ARTICLE 1 – GENERAL PROVISIONS

Chapters:
15.02  Title and Purpose
15.06  Fees, Enforcement and Remedies
15.08  Non-Conforming Uses and Structures
Chapter 15.02 - Title and Purpose

Sections:
15.02.010 Title
15.02.020 Purpose and Community Objectives
15.02.030 Compliance and Scope
15.02.040 Rules of Code Construction
15.02.050 Development Code Consistency with Comprehensive Plan and Laws
15.02.060 Development Code and Zoning Map Implementation
15.02.070 Coordination of Building Permits
15.02.080 Official Action

15.02.010 Title

A. The official name of this code of land use regulations is “The City of La Pine Development Code.” It may also be referred to as “LPDC,” “Development Code” and “Code.” Copies of this Code shall be retained by the City Clerk.

B. The official map showing zones and boundaries shall be known as the “La Pine Zoning Map” and is part of this Code or “Zoning Map”. The zoning districts depicted on the La Pine Zoning Map correspond to the zoning districts in this Code. In addition, this Code may contain zoning regulations for special areas (i.e., overlay zones), and for certain uses or structures that do not appear on the Zoning Map.

15.02.020 Purpose

A. This Code is enacted to promote the public health, safety, and welfare; and to encourage the orderly and efficient development and use of land within the City of La Pine, consistent with the City of La Pine Comprehensive Plan and the following principles:

1. Good planning principles and techniques that encourage sustainability and reduced vehicle miles traveled, promote coordinated, orderly, and practical community development and promote the efficient provision of public services and infrastructure;

2. Mixed-Use, which places homes, jobs, stores, parks, and services within walking distance of one another;

3. Full Utilization of Urban Services (e.g., water, sewer, storm drainage, parks, and transportation facilities), which maximizes the return on public investments in infrastructure

4. Transportation Efficiency, or development of an interconnected street system supporting multiple modes of transportation, which yields more direct routes (shorter distances) between local destinations, conserves energy, reduces emergency response times, and provides alternatives to the automobile for those who are unable or choose not to drive a car;

5. Human-Scale Design, or development in which people feel safe and comfortable walking from place to
place because buildings, streetscapes, parking areas, landscaping, lighting, and other components of the built environment are designed foremost with pedestrians in mind;

6. 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.

7. 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.

8. 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.

9. Variety of housing choices, including a variety of housing types including but not limited to single-family, duplexes, apartments, live/work, recreational housing, etc.

10. Environmental Health, which requires adequate light and air circulation, management of surface water runoff, and treatment and disposal of waste; and

11. Efficient Administration of Code Requirements, consistent with the needs of the City of La Pine.

a. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements

b. To protect and enhance the value of natural resources and historical elements

c. To encourage, manage and foster new development and growth in the City.

B. 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.

15.02.030 Compliance and Scope

A. Compliance with the Development Code. No structure or lot shall hereinafter be used, developed, or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or otherwise altered except as permitted by this Code. Furthermore, annexations and amendments to the Zoning Map, shall conform to applicable provisions of this Code.

B. Codification. This Code is a codification of all land use regulations adopted by the City of La Pine. Despite the adoption date of the Code, each land use regulation contained herein shall retain the effective date of the Ordinance in which it was originally adopted. References in other City ordinances to “Zoning Ordinance” or “Procedures Code” and similar references shall refer to this Code. All ordinances adopted by the City of La Pine are maintained at City Hall and should be consulted to determine the effective date of a particular land use regulation.
C. **Scope.**

1. The LPDC regulates and restricts land uses within the boundaries of the City of La Pine and Urban Growth Boundary.

2. The LPDC is enacted to provide uniform procedures for the grant or denial and processing of applications, approvals and determinations by the City of La Pine.

15.02.040 **Rules of Code Construction**

A. **Provisions of this Code Declared to be Minimum Requirements.** The provisions of this Code, in their interpretation and application, are minimum requirements, adopted for the protection of the public health, safety, and general welfare.

B. **Highest standard or requirement applies.** Where there is a conflict between applicable provisions of this Code, or provisions of this Code and other applicable regulations, the highest standard or regulation shall govern. The City Planning Official, shall determine which Code provision sets the highest standard. Where the applicability of a Code provision is unclear, the Planning Official, or the City Council, if referred by the Planning Official, may issue a formal interpretation pursuant to Chapter 15.328, Declaratory Ruling.

C. **Tenses.** Words used in the present tense include the future; the singular form includes the plural; and the plural includes the singular.

D. **Requirements versus Guidelines.** The use of the word “shall,” “must,” “required,” or similar directive terms, means the Code provision is a requirement or mandatory. The use of the word “should,” “encouraged,” “recommended,” or similar terms, means the provision is a guideline or aspirational.

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

F. **Severability.**

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the La Pine Development Code 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 or body of competent jurisdiction, such decision shall not affect or impair the validity of the Development Code as a whole or any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Development Code.

The City of La Pine hereby declares that it would have adopted the Development Code 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.
15.02.050  Development Code Consistency with Comprehensive Plan and Laws

A.  City of La Pine Comprehensive Plan. The La Pine Development Code implements the City of La Pine Comprehensive Plan. Except as otherwise required by applicable state or federal law, all provisions of this Code shall be construed in conformity with the Comprehensive Plan, including any Comprehensive Plan elements or public facility master plans, adopted pursuant to the Comprehensive Plan.

B.  Compliance with Other Laws Required. In addition to the requirements of this Code, all uses and development must comply with all other applicable City, State of Oregon, and federal rules and regulations.

C.  References to Other Regulations. All references to other City, state, and federal rules and regulations are for informational purposes only and do not constitute a complete list of such requirements. The references do not imply any responsibility by the City for enforcement of state or federal regulations. Where a proposal, permit, or approval is subject to both City of La Pine requirements and state or federal requirements, the property owner is responsible for contacting the applicable agencies and complying with their rules and regulations.

D.  Current Versions and Citations. All references to the regulations of other jurisdictions refer to the most current version and citation for those regulations, except where this Code, City Council policy, or applicable law require otherwise. Where a referenced regulation has been amended or repealed, the City Planning Official, Planning Commission or, upon referral, the City Council, shall interpret this Code and, based on adopted City policy, determine whether an equivalent standard applies. Such determinations, unless made through a legislative process, may be appealed to City Council.

15.02.060  Development Code and Zoning Map Implementation

A.  Zoning of Areas to be Annexed. Concurrent with annexation of land to the City of La Pine, the City Council shall assign applicable zoning designation(s) to the subject land, pursuant to Chapter 15.338. The Comprehensive Plan shall guide the designation of zoning for annexed areas.

B.  Land Use Consistent with Development Code. Land and structures in the City of La Pine may be used or developed only in accordance with this Code, including all amendments thereto. A lawful use of land (“use”) is one that is permitted in accordance with this Code, or is allowed as a legal non-conforming use, pursuant to Chapter 15.08, provided state or federal law does not prohibit the use.

C.  Development Code and Zoning Map. The City’s official Zoning Map (“Zoning Map”), which may be published, amended, and filed separately from this Code, is part of this Code. The zoning districts depicted on the Zoning Map correspond to the zoning districts in this Code. In addition, this Code may contain zoning regulations for special areas (i.e., overlay zones), and for certain uses or structures that do not appear on the Zoning Map.

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

E. Boundary Lines. Zoning district boundaries are determined pursuant to Section 15.16.030.

F. Changes to Official Zoning Map. Proposed changes to the La Pine Zoning Map are subject to review and approval under Chapter 15.334 (Amendments).

15.02.070 Coordination of Building Permits
A building permit shall not be issued until the Planning Official has confirmed that all applicable requirements of this Code are met, or appropriate conditions of approval are in place to ensure compliance.

15.02.080 Official Action

A. Official Action. The Planning Official, Planning Commission, and City Council are vested with authority to issue permits and grant approvals in conformance with this Code. City officials shall issue no permit and grant no approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this Code.

B. Referral to Planning Commission. In addition to those actions that require Planning Commission approval, the City Planning Official may refer any question or permit request to the Planning Commission, who then shall take action on the request pursuant to the applicable provisions of this Code. See also, Chapter 15.328 (Declaratory Rulings) and Article 7 (Procedures).

C. Notices, Filing, and Validity of Actions. The failure of any person to receive mailed notice or failure to post or file a notice, staff report, or form shall not invalidate any actions pursuant to this Code, provided a good faith effort was made to notify all parties entitled to such notice report, or form. See Article 7 (Procedures).
Chapter 15.06 - Fees, Enforcement and Remedies

Sections:
15.06.010 Fees
15.06.020 Enforcement
15.06.030 Remedies

15.06.010 Fees

A. Payment of fees. No 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.

15.06.020 Enforcement

A. The City Manager or other duly designated City representative shall have the powers and the duties to enforce the provisions of this Code and all amendments thereto.

B. In addition, the City Manager or other duly designated City representative may initiate action to enforce any provision of this Code, including any violation of any restriction or condition established under the provisions of this Code in the granting of any application authorized or required pursuant to the provisions of this Code.

15.06.030 Remedies

A person violating a provision of this Code shall be subject to the following provisions.

A. Unlawful construction or use declared a nuisance. The location, erection, construction, maintenance, repair, alteration or use of a building or other structure, or the subdivision, partitioning, other land development or use of land in violation of this chapter shall be deemed a nuisance.

B. Penalty. Except as otherwise provided for by law or by a court of competent jurisdiction, a person violating a provision of this chapter shall, upon conviction, be punished by fine of not more than $500.00 per day. Each violation and each day that each violation persists shall be considered a separate offense.

C. Stop Work Order. The City Planning Official or other duly designated City representative and/or a certified Building Official may order the stoppage of work on any type which is in violation of any of the provisions of this Code or a permit granted pursuant hereto. A copy of the stop work order shall be posted at the site of construction or use and a copy thereof shall be mailed to the last know address of the property owner and/or the permittee. Upon the posting of the order, all work shall cease forthwith, and the property owner, permittee or permittee’s agents or employees who thereafter continue to work shall be in violation of this Code. The stop work order shall not be removed until satisfactory evidence that the violation has or
will be corrected has been provided.

D. **No Further Approvals.** If a violation of this Code exists, the City may refuse to issue further land use approvals or building permits for the property subject to the violation.

E. **Alternative remedy.** In case a building or structure is, or is proposed to be, located, constructed, maintained, repaired, altered or used, or land is, or is proposed to be, used in violation of this Code, the building or land thereby in violation shall constitute a nuisance, and the city may, as an alternative to other remedies that are legally available for enforcing this Code, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

F. **Nuisances.** Violations shall also be subject to the abatement procedures set forth in City code.
Chapter 15.08 - Non-Conforming Uses and Structures

15.08.010 Non-Conforming Uses of Land
15.08.020 Non-Conforming Structures
15.08.030 Non-Conforming Uses of Structures
15.08.040 Repairs and Maintenance
15.08.050 Uses Granted Under Exception/Exemption Provisions are Not Non-Conforming Uses
15.08.060 Non-Conforming Single-Family Residence Use

15.08.010 **Non-Conforming Uses of Land**
Where, a lawfully established use of land exists that is made no longer permissible under the terms any subsequent City enactment, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

A. 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 Code, except as specified by the exception process of this Code.

B. 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 Code.

C. 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 Code for the zone in which such land is located.

15.08.020 **Non-Conforming Structures**
Where a lawfully established structure exists that could not be built under the terms of any subsequent City enactment, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. A structure may be enlarged or altered as provided as otherwise permitted by this Code provided such enlargement or alteration does not increase the extent of the non-conformity.

B. 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 Code.

C. 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.

15.08.030 **Non-Conforming Uses of Structures**
If a lawfully established use of a structure, or of a structure and premises in combination, exists that would not be allowed because of any subsequent City enactment, the lawfully established use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. An existing structure devoted to a use not permitted by this Code in the zone in which it is located may be enlarged, extended, constructed, reconstructed, or structurally altered as otherwise permitted by the Code
provided it does not substantially increase the impacts on adjacent properties.

B. 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 Code, but no such use shall be extended to occupy any land outside such building.

C. 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 Code.

D. 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.

E. 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.

F. 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.

G. 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.

15.08.040 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 Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof without a variance.

15.08.050 Uses Granted Under Exception/Exemption Provisions are Not Non-Conforming Uses
Any use for which an exception/exemption is permitted as provided in this Code shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such zone.

15.08.060 Non-Conforming Single-Family Residence Use
Where residential uses exist as non-conforming uses according to this Code, the following shall apply:

A. Notwithstanding any other provisions pertaining to non-conforming uses in this Code, 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.

B. 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.

C. If the City is satisfied that the completed work conforms with the Development Code, he/she shall issue a certificate of use and occupancy for the use indicated in the permit.

D. 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.