

ORDINANCE NO. 2016-03

AN ORDINANCE FURTHER AMENDING ORDINANCE NO. 2012-05; REVISING CERTAIN DEFINITIONS AND USES PERMITTED IN CERTAIN ZONES; SUPERSEDING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, the City of La Pine ("City") adopted Ordinance No. 2012-05 establishing land use zones and development regulations to govern the location of building structures and the uses of land within the City; and

WHEREAS, City adopted Ordinance No. 2015-03 amending Ordinance No. 2012-05 (Ordinance No. 2012-05, as amended, is referred to herein as the "City of La Pine Zoning Ordinance"); and

WHEREAS, City provided appropriate notice to the Department of Land Conservation and Development of certain proposed amendments to the City of La Pine Zoning Ordinance; and

WHEREAS, City's Planning Commission, after receiving public testimony, and deliberating fully on the proposed amendments, voted unanimously to recommend approval of the amendments to the La Pine City Council on March 16, 2016 (the "Council"); and

WHEREAS, a draft of this Ordinance No. 2016-03 (this "Ordinance") was available for public inspection seven days prior to the Council's April 13, 2016 meeting.

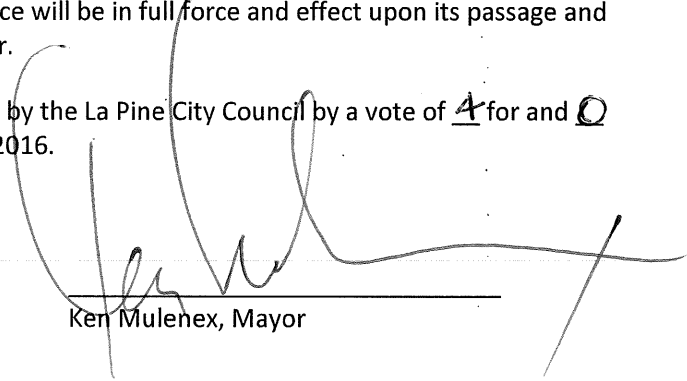
WHEREAS, after receiving public testimony on the proposed amendments during a scheduled public hearing on April 13, 2016, the members of the Council present unanimously voted to approve the recommended amendments by adopting this Ordinance.

NOW, THEREFORE, the City of La Pine ordains as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Amendments. The amendments to the City of La Pine Zoning Ordinance provided on the attached Exhibit A and herein incorporated by this reference are hereby approved and adopted. The foregoing amendments are hereby made part of the City of La Pine Zoning Ordinance. The provisions of the City of La Pine Zoning Ordinance that are not amended or modified by this Ordinance shall remain unchanged and in full force and effect. The foregoing amendments supersede any ordinance and/or resolution provisions, and/or policies in conflict with the amendments.
3. Severability; Savings; Corrections. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.

4. Emergency Declaration. The Council finds that passage of this Ordinance is necessary for the immediate preservation of the peace, health, and safety of City's citizens. Therefore, an emergency is hereby declared to exist. This emergency Ordinance will be in full force and effect upon its passage and adoption by the Council and approval of the mayor.

This Ordinance was PASSED and ADOPTED by the La Pine City Council by a vote of 4 for and 0 against and APPROVED by the mayor on April 27, 2016.

A large, stylized handwritten signature in black ink, appearing to read 'Ken Mullenex', is written over a horizontal line.

Ken Mullenex, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read 'Richard L. Allen', is written over a horizontal line.

Richard L. Allen, Interim City Manager

Exhibit A
Amendments to City of La Pine Zoning Ordinance

[attached]

EXHIBIT A TO ORDINANCE NO. 2016-03

Double Underlined words are words added

~~Strikethrough~~ words are words deleted

Amendment 1: Table of Contents

Table of Contents

amend Section 3 title: "Community Development Objectives"

...

amend Section 7 title: "Application for Land Use Zoning Permit, Certificate of Use, and Occupancy"

...

amend Section 19 title: "Off-Street Loading and Parking ~~Parking and Loading~~"

...

remove "Special Note" at the end of the Table of Contents: ~~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.~~

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Update page numbers in Table of Contents and pagination throughout document.

Amendment 2: Section 8. Definitions

Insert definition: "Fairgrounds. A facility utilized as an event venue for spectator and non-spectator field or arena events, such as rodeos, animal shows, equestrian events, festivals, as well as uses accessory to the main events, including concerts, parking, concessions sales, souvenir sales and amusement rides."

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Amend definition: "Recreation, Large Land Area Commercial. A for-profit or fee-based recreation facility located on 10 or more acres, in whole or as an accumulation of individual parcels, 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, fairgrounds, hunting or fishing preserve, or paint-ball."

...

Amend definition: "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~~ The space contained within the area along the horizontal distance measured at right angles between the property lot line and the nearest wall of a building structure on the lot."

Amendment 3: Section 10. Permitted Uses

**RSF and RMF
Single Family and Multi-Family Residential Zones**

Principal uses

Single-family & multi-family dwellings
Mobile home parks
Public, non-commercial parks & recreation
Public & private schools
Bed & breakfast establishments
Forestry activities, including but not limited to timber harvesting
Essential services

Conditional uses

Large land area commercial recreation
Agriculture, farms & agricultural services
Residential Care Facility
Veterinary clinics, kennels or stables.
Churches, cemeteries
Clubs, lodges & fraternal organizations
Personal storage units ~~on a minimum lot area of 5 acres~~
Government buildings & services
Specialized animal raising, care & processing
Campgrounds & recreational vehicle parks

Accessory uses to a Primary Use*

Garage, storage shed, swimming pool
Home occupation & home-based business
Family day care home, group day care home
Shelter for domestic pets
Accessory dwellings
Farm buildings as part of normal operations
On-site farm produce sales
Other clearly incidental & subordinate uses

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

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.

3. No metal shipping containers shall be utilized as a dwelling at anytime or as storage structures for greater than 30 days."

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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

Clinic

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

...

**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
Clinic
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.

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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~~ restaurant patios, drive-thrus for services or goods, or as otherwise approved by the City.
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. Metal shipping containers shall not be placed on site, with the exception of short-term use for construction or relocations (30 days or less).
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.

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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, CRMX, CMX, 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.

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Section 10. Permitted Uses, Transition Areas amend first line of Principal Uses to:

**TA
Transitional Areas**

Principal uses

All ~~permitted principal~~ residential and commercial uses
Forestry activities, including but not limited to timber harvesting

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.

Conditional uses

All conditional uses in the residential and commercial zones

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.

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Amendment 4: Section 13. Site Plan Review

Remove first "Section 13. Site Plan Review" heading and move "General Conditions" to under the second "Section 13. Site Plan Review" as bullet (D). Reassign new bullet letters accordingly for subsequent headings.

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Section 13. Site Plan Review (E) Site Plan Review Criteria (2) Site Plan evaluation criteria, modify bullet g, insert bullets i, j, k:

"(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. Metal shipping containers shall not be placed on site, with the exception of storage uses within the Industrial zone.

(h) The proposed Site Plan conforms to the standards within the adopted La Pine Transportation System Plan (TSP), as may be amended from time to time, unless other design standards are specifically approved by the City.

(i) The proposed Site Plan conforms to the La Pine sewer and water standards, as may be amended from time to time, unless other design standards are specifically approved by the City. All sewer improvements must comply with Oregon Administrative Rules Chapter 340 Division 52 requirements, including Appendix A - Sewer Pipelines.

(j) The proposed Site Plan conforms to the Central Oregon Stormwater Manual (COSM), as may be amended from time to time, unless other design standards are specifically approved by the City.

(k) All utilities shall be installed underground, unless otherwise specifically approved by the City.”

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Section 13. Site Plan Review Landscaping Requirements, amend:

“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 and commercial residential mixed uses (CRMX): 20%
- (3) Commercial uses ~~not in the C Zones~~ including mixed use commercial (CMX): 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.”