abandoned or unused facilities.
15. Any unused or abandoned Wireless Telecommunications Facilities must be dismantled by the permit holder within one year of the date of abandonment. After this timeframe, the City may use the security bond to dismantle the abandoned tower.

## ORDINANCE NO. 2012-05

### **Additional Criteria for the new construction of Communications Towers**

1. All Wireless Telecommunications Towers shall have a security fence installed around the tower base no less than 50 feet in any direction and no less than eight foot height. Additional fencing may be required to protect the public from operational energy.
2. All applicants must co-locate on existing towers or locate on land owned or leased by the City or County. If the applicant does not do this, they must prove hardship as to why they could not co-locate or locate on City or County lands before they can construct a tower on private land.

### **M. Visibility at intersections – Clear Vision Area**

On a corner lot in any zone, no structure, sign, solid fence or wall, hedge or other planting shall be erected, placed or maintained at a height of more than thirty (30) inches above the grade at the edge within the triangle formed by the road edges and a straight line joining said edges at points which are thirty (30) feet distant from their point of intersection.

### 13. SITE PLAN REVIEW

#### **GENERAL CONDITIONS.**

In addition to the standards and conditions set forth in a specific zone, (if found to be necessary and supported with adequate findings) additional conditions may be imposed by the City which are found to be necessary to avoid a detrimental impact on adjoining properties, the general area or the city as a whole, and to otherwise protect the general welfare and interests of the surrounding area. The 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 restrictions to minimize environmental impacts such as noise, vibration, air or water pollution, glare and odor.

(B) Establishing a special setback or other open space requirements, and increasing the required lot size or other dimensional standards.

(C) Limiting the height, size or location of a building or other structure or use.

(D) Increasing street width and/or requiring improvements to public streets and other public facilities serving the proposed use, even including those off-site but necessary to serve the subject proposal.

(E) Designating the size, number, improvements, location and nature of vehicle access points and routes, and requiring pedestrian and/or bicycle ways.

(F) Limiting or otherwise designating the number, size, location, height and lighting of signs and outdoor or security lighting, and the intensity and/or direction thereof.



## ORDINANCE NO. 2012-05

(G) Requiring screening, fencing or other improvements or facilities deemed necessary to protect adjacent or nearby properties, and establishing requirements or standards for the installation and maintenance thereof.

(H) Protecting and preserving existing trees, other vegetation and water, scenic, historic, archaeological, unique, landmark or other natural or manmade significant resources.

### 13. SITE PLAN REVIEW .

#### (A) Purpose.

(1) The purpose of the site plan review provisions of this section are to insure that development within the city complies with standards and limitations set forth within the applicable zone, by other city standards and requirements and by applicable county, state and federal regulations.

(2) This broad purpose is furthered by the following specific purposes of site plan review.

(a) To implement the goals and policies of the Comprehensive Plan.

(b) To foster development that is designed, arranged and constructed in a manner that provides a safe, efficient and aesthetically pleasing community asset.

(c) To encourage originality and creativity in site design, architecture and landscape design.

(d) To ensure that the arrangement of all functions, uses and improvements of a development reflect the natural amenities, capabilities and limitations of its site and adjacent areas.

(e) To encourage development where the various structures, use areas and site elements are integrated in a manner that is visually harmonious within the development and the surrounding area.

(f) To encourage development and landscape design that complements the natural landscape and setting, improves the general appearance of the community and enhances specific elements of the manmade environment, both presently and historically.

(B) Applicability. The following uses and development shall be subject to the provisions of this section.

(1) All new construction or new development except for single family residences, manufactured dwellings, mobile homes, modular homes and their accessory structures unless provided otherwise in this chapter.

(2) An exterior alteration or modification to an existing nonresidential use or structure, which is subject to site plan review and/or is subject to regulation under the provisions of this chapter, except for painting, replacement of roofing and siding, and other normal

## ORDINANCE NO. 2012-05

maintenance and upkeep requirements which are not subject to regulation under the provisions of this chapter or any other applicable city, county, state and/or federal regulations.

(3) Any alteration or modification of site improvements, such as the landscaping, parking and/or loading facilities and areas, in conjunction with an existing nonresidential use which is subject to site plan review and/or is subject to regulation under the provisions of this chapter.

(C) Site Plan approval required. Site Plan review and approval, as specified by this section, shall be required prior to the following.

(1) Site clearance activities such as grading, excavation or filling for any use or development requiring a permit pursuant to this chapter.

(2) The issuance of a building or development permit for any use or development requiring city approval pursuant to this chapter.

(D) Site Plan review procedure. The following procedure shall be used in reviewing site development plans.

(1) Pre-application conference. Prior to applying for site plan approval, applicants should and may meet with the city Planning Director, Building Official and Public Works Director, or designees thereof, and present a preliminary plan which shall contain, in an approximate manner, the information required on a design review plan application.

(a) The purpose of the preliminary site plan review is to enable the applicant to obtain advice from the city as to the intent, standards, criteria and provisions of this section, this chapter, other city ordinances, standards and regulations, and state and federal rules and regulations which may be pertinent to the proposal.

(b) Information presented for preliminary discussion shall be considered confidential if so requested by the applicant.

(2) Consolidation of land use actions. Where a proposed use or development requires a variance, setback reduction, conditional use, partitioning, subdivision or other action which requires site plan or Planning Commission approval, the site plan review and applicable land use action by the respective reviewing authority may be combined into a single process.

(3) Application. A property owner or authorized representative thereof may initiate a request for site plan review by filing an application with the city using forms prescribed by the city together with the required filing fee. In addition to the application form, the applicant shall submit that which is listed below.

(a) Requirements for information to be submitted. Information provided on the site plan shall conform to the following.

## ORDINANCE NO. 2012-05

1. Drawings depicting the proposal shall be presented on sheets not larger than 24 inches by 36 inches in the number of copies directed by the city, but in no case less than five nor more than ten.

2. To facilitate public reviews and notice, at least one copy of the proposal shall be provided on a sheet of paper not larger than 11 inches by 17 inches.

3. Drawings shall be at a scale sufficiently large enough to enable all features of the design to be clearly discerned.

4. The city may require that the drawing, development plan or other information be provided to the city on computer disk in a format adaptable to the city's computer systems.

(b) Site analysis diagram. If required by the reviewing authority, this element of the site plan, which may be in schematic or free hand form to scale, shall indicate the following site characteristics.

1. Location and species of existing trees greater than six inches in diameter when measured four feet above the natural grade, and an indication of which trees are proposed to be removed.

2. On sites that contain steep slopes, potential geological hazard or unique natural features that may affect the proposed development, the city may require contours mapped at two-foot intervals.

3. Natural drainage ways, depths of any ground water tables less than 12 feet, any areas of surface water accumulations and any other significant natural features.

4. All buildings, roads, retaining walls, curb cuts and other manmade features, both existing and proposed.

5. Natural features, including trees, riparian habitat and stream channels and structures on-site or on adjoining properties that have or may have a visual or other significant relationship with the site and the proposed development thereon.

(c) Site photographs. Photographs depicting the site and its relationship to adjoining sites and the general area are extremely valuable, should be provided, and may be required by the reviewing authority.

(d) Site development plan. The site plan shall indicate the following.

1. Legal description of the property.

2. Boundary dimensions and site area.

3. Location of all existing and proposed structures, including distances from the property lines.

## ORDINANCE NO. 2012-05

4. Area of the site to be covered by structures, existing and proposed, and the percentage of site coverage thereby.
5. All external dimensions of existing and proposed buildings and structures.
6. Location of building entrances and exits.
7. Parking and circulation areas, including their dimensions.
8. Service areas, for such uses as the loading and delivery of goods.
9. Locations, descriptions and dimensions of easements as may be applicable.
10. Grading plans, including spot elevations and contours at intervals close enough to convey their meaning.
11. Location of areas to be landscaped.
12. Outdoor recreation and/or play areas.
13. Pedestrian and bicycle circulation.
14. Location of mechanical equipment not enclosed within a building, garbage disposal areas, utility appurtenances and similar structures.
15. Exterior lighting.
16. Location, size and method of illumination of signs.
17. Provisions for handicapped persons.
18. Other site elements which will assist in the evaluation of site development.
19. Location, names, surface and right-of-way widths and improvement standards of all existing and proposed streets within or adjacent to the proposed development.

(e) Accompanying written summary. In addition to the foregoing site development plan requirements, a written summary of the proposal should be provided and may be required showing the following, (unless such is shown on the site development plan).

1. Commercial and nonresidential development. For commercial and nonresidential development:

## ORDINANCE NO. 2012-05

- a. The square footage contained in the site area to be developed.
  - b. The percentage of the area to be covered by structures when developed.
  - c. The percentage of the area to be covered by parking areas and the total number of parking spaces.
  - d. The total square footage of all landscaped areas, including the percentage consisting of natural materials and the percentage of hard surfaced areas such as courtyards.
2. Residential development. For residential development:
- a. The total square footage of the lot or parcel and in the structures in the development.
  - b. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, for example, ten one-bedroom, 25 two-bedroom and the like).
  - c. Percentage of lot coverage by structures, way areas, recreation areas and landscaping.
- (f) Landscape plan. If required by the reviewing authority, a landscape plan shall be submitted and shall indicate the following.
1. The size, species and locations of plant materials to be retained or placed on site.
  2. The layout of irrigation facilities.
  3. Location and design details of walkways, plazas, courtyards and similar areas.
  4. Location, type and intensity of outdoor lighting.
  5. Location and design details of proposed fencing, retaining walls and trash collection areas.
- (g) Architectural drawings. This element of the site plan review, if required by the reviewing authority, shall indicate the following.
1. A plan specifying the building footprint and dimensions, including all points of access. Floor plans of interior spaces to the extent required to clarify access functions and the relationship of the spaces to decks, porches, balconies and stairs or other features

## ORDINANCE NO. 2012-05

shown on the building elevations. The floor plans shall be provided for all building floors and shall include appropriate dimensions.

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

3. Location and type of exterior light fixtures, including the lamp types and the levels of illumination that they provide.

4. Location, size and method of illumination of all exterior signs.

(h) Property survey. A survey of the property by a licensed land surveyor may be required, and if required the survey shall clearly delineate property boundaries, and show the location of the corners of proposed buildings and other significant features proposed for the site. The requirement for a survey of the exterior boundaries of a site may be waived where it is found that there is a recent survey that can be used to clearly establish the applicant's property boundaries.

(i) A written narrative addressing the applicable criteria listed subsection (E) of this section

(E) Site Plan Review criteria. To ensure that the stated purposes of the site plan review process are met, the reviewing authority shall be governed by the criteria of this division (E) as they evaluate and render a decision on a proposal.

(1) Statement of intent.

(a) The site plan review criteria are intended to provide a frame of reference for the applicant in the development of a site, building and landscape plans, as well as providing the city with a means of reviewing proposed plans.

(b) These criteria are not intended to be inflexible requirements, nor are they intended to discourage creativity. The specification of one or more architectural styles is not intended by these criteria.

(c) The reviewing authority is not authorized as a part of the design review process to approve projects which exceed specific development standards set forth by the applicable zone unless the exceptions are approved in accordance with specific variance or other provisions set forth in this chapter.

## ORDINANCE NO. 2012-05

(2) Site Plan evaluation criteria. The following criteria shall be used in evaluating site development plans.

(a) The arrangement of all functions, uses and improvements has been designed so as to reflect and harmonize with the natural characteristics and limitations of the site and adjacent sites.

(b) In terms of setback from streets or sidewalks, the design creates a visually interesting and compatible relationship between the proposed structures and/or adjacent structures.

(c) The design incorporates existing features, such as streams, rocks, slopes, vegetation and the like, as part of the overall design.

(d) Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining landscape/open space in order to create a pedestrian/bike pathway and/or open system that connects several properties or uses.

(e) The arrangement of the improvements on the site do not unreasonably degrade the scenic values of the community and the surrounding area in particular.

(f) Where appropriate, the design includes a parking and circulation system that encourages a pedestrian and/or bicycle rather than vehicular orientation, including a separate service area for delivery of goods.

(g) The design gives attention to the placement of storage, mechanical equipment, utilities or waste collection facilities so as to screen such from view, both from within and from outside the site.

(3) Landscape design evaluation criteria. The following criteria shall be used in evaluating landscape plans.

(a) The overall design substantially complements the natural environment of the city and the character of the site and the surrounding area.

(b) The design acknowledges the growing conditions for this climatic zone, and the unique requirements that its specific site location makes upon plant selection.

(c) Provision has been made for the survival and continuous maintenance of the landscape and its vegetation.

(d) The design contributes to the stabilization of slopes and the protection of other natural features and resources where applicable.

## ORDINANCE NO. 2012-05

(F) Revision of plans. Construction documents (that is, plans, drawings and specifications) shall conform to all aspects of the approved design review plan. Where circumstances, unknown or unforeseen at the time the plans are approved, make it undesirable or unfeasible to comply with some particular aspect of the approved plan, the applicant shall request in writing that the city review needed and/or proposed modifications. The reviewing authority that originally approved the plans shall review the proposed modifications to determine whether they constitute a major or minor revision of the approved plans.

(1) Major modifications.

(a) Major modifications are those which result in a significant change in the initial plans. The following are examples of major modifications: changes in the siting of a building; modification of areas to be landscaped; and modifications to a plan element that was the subject of a design reviewing authority condition of approval.

(b) If the reviewing authority determines that the proposed change is a major modification, the proposed alteration shall be reviewed and processed in the same manner as the original application and as a new application, however the fee shall only be 50% of the original application fee.

(2) Minor modifications.

(a) Minor modifications are those which result in an insignificant change in the initial plans. Examples are: limited dimensional or locational changes to building elements such as doors; changes in building materials where only a limited area is affected; and substitution of landscape materials which do not affect the overall landscape design.

(b) If the city determines that the proposed change is a minor modification, the reviewing authority may proceed with the review of the plans; however, if the reviewing authority is different than the original reviewing authority, the original reviewing authority shall be notified of the proposed change and given an opportunity to comment relative thereto prior to final approval of such change.

(G) Performance assurance.

(1) Landscaping and other site improvements required pursuant to an approved design review plan shall be installed prior to the issuance of a certificate of occupancy or final inspection, unless the property-owner and/or applicant submits a performance assurance device that is approved by the city committing the installation of landscaping and other site improvements within one year.



## ORDINANCE NO. 2012-05

- (2) In no case shall the performance be delayed beyond the one-year period for more than six months unless approved otherwise by the City. Acceptable performance assurances shall be in compliance with the provisions of this chapter or as otherwise approved by the City.

### LANDSCAPING REQUIREMENTS.

The following minimum landscape requirements are established for all developments subject to site plan approval, unless approved otherwise by the reviewing authority.

(A) Exemption. The provisions of this section may be exempted for uses existing on or before the effective date of this ordinance that are a permitted use in a specific zone in an existing building or buildings on a lot or parcel of land of the scale that there is no remaining room for landscaping; this exemption shall also apply to the exterior remodeling and/or expansion of not more than 25% of the total square footage of all enclosed structures on a lot or parcel existing under a unit ownership on or before the effective date of this ordinance.

(B) Area required. Except as approved otherwise by the City, the following minimum percent of a parcel area shall be landscaped for the following uses.

- (1) Duplexes and triplexes: 25%
- (2) Multi family dwelling complexes containing four or more units: 20%
- (3) Commercial uses not in the C Zones: 15%.
- (4) Industrial uses: A minimum five-foot landscaped buffer along any adjoining public right-of-way of a collector or arterial street or highway, which may be computed toward an overall requirement of 10%.
- (5) Minimum area requirements may include landscaping around buildings, in parking and loading areas, outdoor recreational use areas, screening and buffering areas, and surface water drainage areas.

(C) Landscaping defined. Required landscaping may include, but is not limited to, a combination of any of the following materials: living plant material such as trees, shrubs, groundcover, flowers and lawn (including native vegetation); and nonliving materials such as benches, walkways and courtyards, consisting of brick, decorative rock or other decorative materials.

(D) Existing vegetation. Existing site vegetation may be utilized to the maximum extent possible consistent with building placement and the applicable proposed landscape plan.

(E) Parking lots. Parking areas may be required to be landscaped in accordance with the following minimum requirements.

## ORDINANCE NO. 2012-05

(1) In commercial and residential developments, parking areas shall be divided into bays, and between or at the end of each parking bay a curbed planter containing at least 16 square feet may be required.

(2) If required, each planter shall contain at least one tree or shrub and ground cover.

(3) The areas shall be designed to be protected from being damaged by vehicles using the parking area.

(4) Unless sidewalks are provided adjacent to a structure, customer or resident parking areas should be separated from the exterior wall of a commercial or residential structure by a minimum five-foot strip of landscaping.

(5) Where a parking, loading or driveway area serving a multi family, commercial, industrial or government use abuts a public right-of-way of a collector or arterial street or a local street across from a residential zone, or abuts a residential zone, a screen planting or other approved landscaped planter strip may be required between the parking area and the right-of-way without encroaching into a clear vision area or sidewalk.

(F) Buffering and screening. When required, buffering and screening areas shall conform to the following minimum requirements.

(1) Purpose. The purpose of buffering and screening requirements are to reduce the impacts of a proposed use on adjacent uses and zones which provide for different types of uses. The City may waive or reduce the requirements where existing topography or vegetation is appropriate or otherwise negates the effectiveness or intended purpose or benefits of the buffering and screening.

(2) An aesthetic and/or noise reducing landscaped buffer may be required between land uses as follows.

(a) Commercial uses abutting a residential zone, public recreation area or use, institutional use, scenic resource, noise sensitive use or public right-of-way.

(b) Industrial uses abutting residential or commercial zones, public recreation area or use, institutional use, scenic resource, noise sensitive use or public right-of-way.

(c) Multi family complexes containing four or more units abutting a residentially zoned parcel that is limited to single family residential use, public recreation area, scenic resource, institutional use or public right-of-way.

(d) Manufactured or mobile dwelling subdivision or park abutting a residentially zoned parcel that is limited to single family residential use, public recreation area, scenic resource, institutional use or public right-of-way.

## ORDINANCE NO. 2012-05

(e) Public or private recreation area or facility abutting a residential or commercial use, institutional use, scenic resource, noise sensitive use or public right-of-way.

(3) A buffer or screening area may only be occupied by screening utilities and landscaping materials, but the same may be located within the required yard or setback requirements provided vision clearance requirements are complied with.

(4) In lieu of the foregoing requirements, an applicant may provide for landscaping and screening, including plantings, fences, walls, walks and other features designed to afford the same degree of buffering as the standards above. A plan and specifications for an alternative shall be reviewed and approved by the review authority.

(G) Plant material installation standards. Except as otherwise approved by the city, the following standards shall apply to plant materials and the installation thereof as provided in accordance with the provisions of this section.

(1) Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.

(2) Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.

(3) Shrubs shall be supplied in one gallon containers or six-inch burlap balls with a minimum spread of 12 inches.

(4) Rows of plants should be staggered to provide for more effective coverage.

(H) Maintenance and plant survival. All landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.

### 14. CONDITIONAL USES

#### AUTHORIZATION TO GRANT OR DENY.

Conditional uses may be permitted, enlarged or otherwise altered when authorized in accordance with the standards and procedures set forth in this ordinance. In the case of a use listed as conditional existing prior to the effective date of this ordinance, a change in use, enlargement or alteration of such use shall conform with the provisions of a conditional use if so classified. Any new or transferred owner or assign is required to abide by the authorized permit. An application for a conditional use may be approved, modified, approved with conditions or denied by the City.

## ORDINANCE NO. 2012-05

### GENERAL CRITERIA.

In determining whether or not a conditional use proposal shall be approved or denied, it shall be determined that the following criteria are either met or can be met through compliance with specific conditions of approval.

(A) The proposal is in compliance with the requirements set forth by the applicable primary zone, by any applicable combining or overlay zone, and other provisions set forth by this ordinance that are determined applicable to the subject use.

(B) That, for a proposal requiring approvals or permits from other local, state and/or federal agencies, evidence of the approval or permit compliance is established or can be assured prior to final approval.

(C) The proposal is in compliance with specific standards, conditions and limitations set forth for the subject use in the applicable zone, this section and this ordinance.

(D) That no approval be granted for any use which is or expected to be found to exceed resource or public facility carrying capacities, including but not limited to: transportation water, sewer, and utility systems.

(E) For any use which is found to require compliance with air, water, land, solid waste and/or noise pollution standards, that the compliance be a condition of approval and compliance therewith shall be a continuing condition.

### PERMIT AND IMPROVEMENTS ASSURANCE.

An application for a conditional use permit may be required to furnish the City with a performance bond or other form of assurance in an amount equal to the estimated value of required improvements and other aspects of a proposed use as deemed necessary to guarantee development in compliance with the standards and conditions set forth in the approval of a conditional use.

## 15. VARIANCES

### AUTHORIZATION TO GRANT OR DENY VARIANCES.

(A) Variances from the provisions and requirements of this chapter may be approved in accordance with the provisions of this section where it can be shown that, owing to special and unusual circumstances related to a specific lot, parcel or tract of land, strict application of certain provisions of this chapter would cause an undue or unnecessary hardship.

(B) No variance shall be granted that would allow the use of property for a purpose not authorized within the zone in which the proposed use or development is located.

(C) In granting a variance, conditions may be attached that are found necessary to protect the best interests of the adjoining or surrounding properties or the vicinity, and to

## ORDINANCE NO. 2012-05

otherwise achieve the purposes of this chapter, the specific applicable zone and the objectives and policies of the City's Comprehensive Plan.

### CIRCUMSTANCES FOR GRANTING VARIANCES.

A variance may be granted unqualifiedly, or may be granted subject to prescribed conditions and limitations, provided that the following findings are evident.

(A) That the literal application of specific provisions of the chapter would create practical difficulties for the applicant resulting in greater private expense than public benefit. However, a variance is not to be granted simply because it would afford the owner a higher profit or prevent a mere inconvenience.

(B) That the condition creating the difficulty is not general throughout the surrounding area, but is unique to the applicant's site or property; therefore, the granting of the requested variance will not set a precedent for future applications.

(C) That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew or should have known of the specific restriction or provision at the time the site was purchased. Self-created hardship also results when an owner and/or developer negligently or knowingly violates a provision of this chapter.

### MINOR VARIANCES.

For the purposes of this ordinance, a MINOR VARIANCE is an area or dimensional variance that meets one of the following conditions. Only one such variance may be granted for any one lot, parcel or tract of land.

(A) Is a variance request involving a deviation from a minimum lot size requirement of not more than 10%.

(B) Is a variance request involving a deviation from a yard or setback requirement of not more than 25%.

(C) Involves a request for the expansion of a nonconforming use by not more than 10%.

### 16. SIMILAR USES

(A) The City may authorize a use that is not specifically listed in a specific zone if the use is of the same general type as other uses permitted in the subject zone, unless the City finds the following.

(1) The proposed use is specifically permitted in another zone; or

(2) The proposed use is more similar to uses provided for in another zone; and

(3) That the permitting of the proposed use in the zone requested would be detrimental to the intent and purpose of the zone and this chapter in general.

## ORDINANCE NO. 2012-05

(B) The application for and processing procedure for a similar use approval shall be as required for a land use decision as listed in the City Land Use Procedures Ordinance.

### 17. EXCEPTIONS

(1) Exceptions may be allowed by the City for a use or structure that may not be appropriate generally or without restriction throughout a zone but which, if controlled as to number, area, location or relation to neighborhood, would promote the public health, safety, welfare, comfort, convenience or the general welfare.

(2) Procedure. All applications for an exception shall be submitted to the City. A site plan may be required for an exception and it shall be submitted with the application. The application may also be accompanied by any other material or information necessary to demonstrate that the grant of an exception will be in harmony with the general intent and purpose of these zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public interest. The City Manager shall refer all applications and accompanying materials to the Planning Commission for review and consideration consistent with the City Procedures Ordinance.

#### . (3) Conditions and Safeguards.

(a) Standards for granting Exceptions. Exceptions may approved when all of the following conditions can be met:

(1) The establishment, maintenance, or operation of the exception will not be detrimental to, or endanger the public health, safety, or general welfare of the community.

(2) The exception will not significantly affect the uses of other property in the immediate vicinity for the purposes already permitted.

(3) The proposed use will not create a look of clutter, garishness, glare or creates an obnoxious noise level, or would generate any other incompatibility with surrounding neighborhood.

(4) The use furthers the purposes of this ordinance which implements the Comprehensive Plan.

(5) The establishment of the exception will not impede the normal and orderly development and improvement of the surrounding property.

(6) Adequate facilities, access roads, drainage and/or necessary services will be provided.

(7) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(8) If the exception involves a public use or a use providing public utility service, that such use or service shall meet a demonstrable public need and provide a public benefit.

## ORDINANCE NO. 2012-05

(9) Lot area, lot width and setbacks meet or exceed minimum requirements and are adequate for the proposed use. When there is an existing nonconforming structure, this provision may be waived by the City.

### (b) Conditions, guarantees and validity period.

(1) Prior to the granting of any exception, the City may place conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation of the exception as is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in paragraph 5(a). In all cases in which exceptions are subject to conditions, the City may require evidence and guarantees as it may deem necessary (as proof that the stipulated conditions are being and will be complied with).

(2) Exceptions shall expire if the use is discontinued for a period of eight (8) months. If a building permit is required, and has not been obtained within twelve (12) months of the issuance of the exception permit, the applicant must request in writing and the Planning Commission may approve an extension if it finds there is no significant change to warrant a new special use permit application.

(3) Exceptions shall become effective upon approval by the City. A record of the exception shall be kept in the City's files.

(4) Failure to comply with all provisions or conditions placed on an exception permit shall render the permit void and require reapplication or in some cases be deemed a violation of the zoning code and enforceable under the provisions of this ordinance.

(5) Any requested changes to an exception shall be reviewed in the same manner as the original request. In some cases, such changes may require a determination of a more appropriate process such as Variance or Similar Use authorization.

## 18. EXEMPTIONS

Exemptions may be allowed by the City for the following uses:

### LOT SIZE REQUIREMENTS.

The following exemptions to minimum lot size requirements shall apply.

(A) (1) If, at the time of enactment of this ordinance, a lot or aggregate of contiguous lots or parcels held in a single ownership has an area or dimensions which do not meet the lot size or dimensional requirements of the applicable zone, the lot or aggregate holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone; providing however, residential use shall be limited to single family dwelling unit or to the number of dwelling units consistent with the equivalent densities of the zone.

## ORDINANCE NO. 2012-05

(2) Any parcel of land or portion thereof, which is to be dedicated to a public, semi-public or public utility for a park, school, road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements of this chapter and the applicable zone.

(B) For all other lot size requirements in all other zones, applicants may propose approval of exceptions following the procedure listed above in Section 5.

### YARD OR SETBACK REQUIREMENTS.

The following exemptions to yard or setback requirements are authorized for a lot or use in any zone.

(A) If there is a lot where there are buildings on abutting lots, and the buildings are within 100 feet of the intervening lot, and the buildings have front yards less than the required front yard for the applicable zone, the depth of the front yard for the subject lot need not exceed the average depth of the front yards of the abutting lots.

(B) If there is a building on only one abutting lot within 100 feet with a front yard less than the required front yard for the zone, the front yard of the subject lot need not exceed a depth one-half way between the depth of the yard on the abutting lot and the required front yard of the applicable zone.

(C) Architectural features such as cornices, eaves, sunshades, canopies, gutters, chimneys and flues may project into a required yard two feet, provided that the projection is not closer than three feet to a property line, and, drainage or snowdrift does not flow onto abutting properties or right of way, and, fumes from woodstoves are not directed to other properties. Steps, terraces, platforms, patios, decks and porches having no roof covering, and fences not interfering with vision clearance requirements or drainage requirements may be permitted in required yards, except as otherwise limited or provided for by this ordinance, or as otherwise approved by the city.

### MINOR REPAIR/REHABILITATION.

Nonconforming uses, activities involving rehabilitation, replacement, minor betterment, repairs and maintenance, improvements and other similar construction activities involving a lawful use permitted within a specific zone are exempt from the permit requirements of this ordinance unless specifically regulated herein and provided the activities do not change the use or expand the capacity of use.

### PUBLIC STREET/HIGHWAY IMPROVEMENT.

The following public streets and highway improvement activities are permitted outright in all zones and are exempt from the permit requirements of this ordinance.

(A) Installation of additional and/or passing lanes, including pedestrian ways and/or bikeways, within a public street or highway right-of-way existing as of the effective date of this chapter, unless such adversely impacts on-street parking capacities and patterns.



## ORDINANCE NO. 2012-05

(B) Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, and/or no new land parcels result.

(C) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time when no longer needed.

(D) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations, waysides, and, rest areas within a right-of-way existing as of the effective date of this ordinance. In addition, also exempt are contiguous public-owned property utilized to support the operation and maintenance of public roads and highways provided such is not located within a duly designated Residential Zone, or adjacent to or across the street from a lot or parcel within such a zone.

(E) The construction, reconstruction, or modification of a public street or highway that is identified as a priority project in a transportation system plan (TSP) or the State Transportation Improvement Plan (STIP) that was duly adopted on or before the effective date of this chapter.

(F) The design, construction, operation, and maintenance of a tourist-oriented or public wayside.

### PUBLIC FACILITIES IMPROVEMENT.

Minor betterment, improvements, replacement or reconstruction of existing public facilities such as sewer and water lines, storm water drainage facilities, sidewalks and other pedestrian ways or facilities, bikeways and similar public facilities within rights-of-ways and easements for the purposes existing on or before the effective date of this ordinance, or on contiguous publicly-owned property designated, intended or utilized to support the facilities, or the facilities that are set forth within an adopted public facilities plan or other capital improvement plan duly adopted on or before the effective date of this ordinance, are exempt from permit requirements, unless specifically set forth otherwise.

### 19. OFF-STREET LOADING AND PARKING

A. Applicability – Off-street loading and parking spaces shall be provided in accordance with the specifications of this section in all zones whenever any new use is established, an existing use is enlarged, or an existing use of land or structure is changed to a new use. Such new, enlarged, or changed use shall fully comply with the specifications of this section prior to being given a certificate of use and occupancy.

B. Off-street loading – Every commercial and industrial use which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading spaces in sufficient number to adequately serve the number and frequency of vehicle shipping and receiving projected for the use. The permit applicant shall provide supporting evidence of the projected shipping and receiving and how the number of spaces to be provided will be adequate. Each off-street loading space shall not be less than 12 feet wide by 55 feet long. Off-street loading space(s) shall also have adequate adjacent area for vehicle maneuvering so that vehicles

**ORDINANCE NO. 2012-05**

using the space(s) are not required to back-up onto or back-up from a public street or alley to use the space.

C. Off-street parking – Every use shall provide off-street parking as specified in this section. Each off-street parking space shall meet the following table (except that single-family dwellings may use driveways for off-street parking spaces) and shall be in usable shape and condition.

**Parking Stall Dimensions**

| <b>Parking Angle</b> | <b>Stall Width</b> | <b>20' Stall</b> | <b>Aisle Width (*one-way)</b> | <b>Curb length</b> | <b>Bay Width</b> |
|----------------------|--------------------|------------------|-------------------------------|--------------------|------------------|
|                      | 9'-0"              | 9.0              | 12.0                          | 22.0               | 30.0             |
| <b>0°</b>            | 9'-6"              | 9.5              | 12.0                          | 22.0               | 31.0             |
|                      | 10'-0"             | 10.0             | 12.0                          | 22.0               | 32.0             |
|                      |                    |                  |                               |                    |                  |
| <b>45°</b>           | 9'-0"              | 19.8             | 13.0                          | 12.7               | 52.5             |
|                      | 9'-6"              | 20.1             | 13.0                          | 13.4               | 53.3             |
|                      | 10'-0"             | 20.5             | 13.0                          | 14.1               | 54.0             |
| <b>60°</b>           | 9'-0"              | 21.0             | 18.0                          | 10.4               | 60.0             |
|                      | 9'-6"              | 21.2             | 18.0                          | 11.0               | 60.4             |
|                      | 10'-0"             | 21.5             | 18.0                          | 11.9               | 61.0             |
| <b>70°</b>           | 9'-0"              | 21.0             | 19.0                          | 9.6                | 61.0             |
|                      | 9'-6"              | 21.2             | 18.5                          | 10.1               | 60.9             |
|                      | 10'-0"             | 21.2             | 18.0                          | 10.6               | 60.4             |
| <b>90°</b>           | 9'-0"              | 20.0             | 24.0                          | 9.0                | 64.0             |
|                      | 9'-6"              | 20.0             | 24.0                          | 9.5                | 64.0             |
|                      | 10'-0"             | 20.0             | 24.0                          | 10.0               | 64.0             |

\* 24' minimum for two-way traffic

The minimum number of off-street parking spaces for each use is specified below:

| <b>Use</b>                         | <b>Required parking spaces</b>                             |
|------------------------------------|--|
| Single & multiple family dwellings | 2 for each dwelling unit                                   |
| Mobile home parks                  | 2 for each mobile home lot                                 |
| Housing for senior citizens        | 1 for each dwelling unit                                   |
| Hotels & motels                    | 1 for each guest room                                      |
| Funeral homes & mortuaries         | 25 for the first parlor plus 10 for each additional parlor |
| Hospitals                          | 1 for each bed   |

**ORDINANCE NO. 2012-05**

|  |  |
|--|--|
| Nursing homes  | 1 for each 3 beds  |
| Churches   | 1 for each 4 members but not less than 15% of total occupancy permitted by the Fire Marshal  |
| Schools  | 1.5 spaces per classroom, plus 1 space per 10 students. If the school is designed to accommodate related uses such as auditoriums, stadiums, theatres, and gymnasiums, additional parking shall be provided at a rate of 1 space per 4 seats. In the alternative, the City may accept a Parking Management Plan to determine required parking. |
| <b>Use</b>   | <b>Required parking spaces</b>   |
| Auto sales & service   | 1 for each 300 sq. ft. gross floor area  |
| Roller rinks   | 1 for each 500 sq. ft. gross floor area  |
| Sports arenas, stadiums, theaters, auditoriums, assembly halls | 1 for each 3 seats   |
| Community buildings, social halls, dance halls, clubs & lodges | 1 for each 60 sq. ft. of public floor area   |
| Bowling alleys   | 5 for each lane  |
| Banks & offices  | 1 for each 200 sq. ft. gross floor area  |
| Medical offices & clinics                                      | 1 for each 250 sq. ft. gross floor area  |
| Dental offices   | 1 for each 250 sq. ft. gross floor area  |
| Retail stores  | 1 for each 300 sq. ft. gross retail area   |
| Fast food & drive-in restaurants                               | 1 for each 150 sq. ft. of gross area   |
| Furniture stores   | 1 for each 1000 sq. ft. gross floor area   |
| Food supermarkets  | 1 for each 300 sq. ft. gross floor area  |

**ORDINANCE NO. 2012-05**

|  |   |
|--|---|
| Trailer & monument sales   | 1 for each 2,500 sq. ft. lot area   |
| Restaurants, taverns & night clubs   | 1 for each 150 sq. ft. of gross area  |
| Industrial & manufacturing establishments, warehouses, wholesale & truck terminals | 1 for each employee on the largest shift plus 1 for each 10,000 sq. ft. for visitors up to 10 additional spaces |
| Commercial recreation (not otherwise covered)                                      | 1 for each 3 persons maximum occupancy  |
| For uses not specified herein  | The city shall determine parking based on submission of technical data from applicant or City sources.          |

D. Location of off-street loading and parking spaces – Required off-street loading and parking spaces shall be located on the same lot with the principal use they are intended to serve. In no case shall a required loading space be part of the area used to satisfy the parking requirements and vice versa. Also, in no case shall the required loading or parking space(s) of one use be used to satisfy the loading or parking space requirements of another use.

E. Encroachment or reduction – A required loading or parking space shall not be encroached upon by a structure, storage, or other use, nor shall the number of spaces be reduced without replacement of a commensurate number of spaces in accordance with this section unless a special exception or variance has been approved.

**20. NON-CONFORMING USES**

A. Within the zones established by this ordinance or amendments that may later be adopted there exist lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance or future amendment.

B. Intent – It is the intent of this ordinance to permit these non-conformities to continue until they are removed. Such uses are declared by this ordinance to be incompatible with permitted uses in the zones involved.

C. Standard – A non-conforming use of a structure, a non-conforming use of land, or non-conforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment of additional signs to a building, or the placement of additional signs or display devices on the land outside the building, nor shall there be a change to or addition of a use prohibited in the particular zone. Non-conformities may be enlarged, expanded, changed, or added to only by variance granted by the City. Any such enlargement, expansion, changed use or added use shall meet any and all conditions and provisions specified for that type of use in this zone.

## ORDINANCE NO. 2012-05

D. Construction in progress – Nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

E. Non-conforming uses of land - Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance, except as specified by the exception process of this ordinance.
2. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.
3. If any such non-conforming use of land is abandoned by discontinuance for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the zone in which such land is located.

F. Non-conforming structures -Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on areas, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. A structure may be enlarged or altered in a reasonable amount only as approved by the City.
2. Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance unless an exception is granted by the City.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located after moved unless an exception is granted.

G. Non-conforming uses of structures - If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of adoption or amendment of this ordinance,

## ORDINANCE NO. 2012-05

that would be allowed in the zone under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. An existing structure devoted to a use not permitted by this ordinance in the zone in which it is located may be enlarged, extended, constructed, reconstructed, or structurally altered to any reasonable amount upon granting of an exception by the City.
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the City, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the zone than the existing non-conforming use. In permitting such change, the City may require appropriate conditions and safeguards in accord with the provisions of this ordinance.
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone in which such structure is located, and the non-conforming use may not thereafter be resumed.
5. When a non-conforming use of a structure, or structure and premises in combination, is abandoned by discontinuance for twelve (12) consecutive months, the structure and premises in combination shall not thereafter be used except in conformance with the regulations of the zone in which it is located – unless an exception is granted.
6. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.
7. Where a structure containing a non-conforming use is destroyed in whole or in part by fire, flood, explosion, or other casualty beyond the control of the property owner, it may be reconstructed and used as before provided such reconstruction is begun within twelve (12) months of such casualty and provided the restored structure shall not exceed the height and bounds of the original structure.

H. Repairs and maintenance - On any building, devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing without the requirement of a variance.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof without a variance.

## ORDINANCE NO. 2012-05

I. Uses granted under exception/exemption provisions are not non-conforming uses - Any use for which an exception/exemption is permitted as provided in this ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such zone.

J. Non-conforming single-family residence use -Where residential uses exist as non-conforming uses according to this ordinance, the following shall apply:

1. Notwithstanding any other provisions pertaining to non-conforming uses in this ordinance, an existing non-conforming single family residential dwelling destroyed in whole or in part by fire, flood, explosion, or any other casualty beyond the control of the property owner, may be reconstructed and used as before said casualty, provided the reconstructed principal and accessory structures shall meet applicable lot, yard, and height requirements of the zone.
2. Upon completion of the permitted work and prior to use and occupancy, the holder of the permit shall notify the City of such completion. After receiving notice of completion, the City shall conduct a final inspection of all permitted structures and/or land. All violations of the approved permit and plans shall be recorded and presented in writing to the holder of the permit.
3. If the City is satisfied that the completed work conforms with the issued zoning permit and complies with the Zoning Ordinance, he/she shall issue a certificate of use and occupancy for the use indicated in the zoning permit.
4. The City shall conduct the final inspection and issue either a written record of violations or an approved certificate of use and occupancy within 10 days after receiving notice.

### 20A. HISTORICAL AND CULTURAL PRESERVATION PROGRAM AND THE LA PINE LANDMARKS COMMISSION

20A 100 Purpose

20A 200 Applicability

20A 300 Administration

20A 400 Definitions

20A 500 Criteria for Designation of a Cultural or Historic Resource

20A 600 Procedures for Local Designation of a Cultural or Historic Resource

20A 700 Procedures to Remove Local Resource Designation

20A 800 Annexation

20A 900 National Register Nominations

20A1000 Historic and Cultural Resource Survey and Inventory

20A 1100 Maintenance

20A 1200 Demolition Permits and Moving Historic Resources

20A 1300 Signs and Plaques

20A 1400 Redevelopment and Neighborhood Improvement Projects

20A 1500 Enforcement of State Preservation Laws

## ORDINANCE NO. 2012-05

20A 1600 Appeals  
20A 1700 Oregon State Special Assessment of Historic Properties  
20A 1800 Requirements to Alter or Add Landscaping and Fencing  
20A 1900 Exterior Alteration and New Building Restrictions  
20A 2000 Design Review Guidelines for New Construction  
20A 2100 Requirements for Additions to Existing Buildings  
20A 2200 The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings  
20A 2300 Preservation Incentives  
20A 2400 Preservation of Historic Cemeteries  
20A 2500 Special Provisions of the Uniform Building Code

### 20A 100 Purpose

- (1) The City will make effort to protect all real properties in La Pine that are listed on the National Register of Historic Places and other properties that are designated as local historic or cultural resources. The list of the City's historic and cultural resources is found in the Comprehensive Plan.
- (2) To assure preservation of cultural resources, it is important to institute regulatory controls and administrative procedures. Accordingly, the Historic and Cultural Preservation Code shall be used to protect designated historic and cultural resources. The Code shall be based on and be compatible with the Secretary of the Interior's Standards and Guidelines for Rehabilitation.
- (3) The City of La Pine establishes a Historic Preservation Ordinance to identify, recognize, and preserve significant properties related to the community's history; encourage the rehabilitation and ongoing viability of historic buildings and structures; strengthen public support for historic preservation efforts within the community, foster civic pride and encourage cultural heritage tourism.

### 20A 200 Applicability

- (1) This code applies to any real property within La Pine City limits that was designated as a historic or cultural resource by the Deschutes County Commission prior to 2006, or was designated by the La Pine City Council, or was listed on the National Register of Historic Places.
- (2) This code also applies to all properties that are listed on the National Register of Historic Places, including properties that have no structures or have a structure that is designated as non-historic, historic non-contributing, or historic contributing.
- (3) This code does not apply to the interiors of historic buildings.
- (4) No provision of this Ordinance shall be construed to prevent the ordinary maintenance of a Landmark when such action does not involve a change in design, materials, or appearance.
- (5) No provision in this Ordinance shall be construed to prevent the alteration, demolition, or relocation of a Landmark when the Building Official certifies that such action is required for



## ORDINANCE NO. 2012-05

public safety. The Building Official may find that under provisions of state law and Section 11.D.3 that a Landmark does not meet current building code but is not dangerous and thereby is eligible for some method of amelioration.

(6) The following activities are not regulated by this code: weather stripping, re-roofing and painting as these actions are considered ongoing maintenance activities.

(7) With input from the City Council, the Landmarks Commission or Planning Commission, commissioners, consultants, volunteers and staff may inventory structures, historic and pre-historic sites and research the history of any property in the City. Physical access to any property shall be with the owner and occupant's written consent. The City and its agents may recommend that owners apply for a local historic or cultural resources designation on their property following the procedures in 20A 600.

### 20A 300 Administration

#### (1) Role

a) The La Pine Landmarks Commission and/or the Planning Commission in the event a Landmarks Commission is not appointed will administer this code on behalf of the La Pine City Council.

b) The Landmarks Commission shall serve as a quasi-judicial hearings body for applications dealing with historic and cultural resources within the City. The Landmarks Commission's review will result in one of three outcomes: Approval, Approval with Conditions or Denial. All of the Commission's decisions shall be supported by Findings and be signed by the Chairperson. The Landmarks Commission decisions may be appealed by Parties of Record to the City Council as outlined in the City's Land Use Procedures Code Section 9.0.0.

c) The Landmarks Commission may hold public hearings on legislative matters that involve the City's historic preservation program and the designation of resources. The City Council may request the Landmarks Commission review and comment on proposed City policies, public works projects, urban renewal projects, modification to the Historic Preservation Code and/or the Comprehensive Plan as they relate to Historic Preservation topics and concerns.

d) The Landmarks Commission shall encourage historical property owners and the City to maintain, preserve and adaptively re-use significant historic and cultural sites, objects, and structures.

e) The Commission may adopt such procedural rules and regulations as it finds necessary or appropriate to carry out this code.

f) The Commission may evaluate any requests brought forth by property owners and citizens to designate and preserve particular buildings and/or structures or sites.

g) The Commission shall have authority to inspect, photograph or investigate any district, building and/or structure or site in the City which it has reason to believe is significant, with the property owner and occupants written consent.

## ORDINANCE NO. 2012-05

h) The Landmarks Commission may recommend to the City Council any changes of code or law and programs that will create incentives to preservation which it finds appropriate.

i) The Landmarks Commission shall compile and maintain a list of all properties that have been designated as historic or cultural resources or that has been listed on the National Register of Historic Places. The list shall include the applicable tax lots and street addresses, the date of designation, and a brief description of the resource and reasons for inclusion. The City should make effort to place this information on its website and other media avenues.

j) After consultation with the Council and City Manager and with their approval, the Commission may make information available to the public concerning its activities. All Commission revenue expenditures shall be approved by the City Council.

k) The Landmarks Commission shall advocate for historic preservation in La Pine and recommend to the city Council educational programs and materials about techniques for maintenance, rehabilitation, restoration and adaptive re-use of historic buildings.

l.) The Landmark Commission may recommend the City seek, accept, and expend grant and gift funds; cooperate with public and private entities; and assist the owners of historical landmarks to secure funding for their property's preservation.

m.) The Landmark Commission may publish and adopt written and graphic guidelines and example materials to clarify the criteria in this Ordinance and to assist applicants in developing complete and viable applications to designate, alter, rehabilitate, relocate, or demolish Landmarks subject to the Planning Commission and City Council's concurrence.

n.) Documents intended to be used for the regulation of alterations in accordance with this Ordinance's provisions shall be submitted to the City Council by the Landmark Commission for review and consideration.

o) The Landmarks Commission shall perform other duties relating to historical and cultural matters as the City Council may request.

### (2). Membership

a) The Landmarks Commission is composed of five voting members and an undetermined number of ex-officio members who serve at the pleasure of the City Council.

The Mayor, with the advice and consent of City Council, shall appoint five voting Commissioners. Alternately, the Planning Commission may be designated to serve as the Landmarks Commission.

b) In the event the Planning Commission does not serve as the Landmarks Commission, the Landmarks Commissioners shall be comprised of those individuals who have some demonstrated level of expertise in historical preservation matters.

## ORDINANCE NO. 2012-05

c) Terms. Landmarks Commissioners serve four [4] year terms. Any vacancy occurring in a position for any reason other than term expiration shall be filled by appointment for the remainder of the term.

### (3) Officers

a) The officers of the Landmarks Commission shall consist of a chairperson, vice- chairperson and secretary, each one of them elected by a majority vote in the first meeting in any calendar year. The officers can serve in any position for a maximum of two [2] years.

### (4) Meetings

a) The time and dates of meetings shall be fixed by rules established by the Landmarks Commission. The Landmarks Commission shall meet at least quarterly.

b) All meeting shall be accessible to the public and ADA accommodating.

c) The Commission may meet at the sites of proposed or designated historic or cultural resources for information gathering purposes. The Commission members shall refrain from making public comments outside the public hearing.

d) The Landmarks Commission's meetings will be run according to Roberts Rules of Order.

e) Non legislative public hearings will follow the City's land use hearing procedures.

### Section 4.0.0.

f) Legislative public hearings will follow the City's legislative public hearing procedures found in the City's Land Use Procedures Code Section 3.0.0.

### (5) Public Participation

a) The Landmarks Commission shall encourage public participation in all of its meetings and activities and - comply with the Oregon Public Records and Open Meetings Law.

b) City staff shall provide adequate public notice for all Landmarks Commission meetings as well as provide the City Council and Planning Commission with all meeting notices, agendas, and approved meeting minutes. City staff shall produce public notices, staff reports, Findings and Decisions, record meetings and prepare meeting minutes.

### (6) Compensation

Commissioners shall serve without financial compensation, but may be reimbursed for vehicle mileage and out-of-pocket expenses when performing business on behalf of the City.

### 20A 400 Definitions.

As applied in this section of code, the following words and phrases are defined.

## ORDINANCE NO. 2012-05

"Alteration" means the addition to, or removal of, or physical modification of any exterior part, structure or portion of a structure and/or building.

"Architectural significance" means that the structure and/or building portrays the environment of a group of people in an era of history characterized by a distinctive architectural style; embodies those distinguishing characteristics of an architectural type; is the work of an architect or master builder whose individual work has influenced the development of the City; or contains elements of architectural design, detail, materials or craftsmanship which represent a significant innovation.

"Demolish" means to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a designated structure.

"Emergency" means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.

"Exterior" means any portion of the outside of a designated historical structure and/or building.

"Historic" means 50-years old or older.

"Historic Artifacts" means three-dimensional objects including furnishings, art objects, architectural elements, building materials and items of personal property which have historic significance. "Historic artifacts" does not include photographs, paper, electronic media or other media that are classified as public records.

"Historic or Cultural Resource" means a historic or cultural site, building, structure, object, and its significant setting or any combination of these resources that are listed on the National Register of Historic Places, or designated by the City Council and are listed in the City's Comprehensive Plan.

"Historical Significance" means that the structure or building has character, interest or value as part of the development, heritage or cultural characteristics for the city, state or nation; is the site of a historic event with an effect upon society; is identified with a person or group of persons who had some influence on society; or exemplifies the cultural, political, economic, social or historic heritage of the community.

"Inventory" is a survey, map, or description of one or more properties that is prepared by a local government, state or federal agency, private citizen, or other organization and that includes information about the architecture, building materials, history, activities, people and features associated with such sites. As a verb, "inventory" means to collect, prepare, compile, or refine information about one or more resource sites.

"Landmark" means an object or structure of special historical significance which has been designated by the local government or federal government as a historic or cultural resource.

"Landmarks Commission" means the La Pine Landmarks Commission and/or the La Pine Planning Commission if they are one and the same body.

## ORDINANCE NO. 2012-05

"Maintenance" means the process of mitigating the wear and deterioration of a property without altering the historic character of the property, including action taken to protect and repair the condition of the property with the least possible impact on the historic character of the property.

"Major Alteration" means an alteration which could adversely affect the historical or architectural significance of a historic resource. Examples include alterations to the front façade, additions, exterior remodels or alterations to the setting that remove significant historic elements or add features that are incompatible with the historic or prehistoric period, thereby losing interpretive value.

"Minor Alteration" means an alteration which does not affect the historical or architectural significance of a structure.

"Planning Division" means the City's planning department.

"Object" means to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and are not inhabitable. Although it may be, by nature or design, moveable, an object is associated with a specific setting or environment. Items such as statues, sculptures and fountains are considered objects.

"Preservation" means the process of applying measures necessary to sustain the existing form, integrity, and historic design and materials of a historic property, including but not limited to ongoing maintenance and repair of historic materials and landscaping following the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

"Property Owner" means the owner-of-record or the contract purchaser and does not include a person or organization that holds a security interest.

"Protect" means to require Landmarks Commission review of applications for the demolition, removal, or alteration of a historic resource, for new construction on the site or placement of fences or signs on the designated property in accordance with the provisions of this ordinance so that the defining characteristics of the structure(s) and its site and environment are retained.

"Reconstruction" means the process of depicting, by means of new construction, the historic form, features, and detailing of a landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

"Rehabilitation" means the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values. The Secretary of the Interior's Standards for Rehabilitation outlines basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.

"Replacement" means the process of replacing historic materials and features with new materials when the deterioration of a character-defining material or feature is so extensive that protection, maintenance, or repair is not possible. Replacing severely deteriorated or damaged historic

## ORDINANCE NO. 2012-05

materials with new materials of the same kind as the historic materials and in the same design as the historic element constitutes “replacement.”

"Restoration" means the process of accurately depicting the forms, features and character of a property as it appeared at a particular period of time, by means of the removal of features from other periods in its history and reconstruction of missing features from the period of significance.

"Site" means the location of a significant event, prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archaeological value regardless of the value of any existing structure.

"Structure" means anything constructed or built, any edifice or building or any kind, or any pieces of work architecturally built or composed of parts joined together in some definite manner.

### 20A 500 Criteria for Designation of a Cultural or Historic Resource.

(1) The Landmarks Commission shall evaluate applications for resource designation and make a recommendation to the City Council about whether the application should be approved. The evaluation of potential historic and cultural resources including buildings, structures and sites shall be based on the following criteria:

- a) The property represents the contributions of a person or family important in La Pine's history.
- b) Structures or buildings represent a style of architecture or method of construction of extraordinary or unusual design, detail, materials, or craftsmanship.
- c) Structures or buildings are the work of an architect, designer or master builder whose work has influenced development in the city, state or nation.
- d) The property represents the contributions of La Pine's significant people, cultural groups, educational, religious or cultural activities.
- e) The structure or building represents typical local construction techniques, values, workmanship and materials used during the historic period it represents.
- f) The site, structure or building is associated with or represents an important event in La Pine's and/or Oregon's prehistory or history.
- g) The site has a cemetery or grave site with burials more than 50 years old.
- h) The property is likely to yield information important to prehistory or history.
- i) The building, structure or site provides La Pine a sense of place.
- j) A property needs to meet one of the aforementioned criteria to be designated a cultural or historic resource.

### 20A 600 Procedures for Local Designation of a Cultural or Historic Resource

## ORDINANCE NO. 2012-05

(1) The Application to designate a resource shall include the name(s) of the owner(s)-of-record, the property address(s) and location, a description of the property and structures; dates of construction; identification of events, people and cultures associated with it; an evaluation of its integrity and a statement of its significance.

(2) Upon receipt of a completed application requesting the City Council to designate a building, structure, object or site as an historical or cultural resource, the planning staff shall evaluate the application for code compliances and construct a report. The City will send written notification to the property owner(s) and the public about the Landmarks Commission's inspection of the property and the public hearing(s) at least 21 days prior to each hearing event.

(3) The condition of the structure/building(s) is not relevant to its significance. In many cases, the condition of the building or structure is reversible and it can be rehabilitated after it is designated.

(4) A majority of the Landmarks Commissioners shall independently inspect and evaluate the property/properties before the public hearing. Their observations and evaluations shall be added to the record during the hearing. At the conclusion of the public hearing, the Commission will determine the application's validity and then submit its recommendation to the City Council.

(5) At the City Council hearing, the owner(s) of the property/ properties, a representative of the Landmarks Commission and all other interested parties shall be entitled to present testimony.

(6) If the City Council determines that a property or properties proposed for designation has/have significance, the City Council may approve the ordinance and designate it (them) as historical or cultural resources and include it (them) in the list of designated resources in the Comprehensive Plan.

(7) If the owner of an individual property objects to the designation the City Council shall not designate the property.

### 20A 700 Procedures to Remove Local Resource Designation

(1) In some cases, the local resource designation for an individual resource can be removed. If any historical object, building or structure has been demolished or destroyed, the City Council may remove the historic or cultural resource's designation following a public hearing.

### 20A 800 Annexation

(1) At the time of annexation to the City, all properties with locally designated historical and cultural resources within the annexation area shall retain their resource designations.

### 20A 900 National Register Nominations

(1) Listing on the National Register of Historic Places is a federal action using federal procedures and criteria. Nominations for listing a property or district on the National Register of Historic Places are submitted to the Oregon State Historic Preservation Office and not to the City.

## ORDINANCE NO. 2012-05

### 20A1000. Historic and Cultural Resource Survey and Inventory

(1) Maintaining a statewide inventory of Oregon's historic and archaeological properties is one of the responsibilities of the Oregon State Historic Preservation Office as mandated by the National Historic Preservation Act of 1966 and Amendments. The local surveys that contribute to this inventory provide important support to citizens, local governments, and federal and state agencies for identifying and protecting Oregon's cultural heritage resources. A database called the Oregon Historic Sites Database contains documents and electronic data about hundreds of properties in La Pine.

(2) Periodically, the La Pine Landmarks Commission shall survey and inventory properties that may be eligible for listing in the City Inventory of Historic and Cultural Resources and/or the National Register of Historic Places and add them to the statewide database with the Council's concurrence.

(3) Survey and inventory documents shall be maintained, updated as necessary, and be accessible to the public for research through public records request.

(4) Survey and inventory documents and processes shall be according to practices of the Oregon State Historic Preservation Office for maintaining the Oregon Historic Sites Database.

(5) Records concerning archeological sites shall not be made available to the public. The locations of archeological sites shall be kept confidential as required by state law.

### 20A 1100 Maintenance

The maintenance, preservation, cleaning, repair, and other treatment of original exterior materials shall be in accord with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

Owners who follow the recommendations in this document are not required to apply for Landmarks Commission review or approval of maintenance and preservation work.

### 20A 1200 Demolition Permits and Moving Historic Resources.

(1) No one may demolish or move a designated historical or cultural resource, except with the approval of the Landmarks Commission and City Council. The City may approve or deny applications to demolish or move historic or cultural resources.

(2) An application for a permit to demolish or move a historical or cultural resource requires the signature of the owner-of-record. The buildings or structures shall be thoroughly photographed inside and out after the owner-of-record and occupants grant property access. The setting shall be photographed, showing all sides of the subject resource. The photographs shall be submitted as part of the application for approval of the action sought.



## ORDINANCE NO. 2012-05

(3) The Landmarks Commission shall hold a public hearing within 31 days of receipt of the application. The applicant, the owner of the property and other interested parties shall be entitled to present testimony.

(4) In determining whether to approve the demolition or removal proposed in the application, the Landmarks Commission shall consider the following:

- a) All evidence, plans, drawings and photographs that are submitted by the applicant;
- b) Information presented at the public hearing;
- c) The case file of the local ordinance or the National Register nomination designating the object, structure or building;
- d) The long term effects of the proposed demolition or removal upon the protection, enhancement, perpetuation and continued use of the resource;
- e) Whether the demolition or removal is proposed to abate a nuisance or a hazardous condition;
- f) Whether denial or delay of the demolition or removal will cause the applicant substantial hardship;
- g) Whether there are any alternatives to the demolition or removal;
- h) Whether land use issues or regulations result in causing the need to move or demolish the structure;
- i) Whether grants or other funding opportunities are available to rehabilitate or alter the structure or building;
- j) Whether the structure or building can be adaptively re-used or altered to facilitate its being converted to another economically feasible use;
- k) When an historic property is moved to a new location, the historic property status is retained for that property at the new site;

(5) If the land use designation results in a request to move or demolish a historic resource, the City staff may in a timely manner, without cost to the property owner, review the zoning and determine if it can possibly be altered through public hearing processes for purposes of allowing its continued use in order to preserve the resource in a historic setting.

(6) If the City Council approves the demolition or removal of the historic resource and if no appeal is timely filed, the building official shall issue a demolition or removal permit in accordance with applicable codes and ordinances.

(7) Postponement

a) The Landmarks Commission may postpone action on an application for a demolition or removal permit if the Commission determines that a grant request, fund raising effort, program

## ORDINANCE NO. 2012-05

or project is under way which would result in rehabilitation, public or private acquisition or relocation of the resource, and there are reasonable grounds to believe that such effort may be successful. And provided the property owner of record consents to these actions on the property's behalf.

b) The Landmarks Commission may suspend consideration of the application for a period not to exceed 120 days with the property owner's concurrence.

c) During the period of suspension, no permit shall be issued for demolition or removal, nor shall any person demolish or remove the resource.

d) A decision to postpone action by the Landmarks Commission may be appealed by the applicant or the owner to the City Council.

### 20A 1300 Signs and Plaques.

(1) The City encourages owners of historic resources to install a plaque displaying the name, date, historic photograph and other appropriate information upon the property, provided that the size, material, design, location and text of such plaque or sign is approved by the Landmarks Commission and is consistent with the City's signage code.

(2) Proposed signs must meet City signage code that includes provisions for signing historical properties. Among its provisions: signage size must be in proportion to the size of the historic building; signage placement shall not obscure the buildings significant architectural elements; signage type, font, design, shape and materials must be compatible with the historic building. The back lighting of metal-framed plastic signs and vinyl signs or vinyl lettering is discouraged.

(3) Removable signs that are painted on windows or glass doors or similar to signs shown in historic photographs of the structure and made with materials that were used in the historic period are encouraged and may be approved administratively.

(4) Signs must be attached to the structure in such a way as to not cause irreversible damage to the building. New signs shall be attached by reusing existing hardware whenever possible. New brackets and bolts shall be installed on masonry buildings in a wood backing or mortar joint and not into the actual brick or rock.

### (20A 1400 Redevelopment and Neighborhood Improvement Projects

(1) A neighborhood improvement or redevelopment project administered by the City shall be submitted to the Landmarks Commission for plan review and recommendation in the circumstance where the proposed action may adversely affect a designated historic resource.

(2) The Landmarks Commission may review the plans and submit a report about the potential effects upon a historical resource to the City Council. The installation of new streetlights, sidewalks, street paving, alley paving and other improvements should be done in a way that is compatible with the age and significance of adjacent historical structures.

## ORDINANCE NO. 2012-05

### 20A 1500 Enforcement of State Preservation Laws

(1) The City Council and Landmarks Commission shall enforce all state laws relating to historic preservation, the protection of properties listed on the National Register of Historic Places and the treatment of historic cemeteries and archaeological sites.

(2) These state laws include but are not limited to ORS 197.772 (Consent for designation for historic property), ORS 358.653 (Conservation Programs, Leases), and ORS 358.475 through 358.541 (Special Assessment).

(3) Applications to alter a Native American or other archaeological site shall be forwarded to the state archeologist for comment. La Pine staff shall use applicable sections of the Secretary of the Interior's Standards and Guidelines for Archeology to protect archaeological sites.

### 20A 1600 Appeals

(1) Appeals of Decisions made by the Landmarks Commission shall be to the City Council and may be filed by the applicant or party of record to the case.

(2) A decision of the City Council may be appealed to the Land Use Board of Appeals as provided by law.

### 20A 1700 Oregon State Special Assessment of Historic Properties

(1) The staff at the Oregon State Historic Preservation Office will review and approve or deny projects for interior and/or exterior restoration, rehabilitation, alteration, demolition, or new construction of structures located on a property that is listed on the National Register of Historic Places and is benefiting from the Oregon Special Assessment Program. However, if the scope of the project falls under this code, it will also be reviewed by the Landmarks Commission under applicable sections of this code to determine the appropriateness and reasonableness of the application.

(2) After the application is deemed complete by planning staff, a copy of the application will be timely sent to the Oregon State Historic Preservation Office for comment. A copy of the local decision will also be sent to the Oregon State Historic Preservation Office.

### 20A 1800 Requirements to Alter or Add Landscaping and Fencing

(1) Traditional landscape elements evident on the property such as lawns, paths, trees, shrubs, fences and natural vegetation, should be preserved and are encouraged in site redevelopment.

(2) Landscape elements such as historic hedges, trees, shrubs, paths, and masonry walls that are more than 50 year old are valued because they demonstrate changing styles of landscaping, give a sense of age to the site and provide historic context. Their preservation is encouraged.

(3) Compatible alterations and additions to existing non-historic landscaping, such as non-historic decks, patios, young trees, bushes, vegetable gardens, flower gardens, garden beds or masonry walls and paths, shall be allowed.

## ORDINANCE NO. 2012-05

(4) Landscape walls or fencing on the rear and side property lines of a historic resource are allowed if they comply with the City's fencing requirements.

(5) Front yard fencing shall be less than four [4] feet in height and constructed of split rails, wood pickets, stacked rocks, or typical historic wood or looped top wire fences such as basket weave designs. Fences should have one [1] inch or larger spacing between boards and not placed within the site vision triangle.

### 20A 1900 Exterior Alteration and New Building Restrictions

(1) No person may demolish or alter any historic or cultural resource in such a manner as to adversely affect its appearance or integrity, unless an application for the action has been approved by the Landmarks Commission and the City.

(2) Any cultural or historical site application for demolition, alteration or new construction shall be submitted to planning department staff that shall timely refer the completed application to the Landmarks Commission for review and/or hearing. Applications for alterations or new construction shall be accompanied by appropriate plans and specifications of all exterior materials intended for usage to allow the Commission to determine if the application meets applicable criteria.

(3) Any application for demolition, alteration, new additions, or new construction must be filed concurrent with required building or land use permits. The City may not issue applicable demolition or building permits until the Landmarks Commission or the City Council has approved the application. The applicant may rely upon special sections of the Uniform Building Code for designated Historic Resources.

(4) Applications for demolitions of non-historic buildings located on lots with historically designated structures as well as applications for minor alterations and new fencing may be processed administratively.

(5) Applications for major alterations or new construction on lots with historically designated structures must meet the applicable Design Review Criteria.

### 20A 2000 Design Review Guidelines for New Construction

(1) New construction shall be compatible with and subservient to all historic buildings on the tax lot. Newly constructed buildings must fit in and be located in a manner that is similar to the site's historic buildings. The building construction must not be obtrusive rather it shall be homogenous with the tax lot's historic buildings.

(2) The new construction project must meet the city zoning requirements for lot coverage, setbacks and height.

(3) In addition to the zoning requirements, the height of new additions shall not exceed the height of the historic building.

## ORDINANCE NO. 2012-05

- (4) The square feet in the proposed new building shall not exceed that of the largest historic building on the lot.
- (5) The relationship of solids to voids (wall to window) shall be compatible with related elements on the lot's historic buildings.
- (6) The relationship of height to width of primary and secondary elements of new construction shall be compatible with the lot's historical structure(s).
- (7) Exterior features such as bays, porches, balconies, and other architectural elements are encouraged in new construction.
- (8). Concrete or masonry foundations for new construction are not required to be covered with material that simulates historic construction.
- (9) New construction should employ exterior materials that are traditional to the property such as logs, wood, stone, and brick. The materials should be employed in their traditional configurations, such as lap siding, board and batten siding, common brick, and coursed random width wood shingles.
- (10) Grooved plywood siding such as T 1-11, cement board or other composition sidings stamped with a faux wood grain, vinyl siding, aluminum siding, metal sidings, imitation brick and stone, and vinyl windows and aluminum window frames that are not part of a "clad" window system are not allowed. Smooth cement type siding without a stamped pattern is allowed.
- (11) Roofing pitches, styles, and materials should be compatible with the tax lot's historic building(s).
- (12) When feasible, proposed garages and carports should be located on the site where they have the minimum visual impact from public ways. Where garages must face the street front, they should be designed to minimize their bulk and visual impact. Single-car garage doors should be employed. The construction of detached one story garages is encouraged.
- (13) New windows may be double pane in wood or metal clad wood. Fiberglass windows in traditional colors are allowed. Windows shall be finished in a traditional way with window sills and exterior window casings and shall be in traditional styles such as casement, double or single hung or fixed.

### 20A 2100 Requirements for Additions to Existing Buildings

- (1) New additions shall be sited so that they do not impact the primary façade. Additions shall be located at the rear of the historic building or on the sides where they have the least visual impact from public ways.
- (2) To the extent practicable, original historic architectural elements and materials shall be preserved.

## ORDINANCE NO. 2012-05

(3) Architectural elements and materials for new additions shall be compatible with related elements of the historic building. Siding and roofing applications shall be similar to the historic portion of the building.

(4) The new foundation may be of concrete and does not have to match the historic foundation. New foundations shall not significantly alter the historic elevation of the building. Concrete or masonry foundations that will replace deteriorated wood foundations are encouraged.

(5) Additions should not be taller than the historic building.

(6) Additions should not contain more square feet than the historic portion of the building. Where new additions must be larger, the new addition shall be articulated in such a manner that no single element is visually larger than the historic building.

(7) The relationship of height to width of new additions and their sub-elements, such as windows and doors, shall be compatible with related elements of the historic building, such as the typical historic windows which have an approximate proportion ratio of 2 vertical to 1 horizontal.

(8) Grooved plywood siding such as T 1-11, cement board or other composition sidings stamped with a faux wood grain, vinyl siding, aluminum siding, metal sidings, imitation brick and stone, and vinyl windows or aluminum window frames that are not part of a “clad” window system are not allowed. Smooth cement board type siding without a stamped pattern is allowed.

(9) Solar panels, skylights and solar tubes or similar products may be installed in the roof if they are not located above the front facade.

20A 2200

The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings

The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings are intended to provide guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers prior to treatment. The treatment standards are designed to be applied to all historic resource types included in the National Register of Historic Places--buildings, sites, structures, districts, and objects. The Guidelines apply to specific resource types; in this case, buildings.

For means of this code, the Secretary of the Interior Standards & Guidelines for Rehabilitation are reprinted below. Depending upon the nature of the applicant's project, one or more of the Standards and Guidelines may apply. The Landmarks Commission will provide assistance in determining the appropriate application method. More information may be found at [http://www.nps.gov/hps/tps/standguide/overview/using\\_standguide.htm](http://www.nps.gov/hps/tps/standguide/overview/using_standguide.htm).

The Secretary of the Interior's Standards for Rehabilitation are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.

## ORDINANCE NO. 2012-05

The Standards (36 CFR Part 67) apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.

Rehabilitation projects must meet the following Standards, as interpreted by the National Park Service, to qualify as “certified rehabilitations” eligible for the 20% rehabilitation tax credit.

The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. The replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## ORDINANCE NO. 2012-05

The Guidelines have been prepared to assist in applying the Standards to all project work; consequently, they are not meant to give case-specific advice or address exceptions for rare instances. Therefore, it is recommended that the advice of qualified historic preservation professionals be obtained early in the planning stage of the project. Such professionals may include architects, architectural historians, historians, historical engineers, archeologists, and others who have experience in working with historic buildings.

The Guidelines pertain to both exterior and interior work on historic buildings of all sizes, materials, and types. Those approaches to work treatments and techniques that are consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties are listed in the "Recommended" section; those which are inconsistent with the Standards are listed in the "Not Recommended" section.

### 20A 2300 Preservation Incentives

- (1) Owners of Designated Historic Resources shall receive a 10% reduction of City fees and taxes for City services.
- (2) The city will allow some uses that would otherwise be restricted in order to foster continued use and adaptive re-use of the historic buildings as found in Section 17 of the Zoning Ordinance.
- (3) La Pine will not charge a fee for applications to designate a historic or cultural resource or for review of restoration or rehabilitation projects.

### 20A 2400 Preservation of Historic Cemeteries

- (1) The La Pine City Council shall determine the separation distance of new development from a known burial site on a case by case basis.
- (2) Any excavation for a structure or building within 300 feet of a known burial shall be monitored for the disturbance of human remains. If any remains are discovered, the City shall contact the Oregon State Police, Deschutes County Coroner and the State Archaeologist at the Oregon State Historic Preservation Office immediately and work will be stopped.
- (3) Historic landscaping and historic plot fencing shall be retained. Historic grave markers and landscaping shall be preserved and maintained as directed by the publications of the Oregon Cemetery Commission.
- (4) Construction in a cemetery of any building that will have more than 120 square feet shall be approved by the Landmarks Commission.
- (5) Efforts shall be made to preserve the historic character of the cemetery as outlined by the Oregon Cemetery Commission's publications.

### 20A 2500 Special Provisions of the Uniform Building Code

- (1) La Pine will use the special provisions for historic preservation that are found in the Uniform Building Code, including, but not limited to, Section 117.5 Historic Building Repairs,



**ORDINANCE NO. 2012-05**

Alterations and Additions; Section 1102 Definition of Historic Building; Section 1114 Historic Preservation and Accessibility, Section 3403.5 Historic Building Repairs, Alterations and Additions; and 1301.1.2 Historic Building Energy Efficiency.

21. FEES

A. Payment of fees – No zoning permit or certificate of use and occupancy shall be issued until the fees prescribed by resolution/ordinance have been paid.

B. Fee Waiver/Exemptions – Any accessory structure used solely for agricultural purposes or any non-residential, non-commercial building less than 120 square feet in floor area shall be exempt from payment of fees provided that all required setbacks are met.

22. ENFORCEMENT NOTICE

Where the City finds that any provisions of this Ordinance are being violated, he/she shall initiate enforcement proceedings by sending an enforcement notice to appropriate parties. The enforcement notice shall state the nature of the violation, the actions and deadline dates for achieving compliance, possible enforcement proceedings, and other information.

Prosecution of violation - If the enforcement notice is not complied with, the City shall authorize the City Attorney or designee to institute appropriate proceedings to prosecute such violations.

**EFFECTIVE DATE & ADOPTION**

**Effective Date**

The Zoning Ordinance shall take effect once the City and County agree to a transition of services program and thirty (30) days after the date of the joint approval of such program.

**Adoption**

We hereby certify that the City of La Pine Zoning Ordinance was adopted by the City Council, Deschutes County, Oregon this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_

Mayor Ken Mullenex