

Chapter

Two

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## Chapter 2: - Land Use Districts

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**2.1 Residential (R) District**

**2.1.100 Purpose**

The Residential District is intended to promote the livability, stability, and improvement of the City of Weston’s neighborhoods. This chapter provides standards for the orderly expansion and improvement of neighborhoods based on the following principles:

- Make efficient use of land and public services and implement the Comprehensive Plan by providing minimum and maximum density standards for housing.
- Accommodate a range of housing needs, including owner-occupied and rental housing.
- Provide for compatible building and site design at an appropriate neighborhood scale.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling. Provide direct and convenient access to schools, parks, and neighborhood services.
- Maintain and enhance the City’s historic characteristics.

**2.1.110 Permitted Land Uses**

**A. Permitted Uses.** The land uses listed in Table 2.1.110.A are permitted in the Residential District, subject to the provisions of this chapter. Only land uses which are specifically listed in Table 2.1.110.A, and land uses which are approved as “similar” to those in Table 2.1.110.A, may be permitted. Land uses identified as “Sub-district Only” are permitted only within the applicable sub-district. The land uses identified with a “CU” in Table 2.1.110.A require Conditional Use Permit approval prior to development or a change in use in accordance with Section 4.4 - Conditional Use Permits.

**B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Section 4.8 - Code Interpretations.

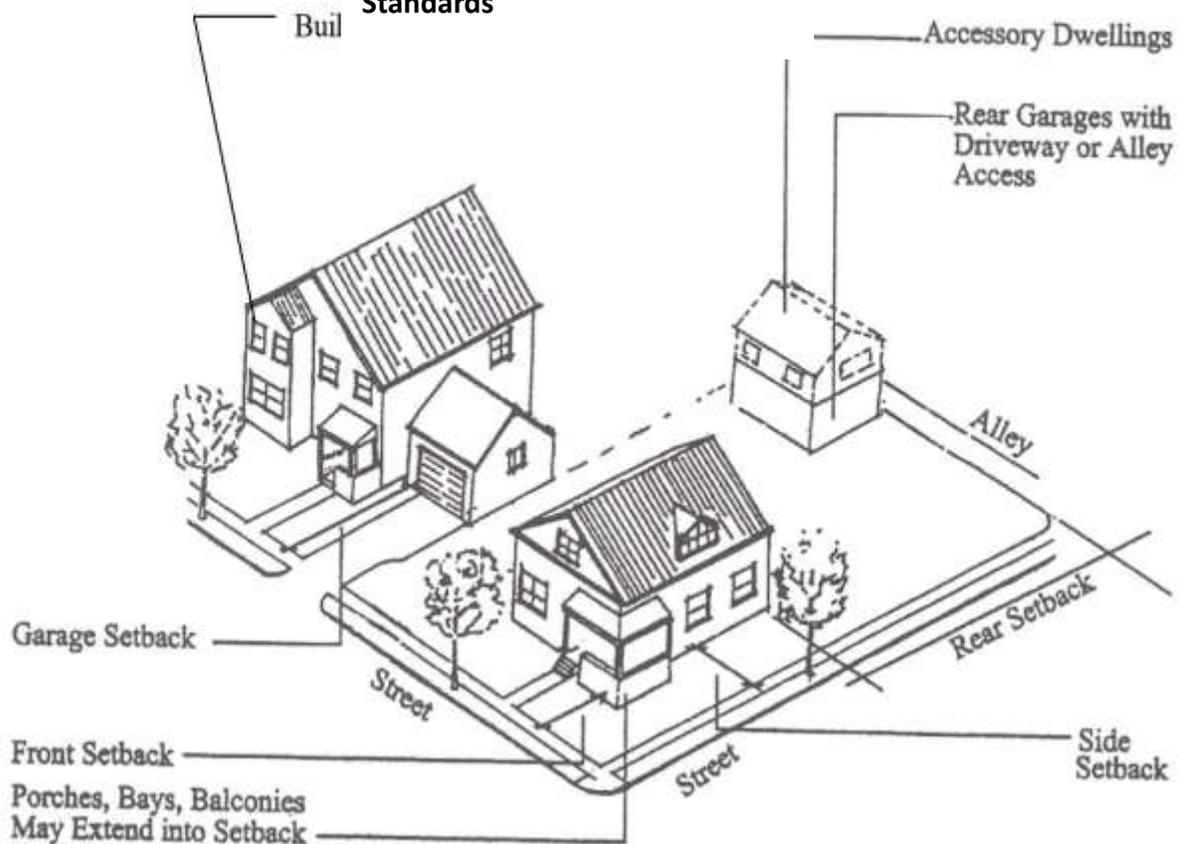
<p><b>Table 2.1.110.A</b> <b>Land Uses and Building Types Permitted in the Residential District</b></p>
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<p><b>1. Residential:</b></p> <p><i>Single-Family</i></p> <ul style="list-style-type: none"> <li>a. Single-family detached housing</li> <li>b. Single-family detached zero-lot line*</li> <li>c. Accessory dwelling unit*(CU)</li> <li>d. Manufactured homes - individual lots*</li> <li>e. Single-family attached townhomes*</li> <li>f. Cottage clusters (two to four small single-family dwellings on one lot, oriented to an alley or common green. (CU)*</li> </ul> <p><i>Two- and Three-Family</i></p> <ul style="list-style-type: none"> <li>g. Two- and three-family housing (duplex and triplex)*</li> </ul> <p><i>Multi-family</i></p> <ul style="list-style-type: none"> <li>h. Multi-family housing *(CU)</li> </ul> <p><i>Residential care</i></p> <ul style="list-style-type: none"> <li>i. Residential care homes and facilities*</li> <li>j. Family daycare</li> </ul> <p><b>2. Home Occupations*</b></p> <p><b>3. Accessory Uses and Structures</b></p> <p><i>Accessory Dwelling Units (ADUs) are included under "single-family" (this does not include ADUs, which are included under "single -family" in section 1, above)</i></p> <p><b>4. Agricultural</b></p> <p><i>(Permitted only in Farm Residential Sub-district)</i></p>	<p><b>5. Public and Institutional (CU)*:</b></p> <ul style="list-style-type: none"> <li>a. Churches and places of worship</li> <li>b. Clubs, lodges, and similar uses</li> <li>c. Government offices and facilities (administration, public safety, utilities, and similar uses)</li> <li>d. Libraries, museums, community centers, and similar uses</li> <li>e. Private utilities</li> <li>f. Public parks and recreational facilities</li> <li>g. Schools (public and private)</li> <li>h. Telecommunications equipment (including wireless)</li> <li>i. Transportation facilities and improvements             <ul style="list-style-type: none"> <li>1. Normal operation, maintenance;</li> <li>2. Installation of improvements within the existing right-of-way;</li> <li>3. Projects identified in the adopted Transportation System Plan (TSP) not requiring future land use review and approval;</li> <li>4. Landscaping as part of a transportation facility;</li> <li>5. Emergency measures;</li> <li>6. Street or road construction as part of an approved subdivision or partition;</li> <li>7. Transportation projects that are not designated improvements in the TSP** (CU); and</li> <li>8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)</li> <li>9. Uses similar to those listed above</li> </ul> </li> </ul>	<p><b>6. Residential Commercial (RC Sub-district only)*:</b></p> <p><i>Each of the following uses is "size limited" and subject to provisions in Section 2.1.200 - Special Standards for Certain Uses:</i></p> <ul style="list-style-type: none"> <li>a. All uses listed as <b>1. Residential</b> in this Table</li> <li>b. Child care center (care for more than 12 children)</li> <li>c. Food services, excluding automobile-oriented uses</li> <li>d. Laundromats and dry cleaners</li> <li>e. Light manufacturing, conducted entirely within building</li> <li>f. Retail goods and services</li> <li>g. Medical and dental offices, clinics and laboratories</li> <li>h. Personal services (e.g., barber shops, salons, and similar uses)</li> <li>i. Professional and administrative offices</li> <li>j. Repair services, conducted entirely within a building; auto-repair, similar services excluded</li> <li>k. Mixed use building (residential with other permitted use)</li> <li>l. Other similar uses</li> </ul> <p><b>7. Bed and Breakfast Inns (short-term rentals/vacation rentals) (CU)*</b></p>
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\* - Uses marked with an asterisk are subject to the standards in Section 2.1.200 - Special Standards for Certain Uses. \*\* - Uses marked with two asterisks are subject to the standards in Section 4.4.400 - Criteria, Standards, and Conditions of Approval, D.

(CU) - Uses marked with CU require a Conditional Use Permit. Temporary uses are subject to the standards in Section 4.9 - Miscellaneous Permits. Only uses specifically listed in Table 2.1.110.A and uses similar to those in Table 2.1.110.A are permitted in the Residential District.

**Figure 2.1.120 - Setback Standards**



### 2.1.120 Building Setbacks

Building setbacks provide space for private yards and building separation for fire protection/ security, building maintenance, sunlight, and air circulation. This section is also intended to promote human-scale design and traffic calming by downplaying the visual presence of garages along the street and encouraging the use of extra-wide sidewalks and pocket parks in front of markets and other non-residential uses. The standards encourage placement of residences close to the street for public safety and neighborhood security.

Building setbacks are measured from the face of the building, excluding porches, to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following page and illustrated above, apply to primary structures as well as accessory structures. A variance is required in accordance with Section 5.1 - Variances to modify any setback standard.

### 2.1.120 Building Setbacks Cont.

#### **A. Front Yard Setbacks.**

1. Residential Uses (single-family, duplex and triplex, multi-family housing types).
  - a. A minimum setback of 15 feet is required, except that an unenclosed porch may be within 10 feet, as long as it does not encroach into a public utility easement. See also, Section F, which provides standards for setbacks for established residential areas.
  - b. Garages and carports
  - c. Multi-family housing shall also comply with the building orientation standards in Section 2.1.180.
2. Residential Commercial Buildings. A minimum front setback is not required, except as necessary to comply with the vision clearance standards in Section 3.1.214 - Vision Clearances.
3. Public and Institutional Buildings. The standards in subsection 2 above (Residential Commercial Buildings) shall also apply to public and institutional buildings.

#### **B. Rear Yard Setbacks.**

The minimum rear yard setback shall be 15 feet for street access lots, and 6 feet for alley access lots.

#### **C. Side Yard Setbacks.**

The minimum side yard setback shall be 7 feet on interior side yards and 15 feet on street corner yards; when zero-lot line development is permitted, the minimum side yard setbacks shall be 14 feet minimum on one side of the dwelling unit, and no setback shall be required on the opposite side. (See standards for zero-lot line housing in Section 2.1.200 - Special Standards for Certain Uses.)

#### **D. Setback Exceptions.**

The following architectural features are allowed to encroach into the setback: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 3 feet. Porches, decks, and similar structures not exceeding 36 inches in height may encroach into setbacks by no more than 6 feet, subject to the front yard setback provisions in 2.1.120 Building Setbacks, A. Walls and fences may be placed on property lines, subject to the standards in Section 3.2 - Landscaping, Street Trees, Fences and Walls. Walls and fences within front yards shall

**Building Setbacks Exceptions. Cont.**

additionally comply with the vision clearance standards in Section 3.1.214 - Vision Clearances.

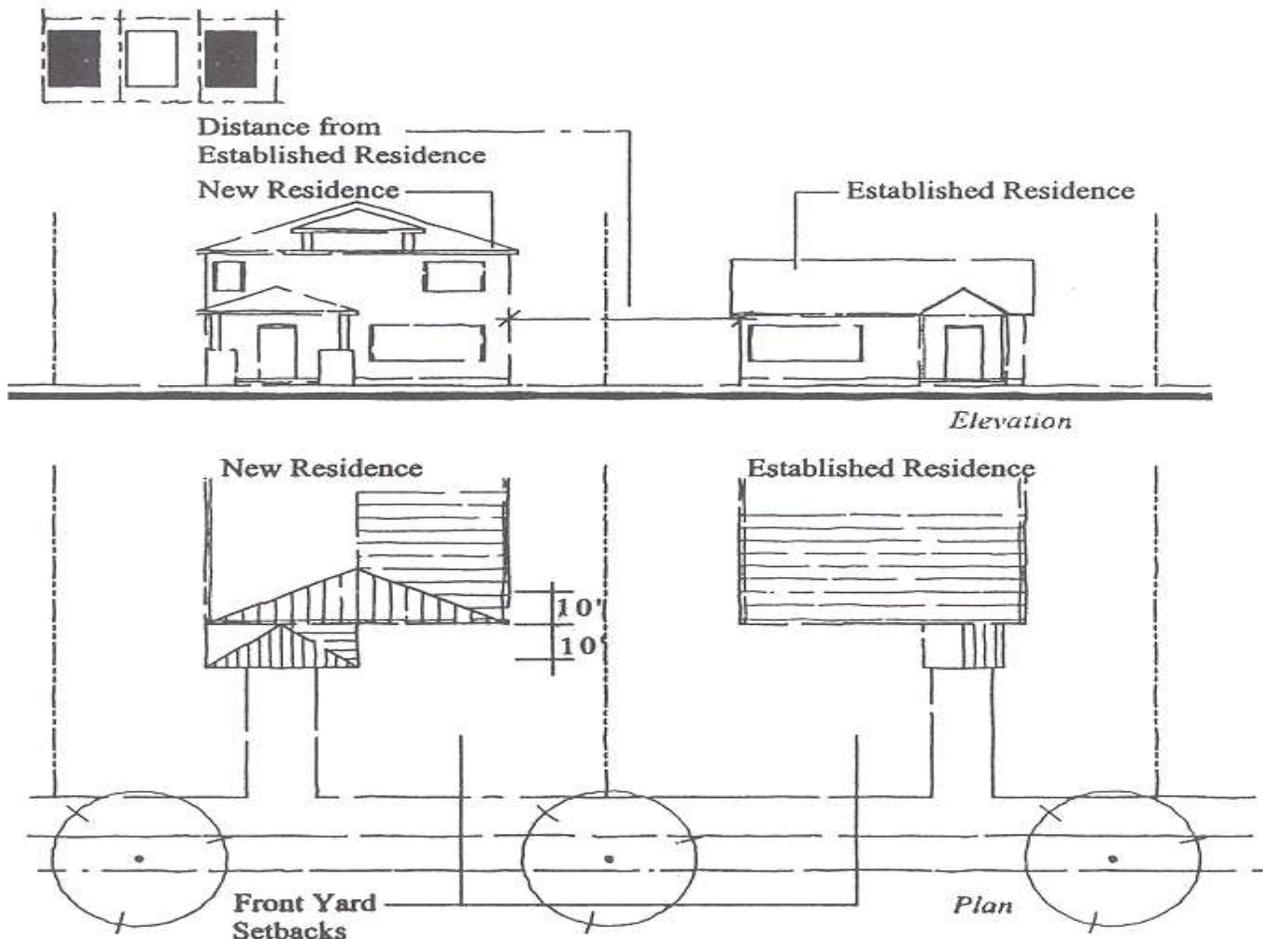
**E. Special Yards - Distance Between Buildings on the Same Lot.**

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least one-half the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 10 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscape yard, or other open space.

**F. Setbacks for Infill Housing in Established Residential Areas.**

“Established residential area“ means an area within the Residential District that was platted prior to the effective date of this ordinance. In such areas, the following setback standards shall apply:

**Figure 2.1.120F Infill/Established Residential Area Setbacks**



**Setbacks for Infill Housing in Established Residential Areas Cont.**

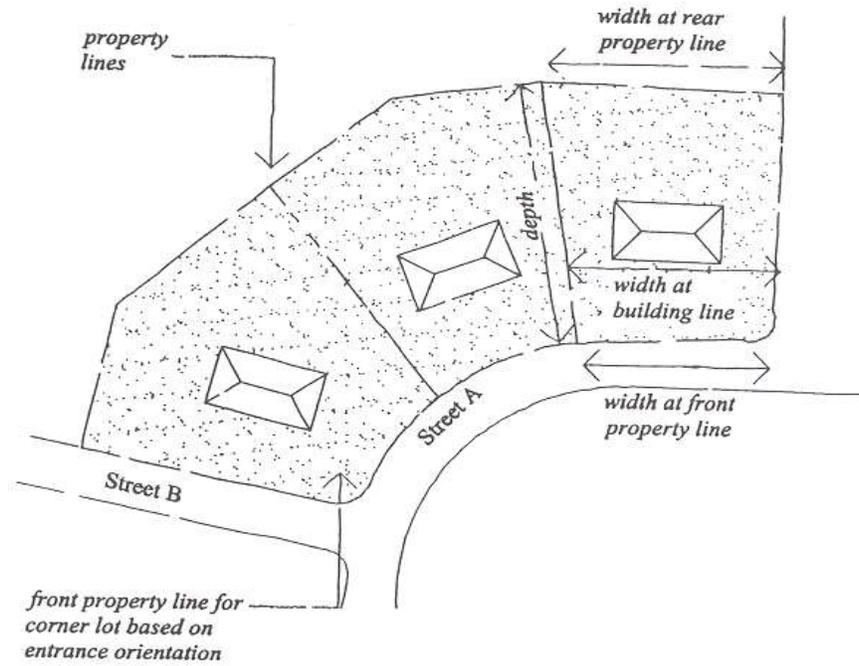
1. When an existing single-family residence on the same street is located within 40 feet of the subject site, a front yard setback similar to that of the nearest single-family residence shall be used. “Similar” means the

setback is within 5 feet of the setback provided by the nearest single-family residence on the same street. For example, if the existing single-family residence has a front yard setback of 20 feet, then the new building shall have a front yard setback between 15 feet and 25 feet. If the new building is to be located between two existing residences, then the setback for the new building shall be based on the average setback of both adjacent residences, plus or minus 10 feet.

2. In no case shall a front yard setback be less than 15 feet. Zero-lot line houses shall comply with the standards for zero-lot line housing in Section 2.1.200 - Special Standards for Certain Uses.
3. The standards in subsections 1 and 2 above shall not be changed, except through a Class B Variance (i.e., to avoid significant trees, topographic constraints, or other sensitive lands).

## 2.1.130 Lot Area and Dimensions

Figure 2.1.130 Lot Dimensions



### A. Permitted Lot Areas and Dimensions

For each permitted land use within the Residential District, minimum and maximum lot areas and dimensions are as listed in Table 2.1.130.A.

Table 2.1.130.A Lot Area and Dimensions Permitted in the Residential District			
Lane Use	Lot Area	Lot Width/Depth	Related Standards
<b>Detached Single-Family Housing; Manufactured Homes on Lots</b>	Minimum: 7,200 square feet  Maximum: 10,000 square feet  Minimum in Residential Suburban Sub-district: 10,001 square feet Maximum in Residential Suburban Sub-district: None	Minimum Width: 30 feet at front property line, except for flag lots and lots served by private lanes (See Section 2.1.140 - Flag Lots and Lots Accessed by Mid-Block Lanes)  Maximum Depth: Three times the lot width; except as may be required otherwise by this Code (e.g., to protect sensitive lands, etc.)	The average lot area and residential floor area in new developments shall conform to the standards in Section 2.1.150 - Residential Density and Building Size.
<b>Cottage Cluster (Two to four single-family dwellings on one lot, oriented to an alley or common green)</b>	Minimum area for cottage cluster: 7,200 square feet  Maximum area: 10,000 square feet	Minimum lot width: 60 feet. Maximum lot depth: Three times the lot width; except as may be required by this Code (e.g., to protect sensitive lands, etc.)	The average lot area and residential floor area in new developments shall conform to the standards in Section 2.1.150 - Residential Density and Building Size.
<b>Two-and Three-Family Housing (duplex and tri-plex)</b>	Minimum area for Two-family: 7,200 square feet  Minimum area for Three-family: 7,200 square feet Maximum: 10,000 square feet	Minimum Width: 60 feet at front property line, except for flag lots and lots served by private lanes (see Section 2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes)  Maximum Depth: Three times the lot width; except as required to protect sensitive lands, etc.	The average lot area and residential floor area in new developments shall conform to the standards in Section 2.1.150 - Residential Density and Building Size.
<b>Attached Single-Family Housing (Townhome)</b>	Minimum area: 3,000 square feet  Maximum area: 4,500 square feet	Maximum Width: 30 feet at front property line, except for flag lots and lots served by private lanes (see Section 2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes)  Maximum Depth Three times the lot width; except as may be required by this Code (e.g., to protect sensitive lands, etc.)	The average lot area and residential floor area in new developments shall conform to the standards in Section 2.1.150 - Residential Density and Building Size.

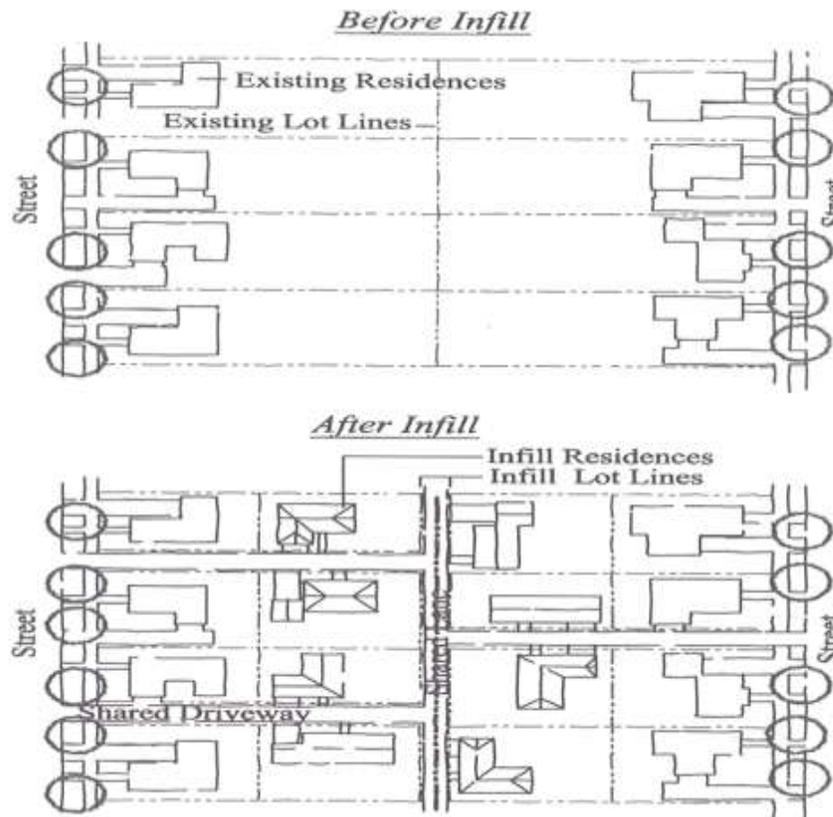
<p align="center"><b>Table 2.1.130.A</b>  <b>Lot Area and Dimensions Permitted in the Residential District</b></p>			
<p><b>Multi-Family Housing (more than three units)</b></p>	<p>Minimum area: 10,000 square feet</p> <p>Maximum area: None (see "related standards")</p>	<p>Minimum Width: 60 feet at front property line</p> <p>Maximum Depth: None</p>	<p>The maximum lot/parcel area is controlled by the Block Area standards in Section 3.1 - Access and Circulation</p>
<p><b>Lane Use</b></p>	<p>Lot Area</p>	<p>Lot Width/Depth</p>	<p>Related Standards</p>
<p><b>Public and Institutional Uses</b></p>	<p>Minimum area: None</p> <p>Maximum area: None (see Section 2.1.200 - Special Standards for Certain Uses)</p>	<p>Minimum Width: 60 feet at front property line</p> <p>Maximum Depth: None</p>	<p>The maximum lot/parcel area is controlled by the Block Area standards in Section 3.1 - Access and Circulation</p>
<p><b>Residential Commercial Uses</b></p>	<p>Minimum area: None</p> <p>Maximum area: None (see Section 2.1.200 - Special Standards for Certain Uses)</p>	<p>Minimum Width: 60 feet at front property line</p> <p>Maximum Depth: None</p>	<p>The maximum lot/parcel area is indirectly controlled by the floor area standards for Residential Commercial development, as provided in Section 2.1.200 - Special Standards for Certain Uses.</p>

### 2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes

As shown on Figure 2.1.140A, some lots in existing neighborhoods may have standard widths but may be unusually deep compared to other lots in the area. Essentially unused space at the back of a lot may provide room for one or more lots for infill housing. Infill lots may be developed as “flag lots” or “mid-block developments,” as illustrated below.

**Figure 2.1.140A - Mid-block infill**

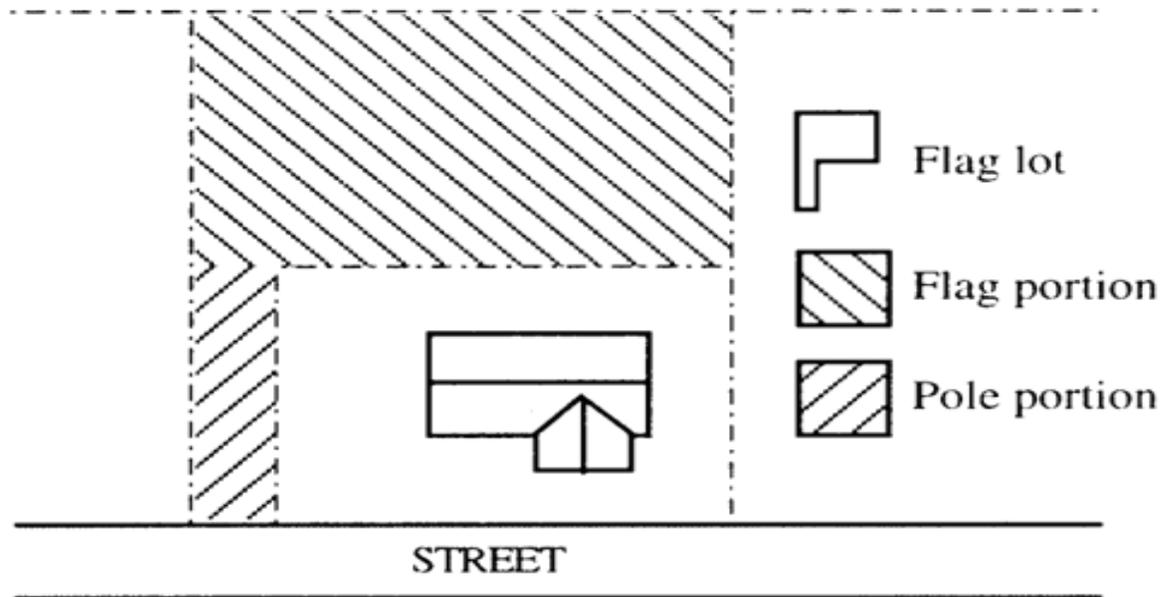
- A. Mid-block Lanes.** Lots may be developed without frontage onto a public street when lot access is provided by a series of mid-block lanes, shown



as the vertical lane in

Figure 2.1.140A. Mid-block lanes shall be required whenever practicable as an alternative to approving flag lots. The lanes shall meet the standards for alleys, per Section 3.4.100 - Transportation Standards, and 2.1.140 - Flag Lots and Lots Accessed by Mid-Block Lanes, C through F, below.

Figure 2.1.140B - Flag Lot (Typical)



### 2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes Cont.

- B. Flag Lots.** Flag lots may be created only when mid-block lanes cannot be extended to serve future development. A flag lot driveway may serve no more than two dwelling units, including accessory dwelling units and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be six. A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure, or other obstacle shall be placed within the drive area.
- C. Driveway and Lane Width.** The minimum width of all shared drives and lanes shall be 15 feet; the maximum width is 20 feet, except as required by the UFC.
- D. Dedication of Drive Lane.** The owner shall dedicate 15 feet of right-of-way or record a 15-foot easement for vehicle access similar to an alley. This may be accomplished with two 7-1/2-foot easements for properties sharing a drive. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.

### 2.1.140 Flag Lots and Lots Accessed by Mid-Block Lanes Cont.

- E. Maximum Drive Lane Length.** The maximum drive lane length is subject to requirements of the UFC, but shall not exceed 150 feet for a shared side drive, and 400 feet for a shared rear lane.
- F. Future Street Plans.** Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (i.e., as shown in Figure 2.1.140B).
- G. Flag Lots Shall Not Be Permitted.** When the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.

### 2.1.150 Residential Density and Building Size

- A.** Minimum and maximum housing densities are calculated by multiplying the parcel or lot area by the applicable density standard. For example, if the total site area is 5 acres, and the maximum allowable density is seven dwelling units per acre, then a minimum of 35 units is required. The equivalent average lot size (i.e., for single-family dwellings) is determined by subtracting street right-of-way, water quality facilities, and other non-buildable areas from the 5-acre site, then dividing the remaining (net) area by the number of units; assuming 25 percent for streets and other non-buildable areas, this equals an “average single-family lot size” as follows:  $(217,800 \text{ square feet} \times 0.75) / 7 = 4,667 \text{ square feet}$ . This is only one example; actual lot sizes will vary based on the proposed building type and the lot area standards in Section 2.1.130 - Lot Area and Dimensions. Flag poles on flag lots shall be considered not buildable for the purpose of calculating densities. See Figure 2.1.140B.

## 2.1.150 Residential Density and Building Size Cont.

**B. Minimum Residential Density Standard.** The following density standards apply to all new subdivisions. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing in conformance with the Comprehensive Plan.

1. New subdivisions shall provide for housing at densities between four dwelling units per net acre minimum and six units per [net] acre maximum (based on the 7,200 square foot minimum and 10,000 square foot maximum lot area standards). Development within the Multi-family Sub-district shall provide housing at densities between four units per net acre minimum and seven units per net acre maximum.
2. The density standards may be averaged over more than one development phase (i.e., as in a Master Planned Development). Duplex and triplex lots used to comply with the density standard shall be so designated on the final subdivision plat.
3. The following types of housing are exempt from the minimum density standards: Partitions of two or three lots, residential care homes/facilities, and bed and breakfast inns.
4. Development that is not a subdivision, such as a partition of three lots or fewer, or construction of a single-family home, shall be located on the site so that land is used efficiently and future development can occur at minimum densities.

## 2.1.160 Maximum Lot Coverage

**A. Maximum Lot Coverage.** The following maximum lot coverage standards shall apply to all development in this district:

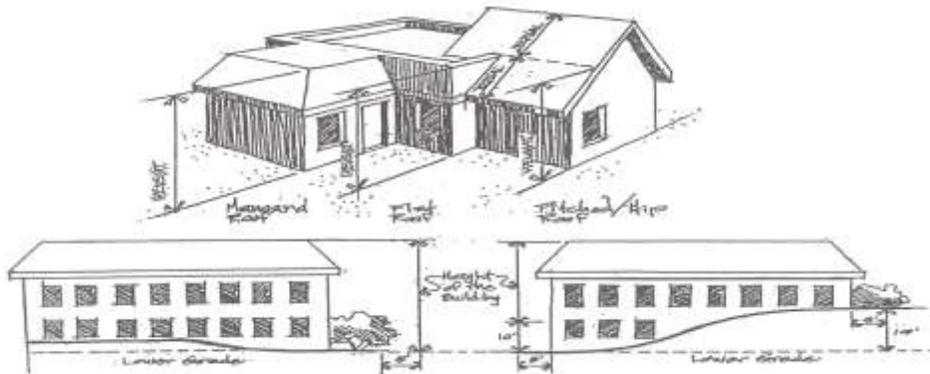
1. Single-Family Detached Houses - 40 percent
2. Duplexes and Triplexes - 60 percent
3. Single-Family Attached Townhomes - 60 percent
4. Cottage Clusters - 40 percent for two dwellings; 60 percent for three or four dwellings
5. Multi-family Housing - 60 percent
6. Residential Commercial and Public/Institutional Uses - 80 percent

## 2.1.160 Maximum Lot Coverage Cont.

- B. Lot Coverage Defined.** “Lot Coverage” means all lot or parcel covered by buildings (as defined by foundation perimeters) and other structures with surfaces greater than 36 inches above the finished grade.
- C.** Compliance with other sections of this Code may preclude development of the maximum lot coverage for some land uses.

## 2.1.170 Building Height

**Figure 2.1.170A - Building Height Measurement (Composite of Several Roof Forms)**

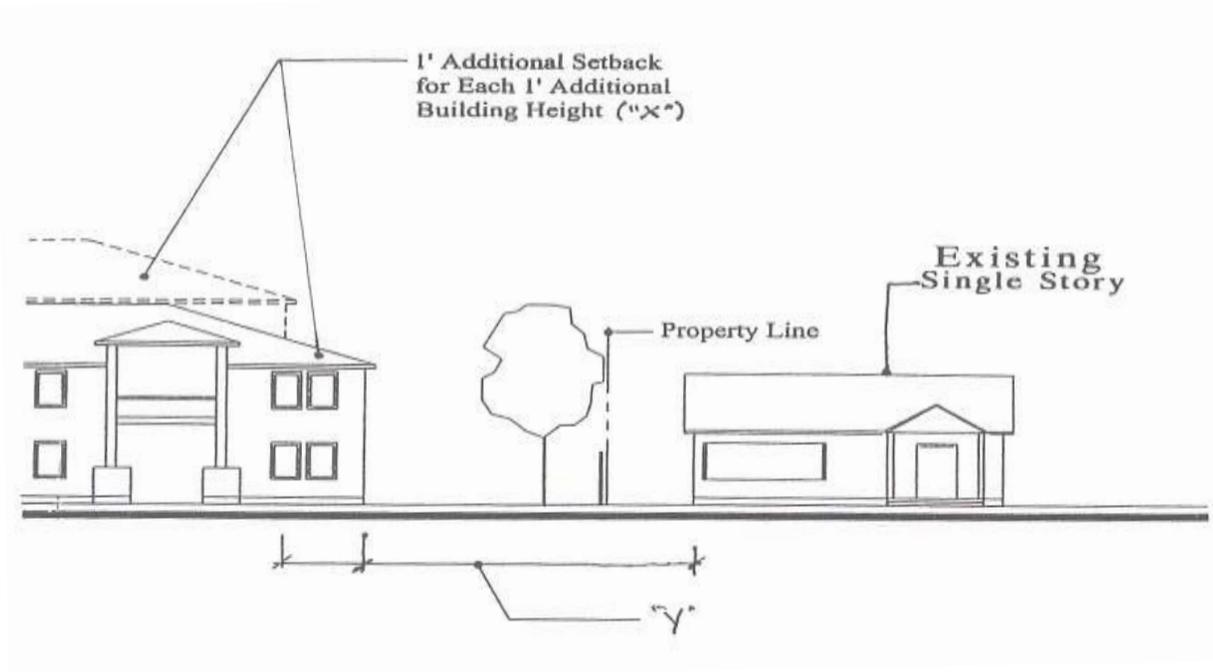


The following building height standards are intended to promote land use compatibility and support the principle of neighborhood-scale design.

- A. Building Height Standard.** Buildings within the Residential District shall be no more than 30 feet or 2 and 1/2 stories in height, whichever is greater, and buildings within the Multi-family Sub-district may be up to 35 feet or three stories. Building height may be restricted to less than these maximums when necessary to comply with the Building Height Transition standard in 2.1.170 - Building Height, C., below. Items not included in the maximum height are chimneys, bell towers, steeples, roof equipment, flagpoles, solar energy systems, and similar features that are not for human occupancy.
- B. Method of Measurement.** “Building height” is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (see above examples). The reference datum shall be selected by either of the following, whichever yields a greater height of building:

**B. 2.1.170 Building Height Cont.**

1. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in 2.1.170 - Building Height, A., is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

**Figure 2.1.170C - Building Height Transition****C. Building Height Transition.** To provide compatible building scale and privacy between developments, taller buildings shall “step-down” to create a building height transition to adjacent single-story building(s).

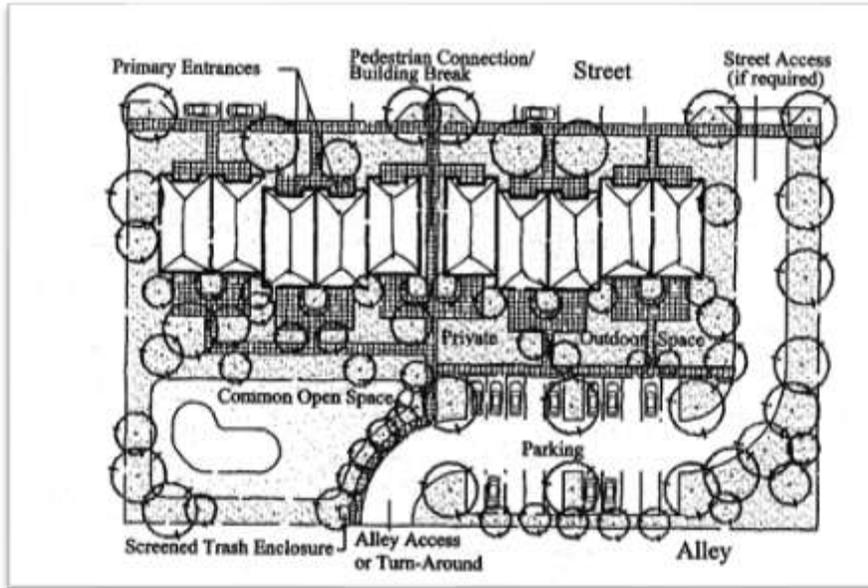
1. This standard applies to new and vertically expanded buildings within 20 feet (as measured horizontally) of an existing single-story building with a height of 20 feet or less, as shown above.
2. The building height transition standard is met when the difference between the height of the taller building (“x”) does not exceed 1 foot of height for every 1 foot separating the two buildings (“y”), as shown above.

### 2.1.180 Building Orientation

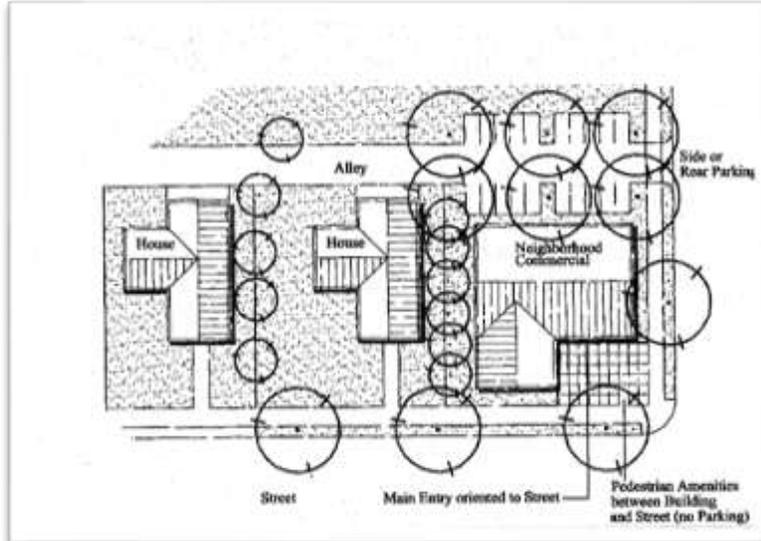
- A. Purpose.** The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more “eyes-on-the-street.”
- B. Applicability.** This section applies to single-family dwellings including manufactured houses, two and three family housing, attached townhomes which are subject to Site Design Review (three or more attached units); multi-family housing; residential commercial buildings; and public and institutional buildings.
- C. Building Orientation Standards.** All developments listed in 2.1.180 - Building Orientation, B., shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:
1. Compliance with the setback standards in Section 2.1.120 - Building Setbacks.
  2. All buildings shall have their primary entrance(s) oriented to the street. Multi-family and residential commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a multi-family building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Section 3.1 - Access and Circulation. In this case, at least one entrance shall be provided not more than 30 feet from the closest sidewalk or street.
  3. Off-street parking, drives, or other vehicle areas shall not be placed between buildings and streets where building placement complies with this standard, except for single-family development, duplexes, manufactured homes, and attached townhomes.
- D.** The standard shall not apply to buildings that do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment, and similar uses.)
- E.** Manufactured homes may have the door facing the side yard if there are windows, making up at least 30 percent of the street-facing wall.

Figure 2.1.180 - Typical Building Orientation (Multi-Family/Attached Housing and Neighborhood Commercial)

(Multi-Family/Attached Housing)



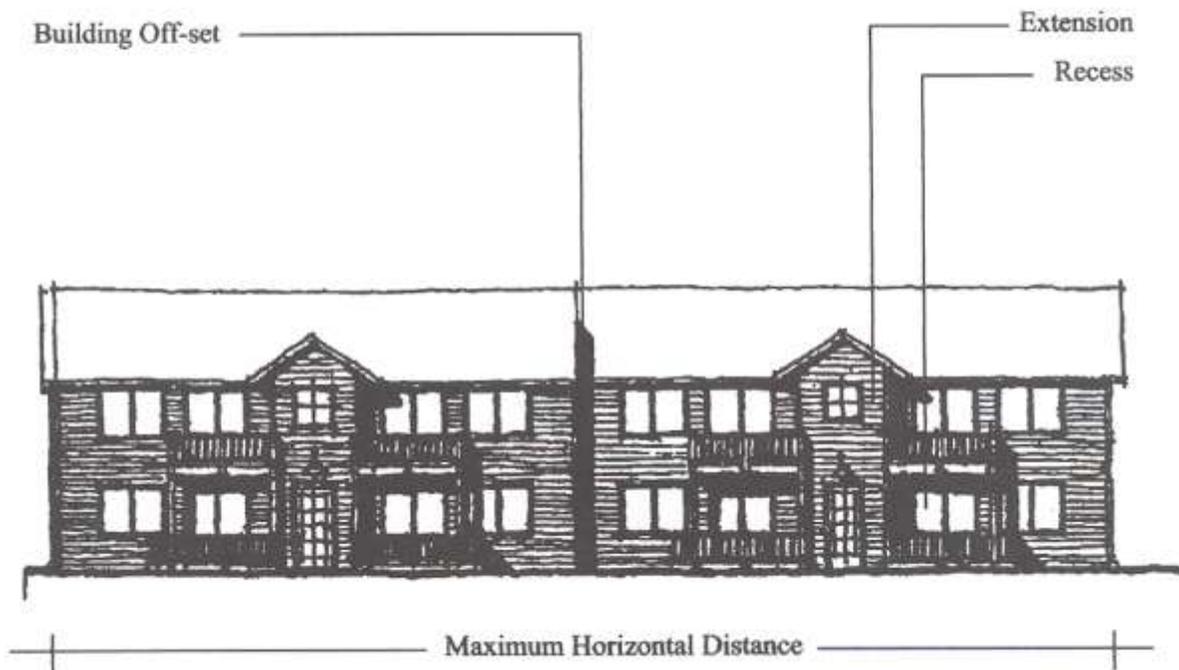
(Neighborhood Commercial Building)



### 2.1.190 Design Standards

- A. Purpose.** The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of architectural building styles.
- B. Applicability.** This section applies to the following types of buildings, and shall be applied during Site Design Review:
1. Duplexes and triplexes
  2. Single-family attached townhomes that are subject to Site Design Review (three or more attached units);
  3. Multi-family housing;
  4. Public and institutional buildings; and
  5. Residential commercial and mixed-use buildings.
- C. Standards.** All buildings that are subject to this section shall comply with all of the following standards. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.

**Figure 2.1.190C(1) - Building Form (Multi-Family Housing Example)**



### 2.1.190 Design Standards Cont.

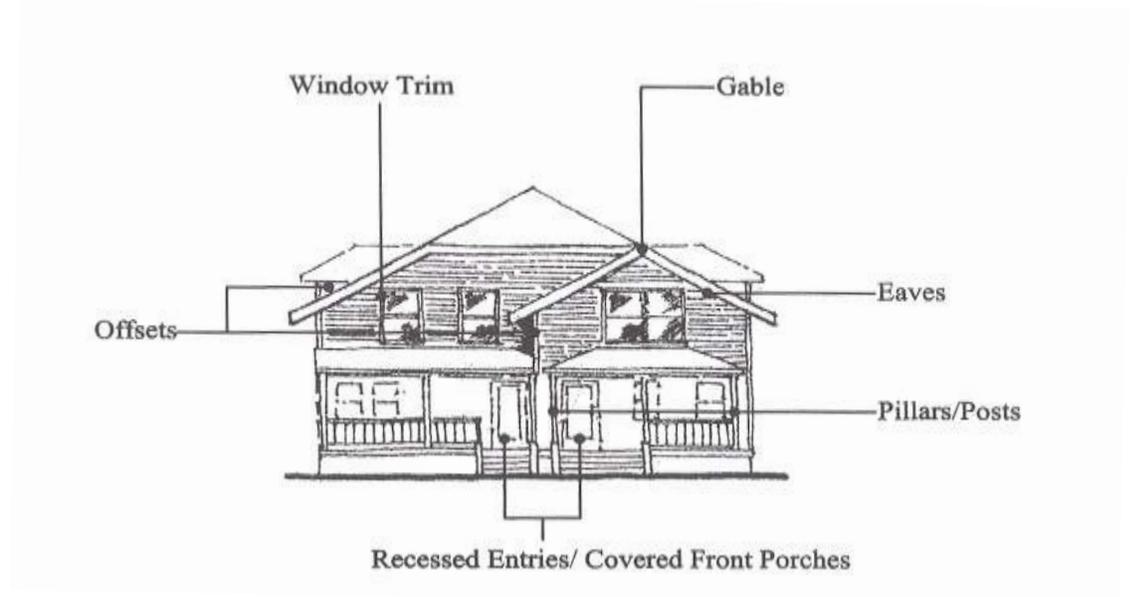
1. **Building Form.** The continuous horizontal distance (i.e., as measured from end-wall to end-wall) of individual buildings shall not exceed 80 feet. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude

large expanses of uninterrupted building surfaces, as shown in Figure 2.1.190C(1). Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:

- a. Recess (e.g., deck, patio, courtyard, entrance, or similar feature) that has a minimum depth of 6 feet;
  - b. Extension (e.g., floor area, deck, patio entrance or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
  - c. Offsets or breaks in roof elevation of 2 feet or greater in height.
2. Eyes on the Street. All building elevations visible from a street right-of-way shall provide doors, porches, balconies, and/or windows. A minimum of 60 percent of front (i.e., street-facing) elevations, and a minimum of 30 percent of side and rear building elevations, shall meet this standard. "Percent of elevation" is measured as the horizontal plane (linear feet) containing doors, porches, balconies, terraces, and/or windows. The standard applies to each full and partial building story.

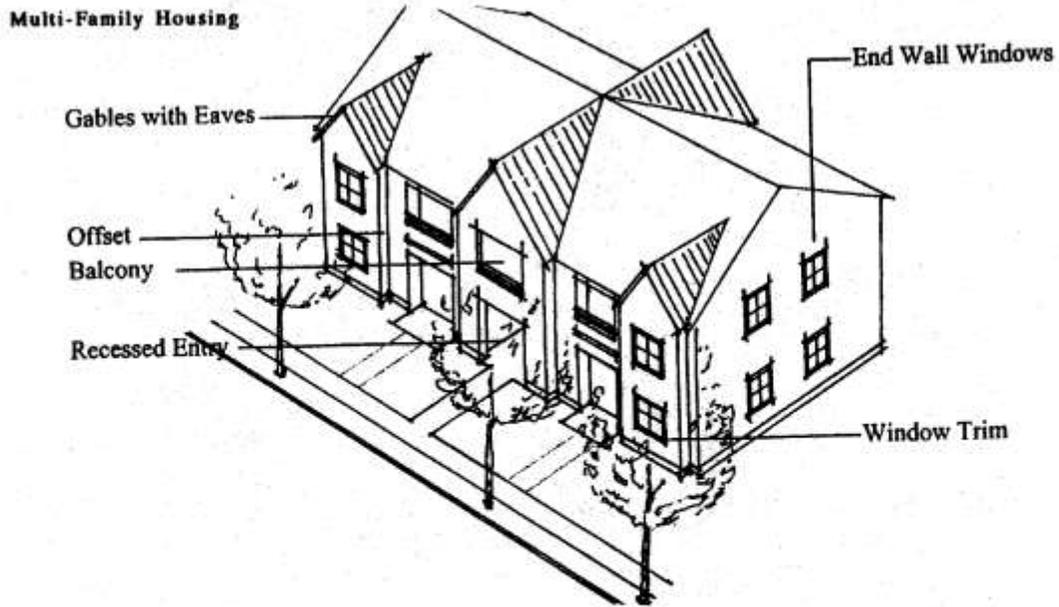
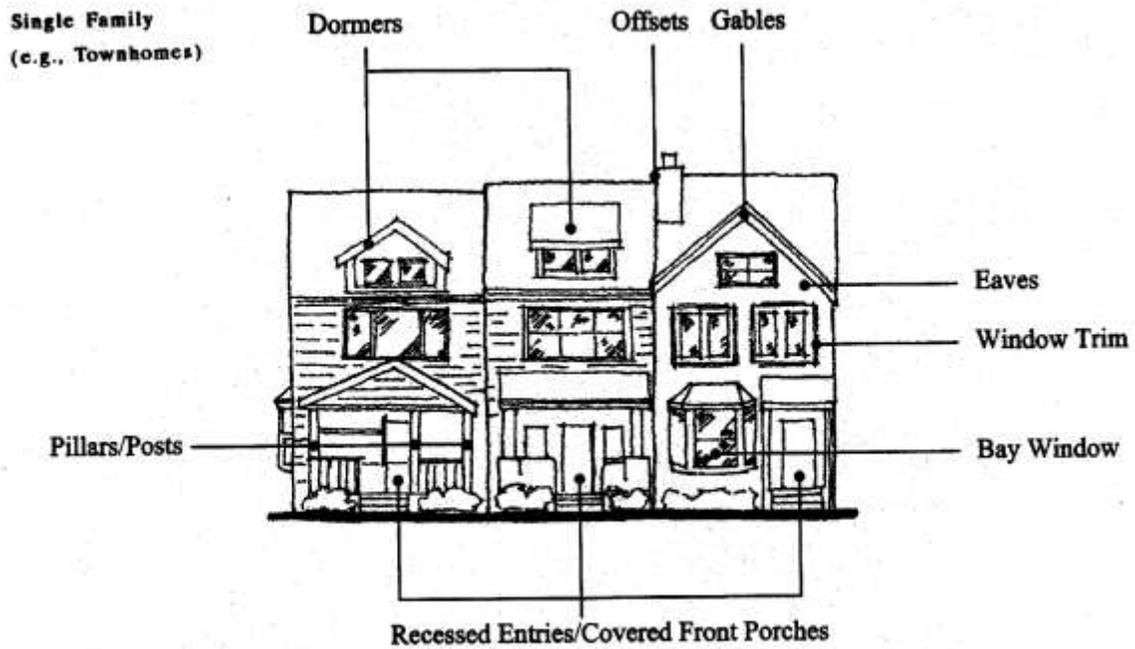
## 2.1.190 Design Standards Cont.

### 2.1.190C(2) - Examples of Architectural Details



3. **Detailed Design.** All buildings shall provide detailed design along all elevations (i.e., front, rear, and sides). Detailed design shall be provided by using at least two of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
- Dormers
  - Gables
  - Recessed entries
  - Covered porch entries
  - Cupolas or towers
  - Pillars or posts
  - Eaves (minimum 6-inch projection)
  - Off-sets in building face or roof (minimum 16 inches)
  - Window trim (minimum 4 inches wide)
  - Bay windows
  - Balconies
  - Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
  - Decorative cornices and roof lines (e.g., for flat roofs)
  - An alternative feature providing visual relief, similar to options a through m.

Figure 2.1.190C(3) - Examples of Architectural Details



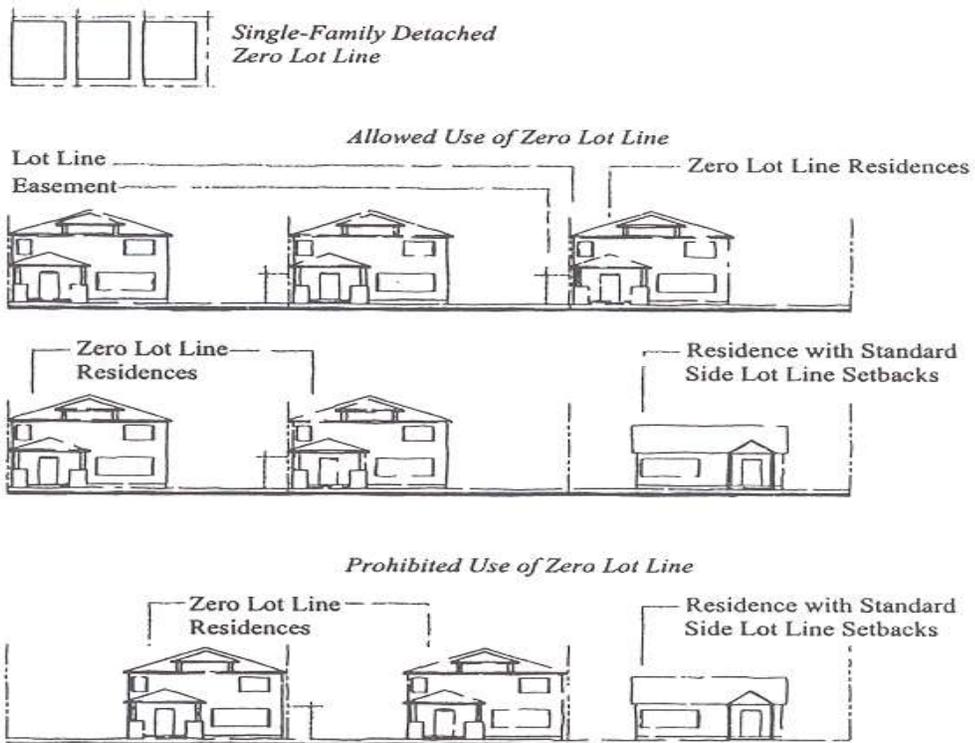
**2.1.200 Special Standards for Certain Uses**

This section supplements the design standards contained in Sections 2.1.100 through 2.1.190. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential District:

**2.1.201 “Zero lot line” (Single-family Courtyard Home)**

“Zero lot line” houses are subject to the same standards as single-family housing, except that a side yard setback is not required on one side of a typical lot (as shown below). This type of housing is permitted to allow development on smaller (i.e., narrower) lots and still provide usable outdoor living area in side yards. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance.

**Figure 2.1.201 - Zero Lot Line Housing**



**A. Setbacks Adjacent to Non-Zero Lot Line Development**

When a zero lot line house shares a side property line with a non-zero lot line development, the zero lot line building shall be setback from the common property line by a minimum of 10 feet;

### 2.1.201 Zero Lot Line Development (single -family courtyard home) Cont.

#### ***B. Construction and Maintenance Easement***

Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and

#### ***C. Buffering***

The building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots. For example, this standard is met by placing ground floor windows (along the zero setback) above sight lines with direct views into adjacent yards, or by directing views away from yards (e.g., bay window), or by using frosted/non-see-through windows, as necessary.

### 2.1.202 Accessory Dwelling Unit (Attached, Separate Cottage, Tiny Home, or Above Detached Garage)

An accessory dwelling unit is a small, secondary housing unit on a single-family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The housing density standard of the Residential District does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

#### ***A. Oregon Structural Specialty Code***

The structure complies with the Oregon Structural Specialty Code; manufactured homes may be used if they meet the floor area requirements below;

#### ***B. Owner-Occupied***

The primary residence or accessory dwelling shall be owner-occupied. Alternatively, the owner may appoint a family member as a resident care-taker of the principal house and manager of the accessory dwelling;

#### ***C. One Unit: A maximum of one accessory dwelling unit is allowed per lot;***

### 2.1.202 Accessory Dwelling Unit (Attached, Separate Cottage, Tiny Home, or Above Detached Garage): Cont.

#### **D. Floor Area**

The maximum floor area of the accessory dwelling shall not exceed 800 square feet; or the current state's allowance for square footages. Always check for current allowable square footages.

#### **E. Building Height**

The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed 25 feet, as measured in accordance with Section 2.1.170 - Building Height; and

#### **F. Buffering**

A minimum 4-foot hedge or site obscuring fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for the privacy and enjoyment of yard areas by either the occupants or adjacent residents.

### 2.1.203 Manufactured Dwellings on Individual Lots

Manufactured dwellings are permitted on individual lots, subject to all of the following design standards. Exception: The following standards do not apply to units, which existed within the City prior to the effective date of this Code.

#### **A. Floor Plan**

The manufactured dwelling shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet, except where existing lot size would not accommodate a multi-sectional manufactured dwelling having a minimum of 1,000 square feet of floor area;

#### **B. Roof**

The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width;

#### **C. Residential Building Materials**

The manufactured dwelling shall have exterior siding and roofing which in color, material, and appearance, are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to metal siding and roofing);

## 2.1.203 Manufactured Dwellings on Individual Lots Cont.

### **D. Garages and Carports**

The manufactured dwelling shall have a garage or carport constructed of like materials when nearby residences have carports or garages. The City may require an attached or detached garage when consistent with the predominant construction of immediately surrounding residences;

### **E. Thermal Envelope**

The manufactured dwelling shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer certification shall not be required;

### **F Placement**

The manufactured dwelling shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home;

### **G Foundation Skirt**

The foundation area of the manufactured dwelling shall be fully skirted; and

### **H Prohibited**

The manufactured dwelling shall not be located in a designated historic district.

### 2.1.204 Residential Care Homes and Facilities

Residential care homes or facilities are treatment or training residences or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for five or fewer individuals (“homes”) or six to 15 individuals (“facilities”) who need not be related. 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 care homes and facilities shall comply with the following standards, consistent with ORS 197.660-670:

#### **A. Licensing**

All residential care homes shall be duly licensed by the State of Oregon.

#### **B. Parking**

A minimum of one parking space shall be provided for each employee and typical number of visitors, in accordance with Section 3.3 - Vehicle and Bicycle Parking requirements.

#### **C. Development Review**

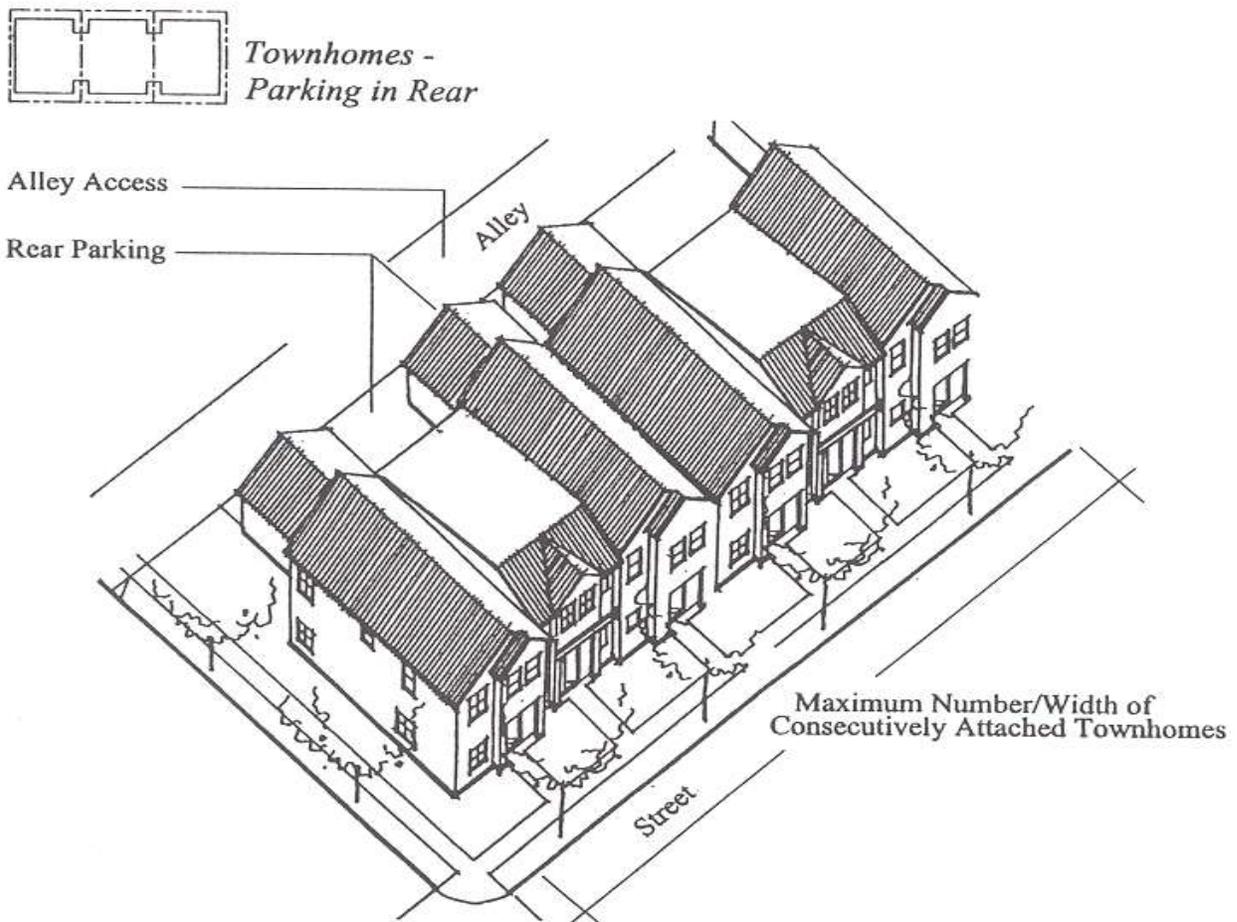
**Development** Review shall be required for new structures to be used as residential care homes or facilities, and for conversion of an existing residence to be used as a residential care home, to ensure compliance with the licensing, parking, and other requirements of this Code.

### 2.1.205 Single-family Attached (Townhomes), Duplexes, and Triplexes

Single-family attached housing (townhome units on individual lots), duplex, and triplex developments shall comply with the standards in 1 through 4, below. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

## 2.1.205 Single-family Attached (Townhomes), Duplexes, and Triplexes Cont.

Figure 2.1.205(1) - Townhomes and Multiplex Housing with Alley Access



### A. Building Mass Supplemental Standard

Within the Residential District, the number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed four units (within the Multi-family Sub-district, the number and width of consecutively attached townhome units shall not exceed six units).

### B. Alley Access

Townhome, duplex, and triplex subdivisions (four or more lots) shall receive vehicle access only from a rear alley. Alley(s) shall be created at the time of subdivision approval, in accordance with Section 3.4.100 -Transportation Standards, and Section 4.3 - Land Divisions and Lot Line Adjustments. Alleys are not required when existing development patterns or topography make

### ***Alley Access Cont.***

construction of an alley impracticable (see 3., below for standards). As necessary, the City shall require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Section 3.1 - Access and Circulation.

### ***C. Street Access Developments***

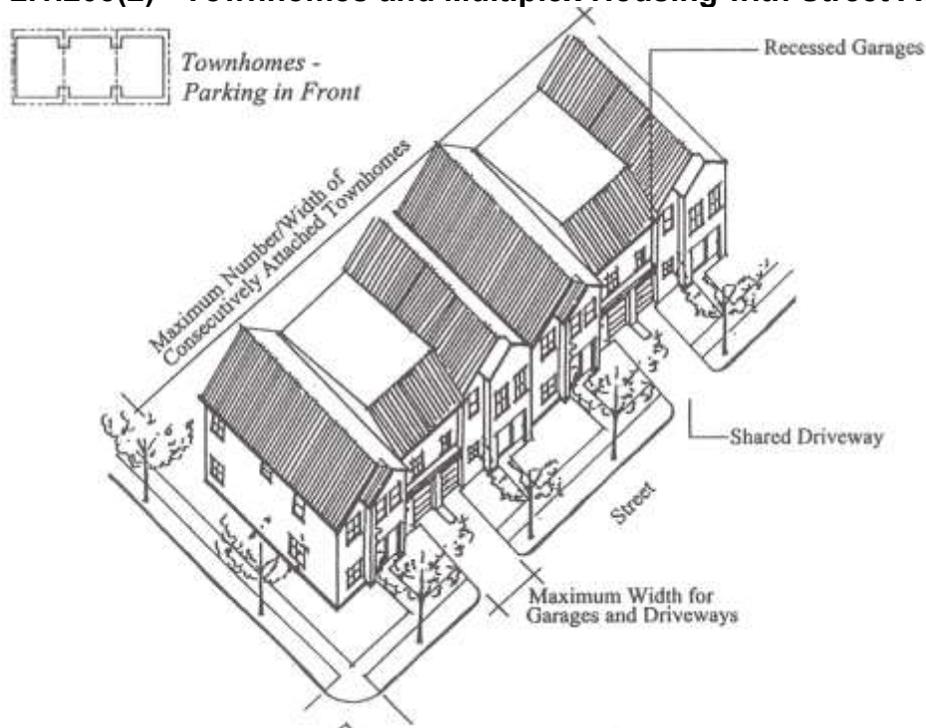
Townhomes, duplexes, and triplexes receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, provide more room for on-street parking, improve appearance of the streets, and minimize paved surfaces for better stormwater management.

- 1. When garages face the street, they shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.**
- 2. The maximum allowable driveway width facing the street is 12 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a 24-foot-wide unit may have one 12-foot-wide recessed garage facing the street.**
- 3. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.**

### ***D. Common Areas***

“Common areas” (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowner’s association or other legal entity. A homeowner’s association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions, and conditions shall be recorded and provided to the City prior to building permit approval.

Figure 2.1.205(2) - Townhomes and Multiplex Housing with Street Access



### 2.1.206 Cottage Clusters

These uses shall comply with the development standards 1 through 3 below. The standards are intended to control development scale, ensure that parking locations do not adversely impact site design, and ensure management and maintenance of common areas.

#### A. Building Size Supplemental Standard

Building heights shall be limited to one story.

#### B. Location of parking and access

Access to individual clusters will be via one or more rear alleys or a common parking area located directly adjacent to the frontage street. If a common parking area is provided, a pedestrian pathway to individual units also will be required and shall meet Americans with Disabilities Act accessibility standards, using impervious or semi-pervious materials.

#### C. Common Areas

“Common Areas” such as landscaping or shared courtyards shall be maintained by a homeowner’s association, other legal entity or through legal agreement between residents. A homeowner’s association also may be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the City prior to building permit approval.

## 2.1.206 Cottage Clusters Cont.

### **D. Access to Fire Protection**

Each dwelling will be directly accessible to and located within no more than 50 feet of an adjacent dwelling or alley to ensure access to fire-fighting equipment.

## 2.1.207 Public and Institutional Land Uses

Public and institutional uses (as listed in Table 2.1.110.A) are allowed in the Residential District subject to a Conditional Use Permit and compliance with the following land use standards, which are intended to control the scale of these developments and their compatibility with nearby residences.

### **A. Development Site Area**

The maximum development site area shall be 8 acres, except that this standard shall not apply to parks and open space uses. Larger developments may be approved as a Conditional Use, in accordance with Section 4.4 - Conditional Use Permits, or as part of a Master Planned Development, in accordance with Section 4.5 - Master Planned Developments.

### **B. Building Mass**

The maximum width or length of a multi-family building shall not exceed 80 feet (from end-wall to end-wall), except that this standard may be increased through the approval of a Conditional Use Permit, or as part of a Master Planned Development.

### **C. Telecommunications Equipment**

Telecommunications equipment (e.g., cell towers and antennae) shall comply with the standards of the Federal Telecommunication Act (1996).

### **D. Vehicle Areas and Trash Receptacles**

All vehicle areas (i.e., parking, drives, storage, etc.) and trash receptacles shall be oriented away from adjacent residences to the greatest extent practicable, and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height.

### **E. Standards for Transportation Improvements**

Standards for transportation improvements are located in Section 4.4.400 - Criteria, Standards, and Conditions of Approval, D.

## 2.1.208 Accessory Uses and Structures

Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District may include detached garages, sheds, workshops, greenhouses, and similar structures. For standards applicable to Accessory Dwellings, please refer to Section 2.1.202 - Accessory Dwelling Unit (Attached, Separate Cottage, Tiny Home, or Above Detached Garage). Type I accessory structures shall comply with all of the following standards; Type II accessory structures may be permitted in accordance with subsection G., below.)

### **A. Primary Use Required**

An accessory structure shall not be allowed without another permitted use (e.g., as listed in Table 2.1.110.A).

### **B. Restrictions**

A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.

### **C. Compliance with Land Division Standard**

The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

### **D. Floor Area**

The maximum floor area of the accessory dwelling structure shall not exceed 800 square feet or current state allotted square footages. (All other accessory structures limited to lot coverage restrictions). Always check state rulings for the allowed sq

### **E. Building Height**

The building height of detached accessory structure shall not exceed 25 feet, as measured in accordance with Section 2.1.170 - Building Height.

### **F. Buffering**

A minimum 4-foot hedge or fence may be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is provided or the distance to adjacent dwelling(s) is greater than 50 feet.

## 2.1.208 Accessory Uses and Structures Cont.

### G.

The Planning Commission may approve a Type II accessory structure in compliance with the standards of subsections B, C, and F, and the following additional requirements:

#### 1. Primary Use Not Required

A Type II accessory structure may be approved as a stand-alone use, without a primary use, when the structure and the use thereof is consistent with the purpose of supporting a primary residential use. The applicant for such a stand-alone structure shall provide a statement affirming that no non-residential uses, such as commercial uses or industrial uses, or any other type of use, shall be permitted in the structure or on the property of scale and intensity inconsistent with the residential uses allowed on the site and in the zoning district. This statement shall be recorded and the restriction shall run with the property. Proof of recording shall be provided to the City Official before a building permit is approved.

#### 2. Structure Size

The maximum floor area of the accessory structure and any future primary and accessory structures on the property shall not exceed the maximum allowable lot coverage and shall comply with all setback requirements. A variance shall not be approved for setbacks for any structure, present, proposed, or future, for a site with a Type II accessory structure. The applicant shall provide a concept plan that shows the likely location and size of any other future structures on the site, including a dwelling that will become the primary use to demonstrate that the site can be utilized in compliance with all requirements of the Development Code. The concept plan shall be provided in addition to a site plan showing the location, size, and setbacks for the proposed Type II accessory structure.

#### 3. Building Height

The height of a Type II accessory structure shall not exceed 25 feet and the building shall be set back from the property line for a distance equivalent to the building height.

## 2.1.209 Bed and Breakfast Inns Short-term Rentals/Vacation Rentals)

### **A. Purpose**

The purpose of this section is to provide standards for the establishment of a bed and breakfast inn. Standards apply to short-term rentals/vacation rentals.

### **B. Accessory Use**

A bed and breakfast inn must be accessory to a household already occupying the structure as a residence.

### **C. Maximum size**

The bed and breakfast structure is limited to a maximum of three bedrooms for guests and a maximum of six guests per night.

### **D. Employees**

The bed and breakfast facility may have up to two non-resident employees for the facility.

### **E. Food Service**

Food services may only be provided to overnight guests of the bed and breakfast inn.

### **F. Owner-occupied**

The bed and breakfast inn shall be owner-occupied and shall maintain the exterior physical characteristics of a single-family dwelling. No separate structures shall be allowed (except for usual residential accessory buildings such as sheds or detached garages).

### **G. Signs**

Signs must meet the standards in Section 3.6.500 - Signs.

### **H. Monitoring**

All bed and breakfast inns must maintain a guest logbook. It must include the names and home address of guest, guests' license plate numbers if traveling by car, dates of stay and the room number of each guest. The log must be available for inspection by law enforcement upon request.

## 2.1.210 Master Planned Development

### ***A. Purpose and Intent***

The purpose of this section is to ensure the development of fully integrated, mixed-use pedestrian-oriented neighborhoods. The intent is to minimize traffic congestion, urban and suburban sprawl, infrastructure costs, and environmental degradation, particularly as new development takes place on large parcels of land.

### ***B. Applicability***

This section applies to parcels and development sites with more than one parcel, that are 40 acres or larger, and located in the Residential District.

### ***C. Master Plan Required***

Prior to land division approval, a Master Plan shall be prepared for all sites meeting the criteria in subsection B above. Master Plans shall follow the procedures in Section 4.5 - Master Planned Developments; except that a Master Plan shall not be required if a Specific Area Plan has been adopted for the subject area.

### ***D. Land Use and Design Standards***

Master Planned Neighborhood Developments shall be evaluated based on the criteria in Section 4.5 - Master Planned Developments, and shall be consistent with the following design principles:

1. All neighborhoods have identifiable centers and outer boundaries;
2. Edge lots are readily accessible to Residential Commercial and recreational uses by walking and bicycling (a distance not greater than one-quarter mile);
3. Uses and housing types are mixed and in close proximity to one another;
4. Streets are connected and blocks are small (e.g., between 200 to 600 feet in length; with a maximum perimeter of 1,600 feet);
5. Civic buildings, monuments and open spaces (e.g., parks, squares, greenbelts, natural areas, etc.) are given prominent sites throughout the neighborhood.
6. Overall, the neighborhood plan achieves a housing density of seven units per acre, in accordance with the Comprehensive Plan and Residential District standards.
7. Land needed for public use (e.g., schools, parks, fire stations, and other facilities) shall be designated on the Master Plan, in accordance with the Comprehensive Plan.

## 2.1.210 Master Planned DevelopmentCont.

### ***E. Implementation***

Upon approval of a Development Master Plan, the development shall follow the Land Division procedures in Section 4.3 - Land Divisions and Lot Line Adjustments, and the Site Design Review procedures in Section 4.2 - Development Review and Site Design Review, as applicable. Any modifications to the approved Master Plan shall be subject to the standards and procedures in Section 4.6 - Modifications to Approved Plans and Conditions of Approval.

## 2.1.211 Home Occupations

The purpose of this section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters or that, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. They are permitted by right in all residential units (dwellings), subject to the following standards:

### ***A. Appearance of Residence***

1. **The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.**
2. **The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.**
3. **The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).**
4. **No products and/or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.**

## 2.1.211 Home Occupations Cont.

### ***B. Storage***

1. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited.
2. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable) beyond those normally incidental to residential use is prohibited.
3. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

### ***C. Employees***

1. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than two full-time equivalent employees at the home occupation site at any given time. As used in this chapter, the term "home occupation site" means the lot on which the home occupation is conducted.
2. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.
3. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

### ***D. Advertising and Signs***

Signs shall comply with Section 3.6.500 - Signs. In no case shall a sign exceed 4 square feet.

### ***E. Vehicles, Parking, and Traffic***

1. One commercially licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
2. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 7 p.m. to 7 a.m. This count does not include deliveries from or by UPS, USPS, or FEDX.
3. There shall be no more than two client or customer vehicles at any one time and no more than eight per day at the home occupation site. This count does not include deliveries from or by UPS, USPS, or FEDX.

### ***F. Business Hours***

There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8 a.m. to 6 p.m. Monday through Friday.

## 2.1.211 Home Occupations Cont.

### ***G. Prohibited Home Occupation Uses***

1. Any activity that produces radio or TV interference, noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state, or federal standards, or that can be detected beyond the property line is prohibited.
2. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home businesses are allowed subject to Sections 2.1.201 through 2.1.206.
3. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:
  - (a) Ambulance service
  - (b) Animal hospital, veterinary services, kennels, or animal boarding
  - (c) Auto and other vehicle repair, including auto painting
  - (d) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on-site.

### ***H. Enforcement***

The Code Enforcement Officer or City Police or designee may visit and inspect the site of home occupations in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with Section 1.4 - Enforcement.

## 2.1.212 Transportation Improvements

Standards for Transportation Improvements are in Section 4.4.400 - Criteria, Standards, and Conditions of Approval.

- A. **Standards.** Where there are conflicts, the sub-district standards supersede the standards of Sections 2.1.100 - Purpose and 2.1.200 - Special Standards for Certain Uses. If there is no specific conflict, then the standards of 2.1.100 to 2.1.200 shall apply.

### 2.1.300 Residential Sub-Districts

- A. Sub-districts Authorized.** Sub-districts provide needed land for land uses that may not otherwise be accommodated in the Residential District. The Comprehensive Plan identifies a need for residential farm uses, commercial services within residential neighborhoods, and multi-family housing. Therefore, the City has adopted the Farm Residential, Residential Commercial, and Residential Multi-Family Sub-districts to address those needs.
- B. Applicability.** Sub-districts are identified on the City’s official zoning map. Properties designated with a sub-district shall comply with the provisions of the underlying Residential District, except as may be modified by this section.
- C. Standards.** Where there are conflicts, the sub-district standards supersede the standards of Section 2.1.100-Purpose and 2.1.200-Special Standards for Certain Uses. If there is no specific conflict, the the standards of 2.1.100 or 2.1.200 shall apply.

### 2.1.400 Farm Residential (FR) Sub-Districts

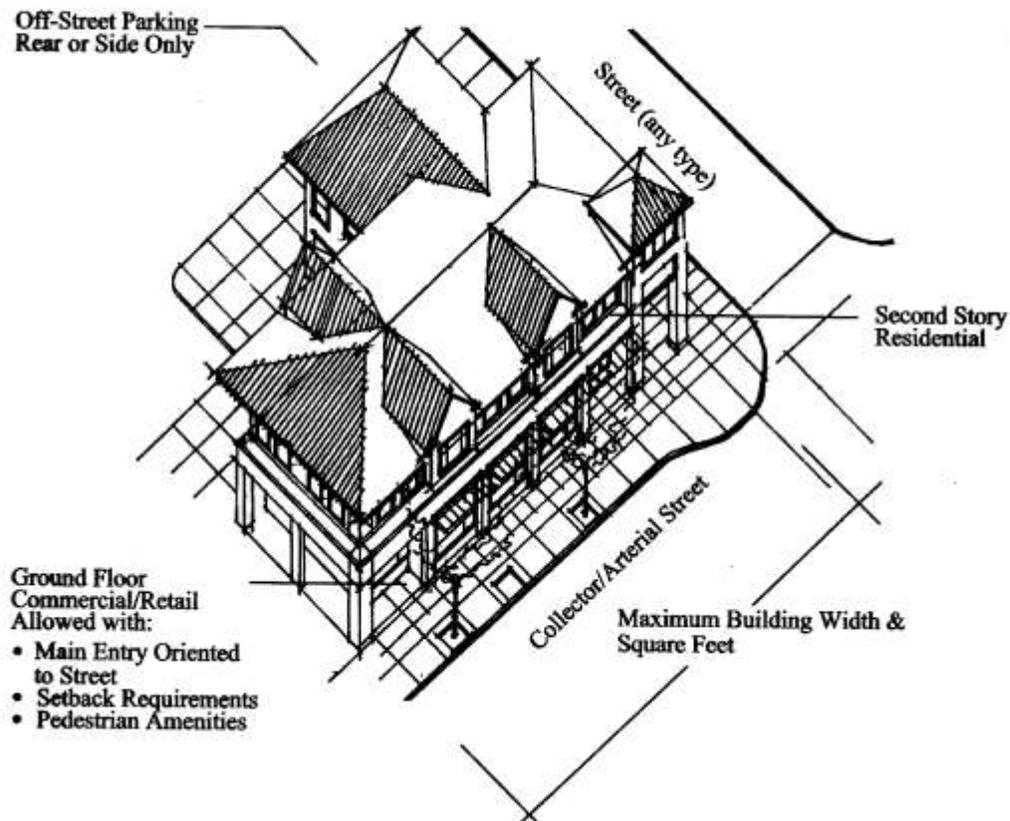
- A. Purpose/Intent Statement.** The Farm Residential (FR) Sub-district is intended to accommodate existing uses and preserve the land in large blocks until it is needed for urban development. The FR Sub-district is established as a Farm Use zone according to ORS 215.203 and 215.213 to help qualify area farm uses for the special property tax assessment provisions of ORS 308.370.
- B. Development Standards.**
1. Minimum parcel size 19 acres.
  2. Setbacks: All setbacks (front, side, and rear) in the FR sub-district are 20 feet.

## 2.1.500 Residential Commercial Sub-District

- A. Purpose/Intent Statement.** The Residential Commercial Sub-district is intended to provide land for small-scale commercial uses that are compatible with adjacent residential development. When feasible, less than half of the structure should be used for residential purposes, with the purposes of promoting commercial activities in the sub- district. All Residential Commercial uses shall comply with the following standards, which are intended to promote land use compatibility and transition between Residential Commercial and other residential uses.

## 2.1.500 Residential Commercial Sub-District Cont.

Figure 2.1.500 - Residential Commercial (Typical Site Layout)



**B. Permitted Uses.** Only those Residential Commercial uses specifically listed in Section 6 of Table 2.1.110.A are permitted. Residential and Residential Commercial uses may be mixed “vertically” - meaning that a residential use is developed above the commercial use (i.e., ground floor retail/office with upper-story apartments, townhomes, or condominiums), or may be mixed “horizontally” - meaning commercial and residential uses both occupy ground floor space. Automobile-oriented uses, as defined in Section 1.3 - Definitions, are expressly prohibited in this sub-district.

**C. Building Mass Supplemental Standard.** The maximum width or length of a Residential Commercial or mixed use (residential and commercial) building shall not exceed 80 feet (from end-wall to end-wall).

### 2.1.500 Residential Commercial Sub-District Cont.

- D. Floor Area Supplemental Standards.** The maximum commercial floor area shall not exceed 5,000 square feet total per Residential Commercial site within the Residential Commercial Sub-district. Floor area is measured by totaling the interior floor area of all building stories, except crawl spaces (i.e., with less than 7-1/2 feet of vertical clearance).
- E. Hours of Operation.** Residential Commercial land use operation shall be limited to the hours of 7 a.m. to 8 p.m.

### 2.1.600 Residential Suburban (RS) Sub-District

- A. Purpose/Intent Statement.** The Residential Suburban (RS) Sub-district provides for lower-density urban residential development, especially suited to existing lower density areas of the City and steep hillsides.
- B. Permitted Uses.** Single-family detached homes, multi-sectional mobile or manufactured homes and accessory dwellings or structures.
- C. Dimensional Standards.** Dimensional standards for parcel size, setbacks, and lot coverage are located in the previous applicable subsections of Sections 2.1.110 through 2.1.190, unless otherwise noted in this section.
- D. Parking Standards.** These standards are addressed in Section 3.3 - Vehicle and Bicycle Parking.

## 2.2 Commercial (C) District

### 2.2.100 Purpose

A City goal is to strengthen the Commercial District as the “heart” of the community and as the logical place for people to gather and create a business center. The City will issue business licenses. The Commercial District is intended to support this goal through elements of design and appropriate mixed-use development. This section provides standards for the orderly improvement of the Commercial District based on the following principles:

- Efficient use of land and urban services;
- A mixture of land uses to encourage walking as an alternative to driving and provide more employment and housing options;
- Provides both formal and informal community gathering places;
- There is a distinct storefront character;
- Connected to neighborhoods and other employment areas;
- Provides visitor accommodations and tourism amenities.

### 2.2.110 Permitted Land Uses

- A. Permitted Uses.** The land uses listed in Table 2.2.110.A are permitted in the Commercial District, subject to the provisions of this section. Only land uses that are specifically listed in Table 2.2.110.A, and land uses that are approved as “similar” to those in Table 2.2.110.A, may be permitted. The land uses identified with a “CU” in Table 2.2.110.A require Conditional Use Permit approval prior to

development or a change in use, in accordance with Section 4.4 - Conditional Use Permits.

**B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Section 4.8 - Code Interpretations.

<b>Table 2.2.110.A</b> <b>Land Uses and Building Types Permitted in the Commercial District</b>		
<p><b>1. Residential*:</b></p> <p><i>Single-family</i></p> <ul style="list-style-type: none"> <li>a. Single-family detached housing (existing housing only)</li> <li>b. Accessory dwellings</li> <li>c. Manufactured homes - individual lots (existing housing only)</li> <li>d. Single-family attached townhomes*</li> </ul> <p><i>Two- and Three-Family</i></p> <ul style="list-style-type: none"> <li>e. Two- and three-family housing (duplex and triplex)*</li> </ul> <p><i>Multi-family</i></p> <ul style="list-style-type: none"> <li>f. Multi-family housing</li> </ul> <p><i>Residential care</i></p> <ul style="list-style-type: none"> <li>g. Residential care homes and facilities</li> <li>h. Family daycare (12 or fewer children)</li> </ul> <p><b>2. Home occupations*</b> (according to standards in Section 2.1.200 - Special Standards for Certain Uses)</p> <p><b>3. Bed and Breakfasts Inns (short term rentals/vacation rentals) (CU)*</b></p> <p><b>4. Public and Institutional*</b></p> <ul style="list-style-type: none"> <li>a. Churches and places of worship</li> <li>b. Clubs, lodges, similar uses</li> <li>c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)</li> </ul>	<ul style="list-style-type: none"> <li>d. Libraries, museums, community centers, concert halls, and similar uses.</li> <li>e. Public parking lots and garages</li> <li>f. Private utilities</li> <li>g. Public parks and recreational facilities</li> <li>h. Schools (public and private)</li> <li>i. Special district facilities</li> <li>j. Transportation facilities and improvements:                             <ul style="list-style-type: none"> <li>1. Normal operation, maintenance;</li> <li>2. Installation of improvements within the existing right-of-way;</li> <li>3. Projects identified in the adopted TSP not requiring future land use review and approval;</li> <li>4. Landscaping as part of transportation facility;</li> <li>5. Emergency Measures;</li> <li>6. Street or road construction as part of an approved subdivision or partition;</li> <li>7. Transportation projects that are not designated improvements in the TSP ** (CU); and</li> <li>8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU).</li> </ul> </li> <li>k. Telecommunications equipment (including wireless) (CU)</li> <li>l. Uses similar to those listed above (subject to CU requirements, as applicable)</li> </ul>	<p><b>5. Accessory Uses and Structures*</b></p> <p><b>6. Commercial:</b></p> <ul style="list-style-type: none"> <li>a. Auto-dependent and auto-oriented uses and facilities (CU)*</li> <li>b. Entertainment (e.g., theaters, clubs, amusement uses)</li> <li>c. Hotels/motels</li> <li>d. Medical and dental offices, clinics and laboratories</li> <li>e. Mixed use development (housing and other permitted use)*</li> <li>f. Office uses (i.e., those not otherwise listed)</li> <li>g. Personal and professional services (e.g., childcare center, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)</li> <li>h. Repair services</li> <li>i. Retail trade and services, except auto-oriented uses</li> <li>j. Uses similar to those listed above (subject to CU requirements, as applicable)</li> </ul> <p><b>5. Industrial*:</b> Light manufacturing (e.g., small-scale crafts, electronic equipment, bakery products, printing and binderies, furniture, similar goods when in conjunction with retail)</p>

<b>Table 2.2.110.A</b> <b>Land Uses and Building Types Permitted in the Commercial District</b>
* - Uses marked with an asterisk are subject to the standards in Section 2.2.180 - Special Standards for Certain Uses. ** - Uses marked with two asterisks are subject to the standards in Section 4.4.400 - Criteria, Standards, and Conditions of Approval, D. (CU) - Uses marked with CU require a Conditional Use Permit. Temporary uses are subject to the standards in Section 4.9 - Miscellaneous Permits.

Only uses specifically listed in Table 2.2.110.A and uses similar to those in Table 2.2.110.A are permitted in the Commercial District. The following uses are expressly prohibited: heavy industrial uses, drive-up, drive-in, and drive-through facilities, as defined in Section 2.2.185 - Automobile-oriented Uses and Facilities.

## 2.2.120 Building Setbacks

In the Commercial District, buildings are placed close to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street, and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed-use buildings for a walkable downtown.

Building setbacks are measured from the closest wall on the structure to the respective property line. Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed below, apply to primary structures as well as accessory structures. The standards may be modified only by approval of a variance in accordance with Section 5.1 - Variances.

### A. Front Yard Setbacks.

1. Minimum Setback. There is no minimum front yard setback required.
2. Maximum Setback. The maximum allowable front yard setback is 5 feet. This standard is met when a minimum of 75 percent of the front building elevation is placed no more than 5 feet back from the front property line. On parcels with more than one building, this standard applies to the largest building. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. See also Section 2.2.170 - Pedestrian Amenities and Section 2.2.160 - Design Standards for related building entrance standards.

### B. Rear Yard Setbacks.

1. Minimum Setback. The minimum rear yard setback for all structures shall be 0 feet for street access lots and 6 feet for alley-access lots (distance from building to rear property line or alley easement) in order to provide space for parallel parking.

### 2.2.120 Building Setbacks Cont.

#### Rear Yard Setbacks

2. Double-Frontage Lots. For buildings on double-frontage lots (lots with both front and rear frontage onto a street), the front yard setbacks in Section 2.2.120 Building Setbacks, A., shall apply.
- C. Side Yard Setbacks.** The minimum side yard setback for all structures shall be 0 feet (no minimum required), except that buildings shall conform to the vision clearance standards in Section 3.1 - Access and Circulation and the applicable fire and building codes for attached structures, fire walls, and related requirements.
- D. Setback Exceptions.** Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar design features may encroach into setbacks by no more than 6 feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code. Walls and fences may be placed on the property line, subject to the requirements of Section 3.2 - Landscaping, Street Trees, Fences and Walls.

### 2.2.130 Lot Coverage

- A. Lot Coverage.** 100 percent (no maximum lot coverage requirement), except that compliance with other sections of this Code may preclude full (100 percent) lot coverage for some land uses.

### 2.2.140 Building Orientation

This section is intended to promote the walkable storefront character of downtown. Placing buildings close to the street also slows traffic down and provides more “eyes on the street,” increasing the safety of public spaces. The standards, as listed on the following page and illustrated above, compliment the front yard setback standards in Section 2.2.120 - Building Setbacks.

- A. Applicability.** This section applies to new land divisions (partitions and subdivisions and all of the following types of development (i.e., subject to Site Design Review):
1. Multi-family housing;
  2. Public and institutional buildings, except that the standard shall not apply to buildings that are not subject to Site Design Review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

## 2.2.140 Building Orientation Cont.

### Applicability Cont.

3. Commercial and mixed-use buildings subject to Site Design Review.

**B. Building Orientation Standard.** All of the developments listed in Section 2.2.140 Building Orientation, A., shall be oriented to a street. The building orientation standard is met when all of the following criteria are met:

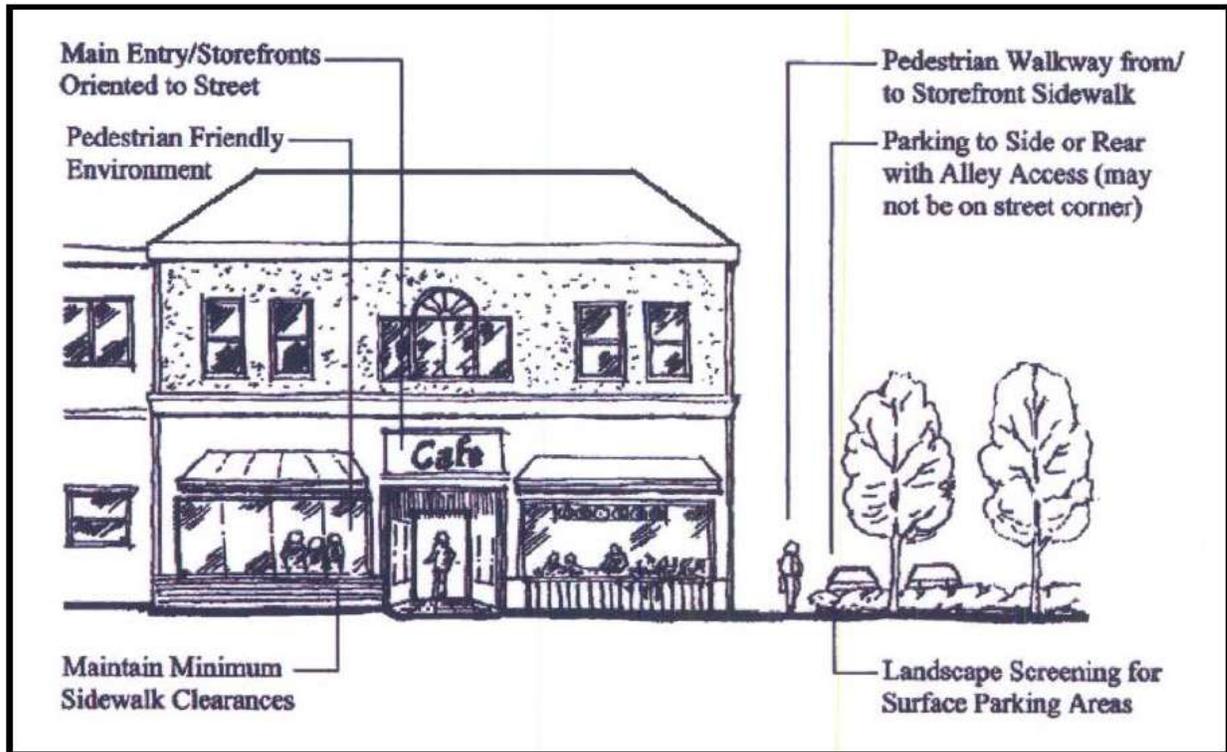
1. The minimum and maximum setback standards in Section 2.2.120 - Building Setbacks are met;
2. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.
3. Off-street parking, driveways, or other vehicular circulation shall not be placed between a building and the street that is used to comply with this subsection. On corner lots, buildings and their entrances shall be oriented to the street corner, as shown on Figure 2.2.140; parking, driveways, and other vehicle areas shall be prohibited between buildings and street corners.

**C. Active Ground Floor Standard.** The streetside portions of the lower floors of all buildings shall contain shops, offices, lobbies, and other activities oriented toward the passerby. Display windows for viewing the activity inside the building shall be provided.

**D. Continuous Building Frontage.** Buildings shall be built to the property lines on either side so as to create a continuous line of storefronts. Access may be provided to the rear parking areas of the shops, offices, etc., by an internal walkway.

**E. Variances.** The standards of this section shall not be changed through a Class A variance. The standard may be varied to address topographic or other physical constraints, in accordance with the provisions for Class B or C variances in Chapter 5.0

Figure 2.2.140 - Building Orientation (Typical)

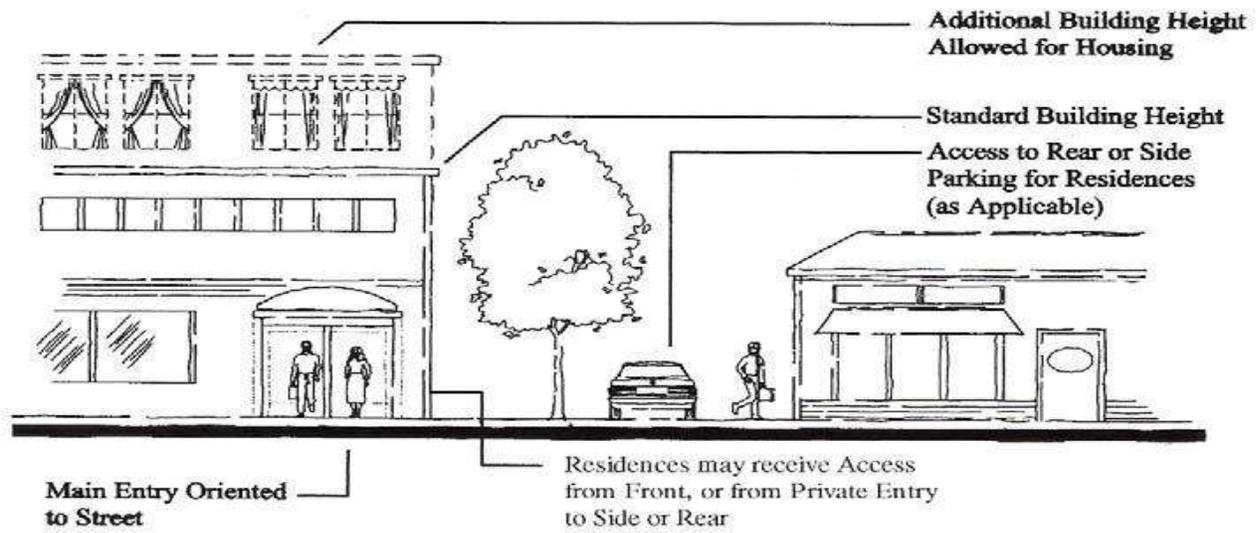


### **2.2.150 Building Height**

**All buildings in the Commercial District shall comply with the following building height standards. The standards are intended to allow for development of appropriately scaled buildings with a storefront character.**

## 2.2.150 Building Height Cont.

Figure 2.2.150 - Building Height Diagram (Credit for Housing)



- A. Maximum Height.** Buildings shall be no more than 35 feet. The maximum height may be increased by 10 feet when housing is provided above the ground floor (vertical mixed use), as shown above. The building height increase for housing shall apply only to that portion of the building that contains housing.
- B. Method of Measurement.** “Building height” is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (see Figure 2.1.170 for examples of measurement). The reference datum shall be selected by either of the following, whichever yields a greater height of building:
1. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
  2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Section 2.2.150 - Building Height, A., is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are chimneys, bell towers, steeples, roof equipment, flagpoles, solar energy systems, and similar features that are not for human occupancy.

### 2.2.160 Design Standards

**A. Purpose and Applicability.** The commercial design standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles. This section applies to all of the following types of buildings:

1. Multi-family housing;
2. Public and institutional buildings, except that the standard shall not apply to buildings that are not subject to Site Design Review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment and similar uses); and
3. Commercial and mixed-use buildings subject to Site Design Review.

**B. Standards.** Each of the following standards shall be met. A design feature used to comply with one standard may be used to comply with another standard.

1. Detailed Storefront Design. All buildings shall contribute to the storefront character and visual relatedness of buildings. This criterion is met by providing all of the following design features listed in a through e, below, along the front building elevation (i.e., facing the street), as applicable.
  - a. Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
  - b. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).

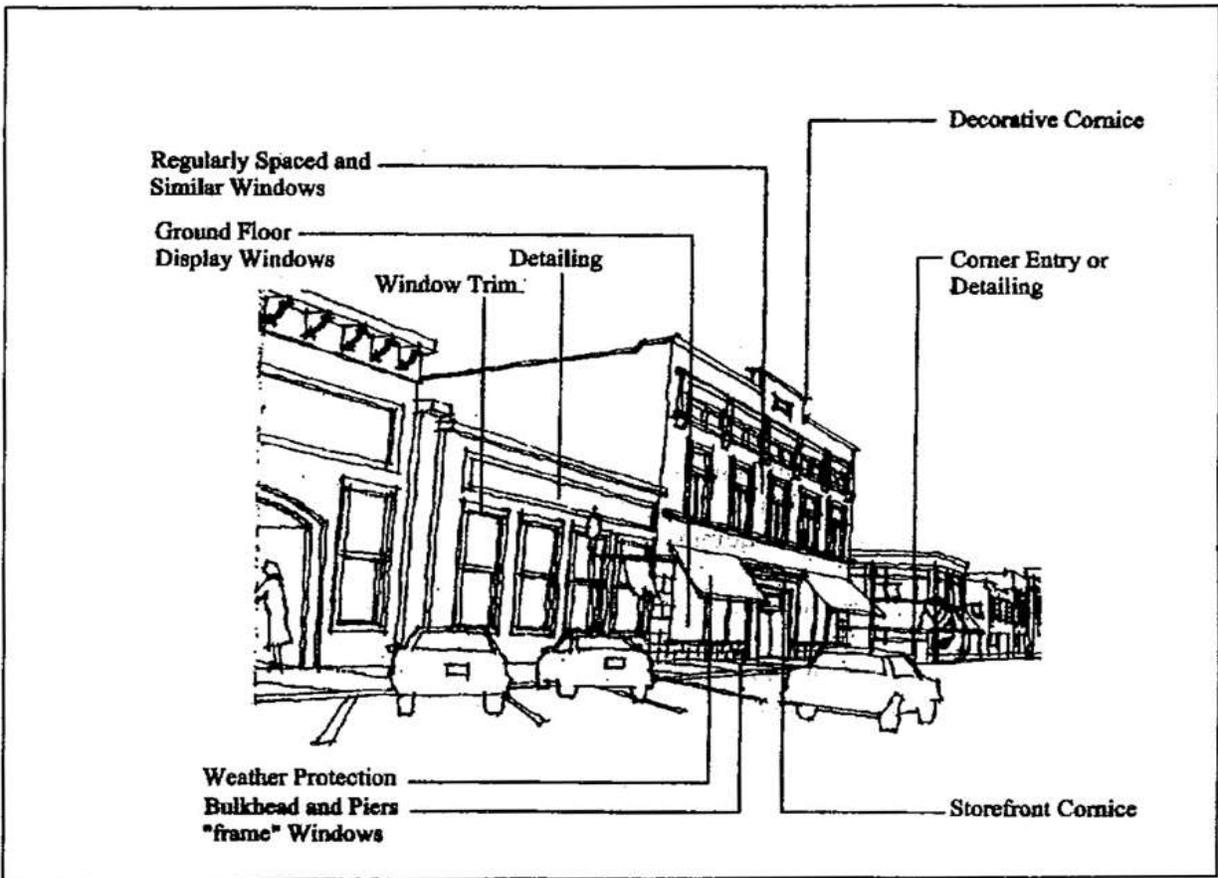
**D. Large display windows on the ground floor (non-residential uses only).** Display windows shall be framed by bulkheads, piers, and a storefront cornice (e.g., separates ground floor from second story, as shown Figure 2.2.160B(1)).

**E. Decorative cornice at top of building (flat roof) or eaves provided with pitched roof.**

1. All residential buildings subject to design review shall comply with the Residential District design guidelines, as listed in Section 2.1.190 - Design Standards, G.

2.2.160 Design Standards Cont.

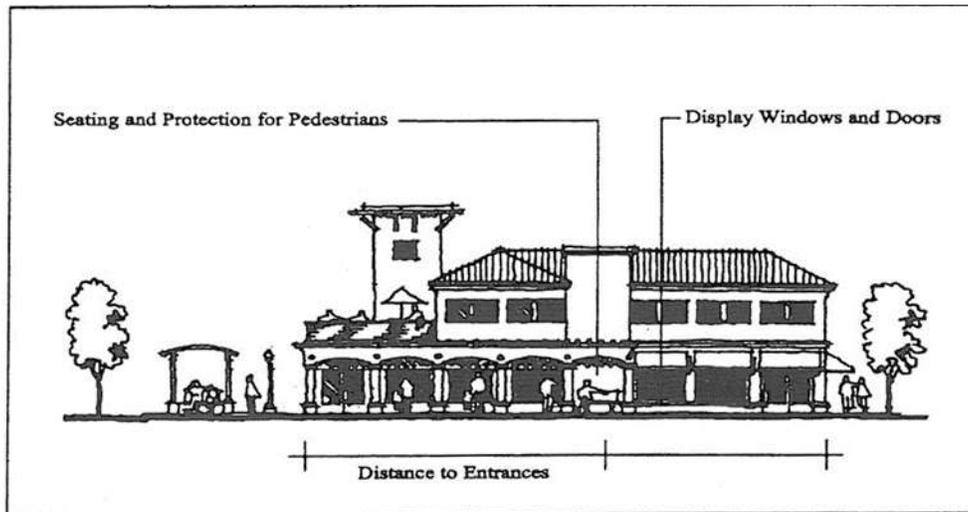
Figure 2.2.160B(1) - Commercial Building Design Elements (Typical)



Note: The example shown above is meant to illustrate required building design elements and should not be interpreted as a required design style.

### 2.2.160 Design Standards Cont.

Figure 2.2.160B(2) - Design of Large-Scale Buildings and Developments (Typical)



Note: The example shown above is meant to illustrate required building design elements and should not be interpreted as a required design style.

2. Design of Large-Scale Buildings and Developments. The standards in subsection c., below, shall apply to “Large-Scale Buildings and Developments,” as defined in a through b:
  - a. Buildings with more than 20,000 square feet of enclosed ground floor space (i.e., “largescale”). Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell; and
  - b. Multiple-building developments with a combined ground floor space (enclosed) of more than 40,000 square feet (e.g., shopping centers, public/institutional campuses, and similar developments) are considered large-scale.
  - c. All large-scale buildings and developments, as defined in a through b, shall provide human-scale design by conforming to all of the following criteria:
    - A. Incorporate changes in building direction (i.e., articulation), and divide large masses into varying heights and sizes, as illustrated in Figure 2.2.160B(2). Such changes may include building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; and use of windows, screening trees, small-scale lighting (e.g., wall-mounted lighting or up-lighting), and similar features.

### 2.2.160 Design Standards Cont.

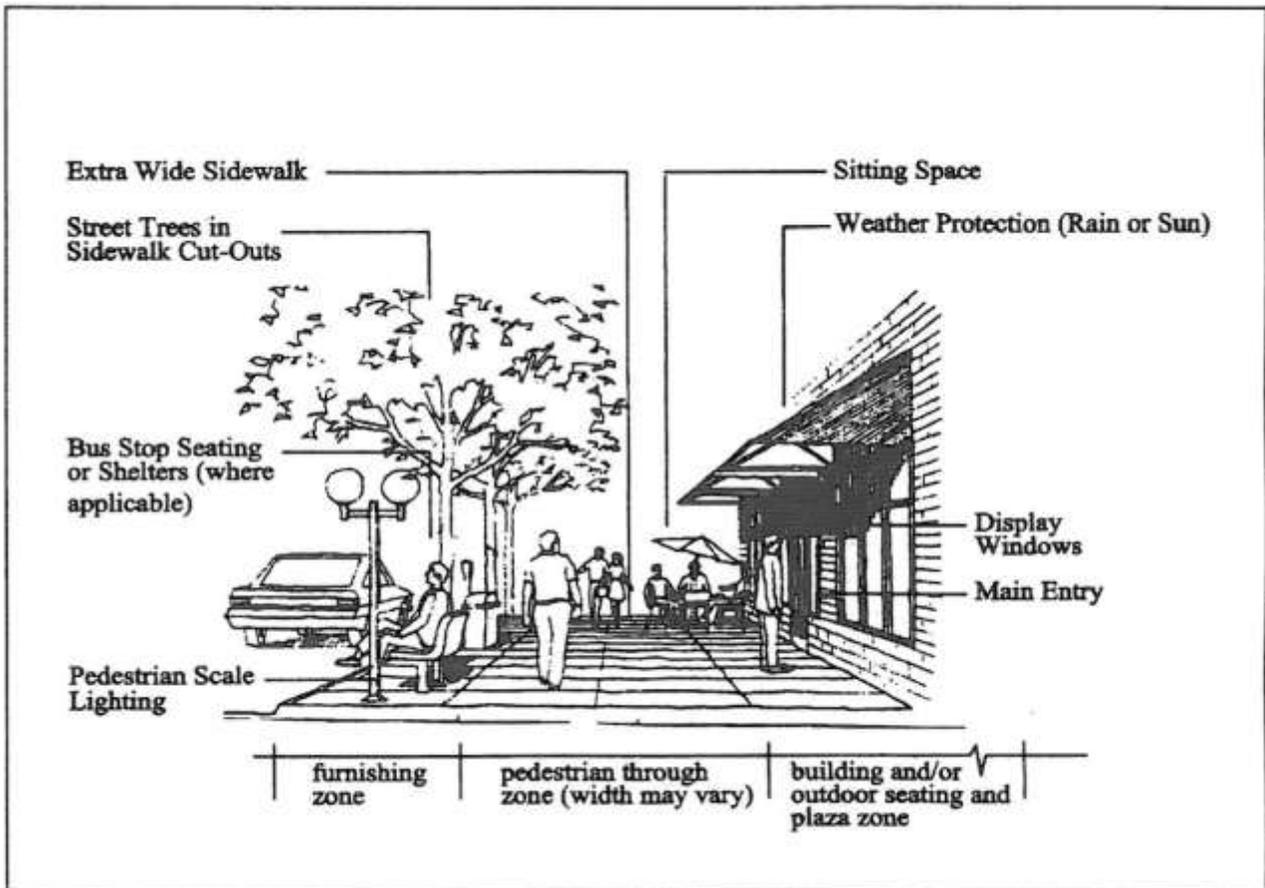
- B. Every building elevation adjacent to a street with a horizontal dimension of more than 100 feet, as measured from end-wall to end-wall, shall have a building entrance; except that buildings elevations that are unable to provide an entrance due to the internal function of the building space (e.g., mechanical equipment, areas where the public or employees are not received, etc.) may not be required to meet this standard. Pathways shall connect all entrances to the street right-of-way, in conformance with Section 3.1 - Access and Circulation.

### 2.2.170 Pedestrian Amenities

- A. **Purpose and Applicability.** This section is intended to complement the building orientation standards in Section 2.2.140 - Building Orientation, and the street standards in Section 3.1 - Access and Circulation, by providing comfortable and inviting pedestrian spaces within the Commercial District. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the City's downtown, and contribute to a walkable district. This section applies to all of the following types of buildings:
1. Multi-family housing;
  2. Public and institutional buildings, except that the standard shall not apply to buildings that are not subject to Site Design Review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
  3. Commercial and mixed-use buildings subject to Site Design Review.

## 2.2.170 Pedestrian Amenities Cont.

Figure 2.2.170 - Pedestrian Amenities (Typical)



Note: The example shown above is meant to illustrate examples of pedestrian amenities. Other types of amenities and designs may be used.

- B. Pedestrian Amenity Standards.** Every development shall provide at least one of the “pedestrian amenities” listed below and illustrated in Figure 2.2.170. Pedestrian amenities may be provided within a public right-of-way (i.e., on the sidewalk, curb, or street pavement) when approved by the City (for city streets), Umatilla County (for County roads), or the Oregon Department of Transportation (ODOT) (for state highways).
1. A plaza, courtyard, square, or extra-wide sidewalk next to the building entrance (minimum width of 8 feet);
  2. Sitting space (i.e., dining area, benches, or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width);

### **2.2.170 Pedestrian Amenities Cont.**

3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space).
4. Public art that incorporates seating (e.g., fountain, sculpture, etc.).

### **2.2.180 Special Standards for Certain Uses**

This section supplements the standards contained in Sections 2.2.100 through 2.2.170. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Commercial District:

Residential Uses

Bed and Breakfast Inns (short-term rentals/vacation rentals)

Public and Institutional Uses

Accessory Uses and Structures

Automobile-oriented Uses and Facilities

Sidewalk Displays

Light Manufacturing

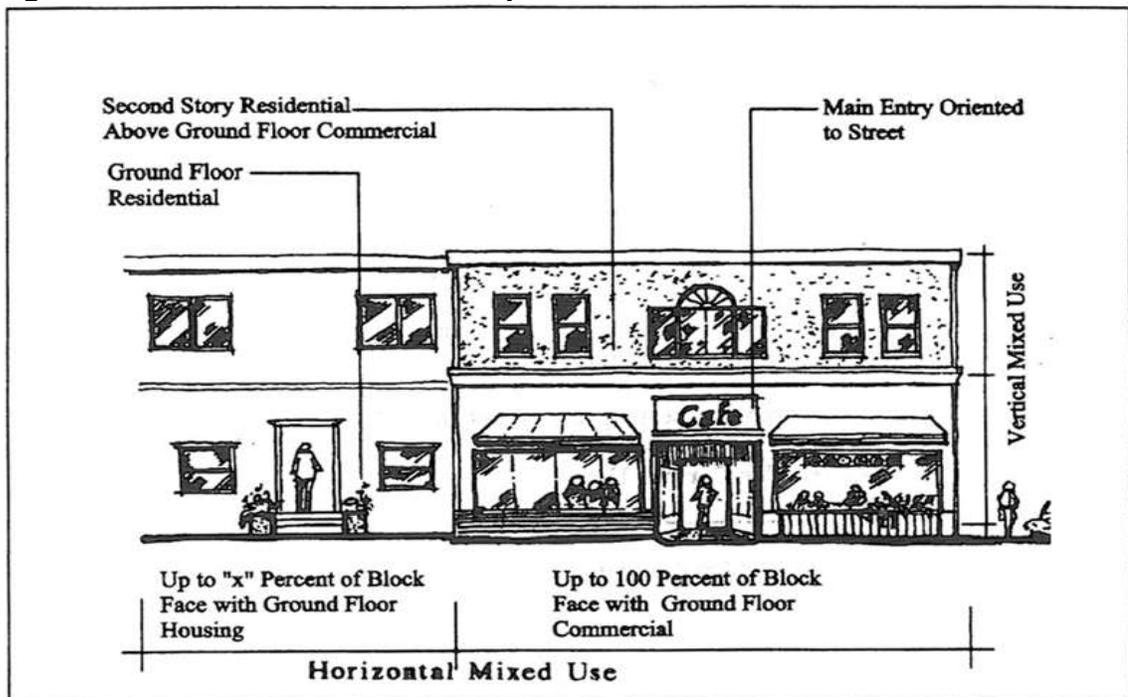
Accessory Dwelling

Historic District Standards

### **2.2.181 Residential Uses**

Higher density residential uses, such as multi-family buildings are permitted to encourage housing near employment, shopping, and services. All residential developments shall comply with the standards in 1 through 4, below. These standards are intended to require mixed-use development; conserve the community's supply of commercial land for commercial uses; provide for designs that are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses that existed prior to the effective date of this Code are exempt from this section.

Figure 2.2.181 - Mixed Use Development in the Commercial District



### 2.2.181 Residential Uses Cont.

#### A. Mixed Use Development Required

Residential uses shall be permitted only when part of a mixed-use development. (Residential with Commercial or Public/Institutional Use). Horizontal and vertical mixed use (housing alongside or above the ground floor) is allowed, subject to the standards in 2 through 5 listed below.

#### B. Density

There is no minimum or maximum residential density standard. Density shall be controlled by the applicable lot coverage and building height standards.

#### C. Parking, Garages, and Driveways

All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of the building; except that side yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from Main Street) when access cannot be provided from an alley.

**D. Creation of Alleys**

When a subdivision is proposed, a public or private alley shall be created for the purpose of vehicle access. Alleys are not required when existing development patterns or topography make construction of an alley impracticable. As part of a subdivision, the City may require dedication of right-of-way or easements and construction of pathways between townhome lots (e.g., between building breaks) to provide pedestrian connections through a development site, in conformance with Section 3.1 - Access and Circulation.

**E. Common Areas**

All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity. Copies of any applicable covenants, restrictions, and conditions shall be recorded and provided to the City prior to building permit approval.

**2.2.182 Bed and Breakfast Inns (Short-term Rentals/Vacation Rentals)****A. Purpose**

The purpose of this section is to provide standards for the establishment of a Bed and Breakfast Inn. Standards apply to short-term rentals/vacation rentals.

**B. Accessory Use**

A Bed and Breakfast Inn must be accessory to a household already occupying the structure as a residence.

**C. Maximum Size**

The bed and breakfast structure is limited to a maximum of three bedrooms for guests and a maximum of six guests per night.

**D. Employees**

The bed and breakfast facility may have up to two non-resident employees for the facility.

**E. Food Service**

Food services may only be provided to overnight guests of the Bed and Breakfast Inn.

## **2.2.182 Bed and Breakfast Inns (Short-term Rentals/Vacation Rentals) Cont.**

### ***F. Owner-occupied***

The Bed and Breakfast Inn shall be owner-occupied and shall maintain the exterior physical characteristics of a single-family dwelling. No separate structures shall be allowed (except for usual residential accessory buildings such as sheds, or detached garages).

### ***G. Signs***

Signs must meet the standards in Section 3.6.500 - Signs.

### ***H. Monitoring***

All Bed and Breakfast Inns must maintain a guest logbook. It must include the names and home address of guest, guests' license plate numbers if traveling by car, dates of stay, and the room number of each guest. The log must be available for inspection by law enforcement upon request.

## **2.1.183 Public and Institutional Uses**

Public and institutional uses (as listed in Table 2.2.110.A) are allowed in the Commercial District, except that automobile-oriented uses shall comply with the standards in Section 2.2.185 - Automobile-oriented Uses and Facilities. Typical auto-dependent and automobile uses in this category include public works yards; equipment storage and repair; school bus companies; and similar facilities that store, repair, or service automobiles, trucks, buses, heavy equipment, and construction materials. Standards for Transportation Improvements are listed in Section 4.4.400 - Criteria, Standards, and Conditions of Approval, D.

## **2.2.184 Accessory Uses and Structures**

Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Commercial District include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures do not include accessory dwellings, which are a separate permitted use (see Section 2.2.188 - Accessory Dwelling).

Accessory Uses and Structures shall comply with the following standards:

### ***a. Primary Use Required***

1. An accessory structure shall not be allowed before or without a primary use, as identified in Table 2.2.110.A.

## **2.2.184 Accessory Uses and Structures Cont.**

### ***b. Setback Standards***

1. Accessory structures shall comply with the setback standards in Section 2.2.120 - Building Setbacks, except that the maximum setback provisions shall not apply.

### ***c. Design Guidelines***

1. Accessory structures shall comply with the design guidelines, as provided in Section 2.2.160 - Design Standards.

**d. Restrictions**

1. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.

**e. Compliance with Subdivision Standards**

1. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

## **2.2.185 Automobile-oriented Uses and Facilities**

Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in the Commercial District. The standards are intended to provide a vibrant storefront character, slow traffic down, and encourage walking.

**A. Parking, Garages, and Driveways**

All off-street vehicle parking, including surface lots and garages, shall be accessed from alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of a building; except that side yards on corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side street (i.e., away from Main Street) when vehicle access cannot be provided from an alley. Individual surface parking lots shall not cover more than 10,000 square feet; parking lots larger than 10,000 square feet shall be in multiple story garages.

## 2.2.185 Automobile-oriented Uses and Facilities Cont.

### ***B. Automobile-oriented and Automobile Dependent Uses***

“Automobile-oriented use“ means automobiles and/or other motor vehicles are an integral part of the use. Automobile dependent use means that the use serves vehicles and would not exist without them. These uses are restricted because, when unrestricted, they detract from the pedestrian-friendly storefront character of the district and can consume large amounts of land relative to other permitted uses. Automobile-oriented uses and automobile-dependent uses shall comply with the following standards:

1. **Vehicle repair, sales, rental, storage, service. Businesses that repair, , rent, store, or service automobiles, trucks, motorcycles, buses, recreational vehicles, boats, construction equipment, and similar vehicles and equipment are permitted when the use is contained within an enclosed building. This means no outdoor activity, storage, or display.**
2. **Drive-up, drive-in, and drive-through facilities. Drive-up, drive-in, and drive-through facilities (e.g., associated with restaurants, banks, car washes, and similar uses) are permitted only when accessory to a primary commercial “walk-in” use, and shall conform to all of the following standards:**
  - a) The facility receives access from an alley or driveway, and not a street;
  - b) No drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, drop-boxes, and similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. Exception (walk-up only teller machines and kiosks may be oriented to a corner);
  - c) The facility is subordinate to a primary permitted use. “Subordinate” means all components of the facility, in total, occupy less street frontage than the primary commercial or public/institutional building; and
  - d) No more than one drive-up, drive-in, or drive-through facility shall be permitted on one block, or for a distance of 400 linear feet along the same street frontage, whichever is less.

### 2.1.186 Sidewalk Displays

Sidewalk display of merchandise and vendors shall be limited to cards, plants, gardening/floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to pedestrians (i.e., non-automobile-oriented). A minimum clearance of 4 feet shall be maintained on the sidewalk at all times to allow pedestrians to pass by the displays. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment, is prohibited.

### 2.1.187 Light Manufacturing

Light manufacturing uses are allowed in the Commercial District. "Light manufacturing" means production or manufacturing of small-scale goods, such as crafts, electronic equipment, bakery products, printing and binderies, furniture, and similar goods. Light manufacturing uses shall conform to all of the following standards that are intended to protect the pedestrian-friendly storefront character of downtown:

#### **A. Retail or Service Use Required**

Light manufacturing is allowed only when it is in conjunction with a permitted retail or service use.

#### **B. Location**

The light manufacturing use shall be enclosed within a building or shall be located within a rear yard not adjacent to a street.

### 2.1.188 Accessory Dwelling

Development standards for accessory dwellings in the Commercial District are the same as those in Section 2.1.202 - Accessory Dwelling Unit (Attached, Separate Cottage, Tiny Home, or Above Detached Garage).

## 2.3 Industrial (I) District

### 2.3.100 Purpose

The Industrial District accommodates a range of light and heavy industrial land uses. It is intended to segregate incompatible developments from other districts, while providing a high-quality environment for businesses and employees. This section guides the orderly development of industrial areas based on the following principles:

- Provide for efficient use of land and public services.
- Provide transportation options for employees and customers.
- Locate business services close to major employment centers.
- Ensure compatibility between industrial uses and nearby commercial and residential areas.
- Provide appropriate design standards to accommodate a range of industrial users, in conformance with the Comprehensive Plan.

### 2.3.110 Permitted Land Uses

- A. Permitted Uses.** The land uses listed in Table 2.3.110.A are permitted in the Industrial District, subject to the provisions of this section. Only land uses that are specifically listed in Table 2.3.110.A, and land uses which are approved as “similar” to those in Table 2.3.110, may be permitted. The land uses identified with a “CU” in Table 2.3.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Section 4.4 - Conditional Use Permits.
- B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Section 4.8 - Code Interpretations.

<b>Table 2.3.110.A</b>	
<b>Land Uses and Building Types Permitted in the Industrial District</b>	
<b>1. Industrial (CU)*:</b>	<ul style="list-style-type: none"> <li>a. Heavy manufacturing, assembly, and processing of raw materials (CU)</li> <li>b. Light manufacturing (e.g., small-scale goods, electronic equipment, bakery products, printing and binderies, furniture, and similar goods)</li> <li>c. Warehousing and distribution</li> <li>d. Junk yard and motor vehicle wrecking yards, and similar uses</li> <li>e. Mini-warehouse and storage</li> <li>f. Research facilities</li> <li>g. Uses similar to those listed above</li> </ul>
<b>2. Residential:</b>	<p>One caretaker unit shall be permitted for each development, subject to the standards in Section 2.3.160 - Special Standards for Certain Uses. Other residential uses are not permitted, except those residences that existed prior to the effective date of this Code may continue.</p>
<b>3. Commercial (CU)*:</b>	

Table 2.3.110.A

**Land Uses and Building Types Permitted in the Industrial District**

Offices and other commercial uses are permitted when they are integral to a primary industrial use (e.g.; administrative offices, wholesale of goods produced on location and similar uses).

- a. Automobile-dependent and automobile-oriented uses (vehicle repair, sales, rental, storage, service, and drive-up, drive-in, and drive-through facilities)
- b. Entertainment (e.g., theaters, amusement uses)
- c. Hotels and motels
- d. Medical and dental clinics and laboratories
- e. Outdoor commercial uses (e.g., outdoor storage and sales)
- f. Personal and professional services (e.g., childcare, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)
- g. Repair services
- h. Retail trade and services, not exceeding 60,000 square feet of floor area per building
- i. Wholesale trade and services, not exceeding 60,000 square feet of floor area per building
- j. Uses similar to those listed above

**4. Public and institutional uses:**

- a. Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, transit, and similar facilities where the public is generally not received) (CU)\*;
- b. Private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities) (CU)\*;
- c. Transportation facilities and improvements:
  1. Normal operation, maintenance;
  2. Installation of improvements within the existing right-of-way;
  3. Projects identified in the adopted TSP not requiring future land use review and approval;
  4. Landscaping as part of a transportation facility;
  5. Emergency measures;
  6. Street or road construction as part of an approved subdivision or partition;
  7. Transportation projects that are not designated improvements in the TSP\*\* (CU); and
  8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition\*\* (CU).
- d. Passive open space (e.g., natural areas) (CU)\*;
- e. Special district facilities (e.g., irrigation district and similar facilities) (CU)\*
- f. Vocational schools co-located with parent industry or sponsoring organization (CU)\*;
- g. Uses similar to those listed above. (CU)\*

**5. Wireless Communication Equipment subject to the standards of the Wireless Communications and Public Safety Act of 1999.****6. Accessory Uses and Structures**

\*-Uses marked with an asterisk shall conform to the standards when required by Section 2.3.160. \*\*Uses marked with two asterisks are subject to the standards in Section 4.4.400 - Criteria, Standards, and Conditions of Approval, D. (CU) - Uses marked with CU require a Conditional Use Permit.

Only uses specifically listed in Table 2.3.110.A, and uses similar to those in Table 2.3.110.A, are permitted in the Industrial District. The following uses are expressly prohibited in the Industrial District: new housing, and churches and similar facilities.

### 2.3.120 Development Setbacks

Development setbacks provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sun light and air circulation, noise buffering, and visual separation.

- A. Front Yard Setbacks.** The minimum front yard setback shall be 20 feet. The setback standard shall increase by 1 foot for every 1 foot of building height in excess of 30 feet.
- B. Rear Yard Setbacks.** Minimum rear yard setback is 0 feet (none required) except that industrial development (i.e., buildings, parking, outdoor storage, and industrial activities) shall be setback from Residential districts by a minimum of 40 feet. Where an industrial development in the Industrial District abuts a non-Industrial District the rear setback in this case shall increase by 1 foot for every 1 foot of building height in excess of 30 feet.
- C. Side Yard Setbacks.** The minimum side yard setback is 0 feet (none required), except that industrial development (i.e., buildings, parking, outdoor storage, and industrial activities) shall be set back from Residential districts by a minimum of 40 feet and from other non-Industrial districts by a minimum of 20 feet.
- D. Other Yard Requirements.**
  1. Buffering. The City may require landscaping, walls, or other buffering, such as vegetation and inset back yards to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent properties.

### 2.3.120 Development Setbacks Cont.

2. Neighborhood Access. Construction of pathway(s) within setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Section 3.1 - Access and Circulation.
3. Building and Fire Codes. All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g., due to storage of combustible materials, etc.).

### 2.3.130 Lot Coverage

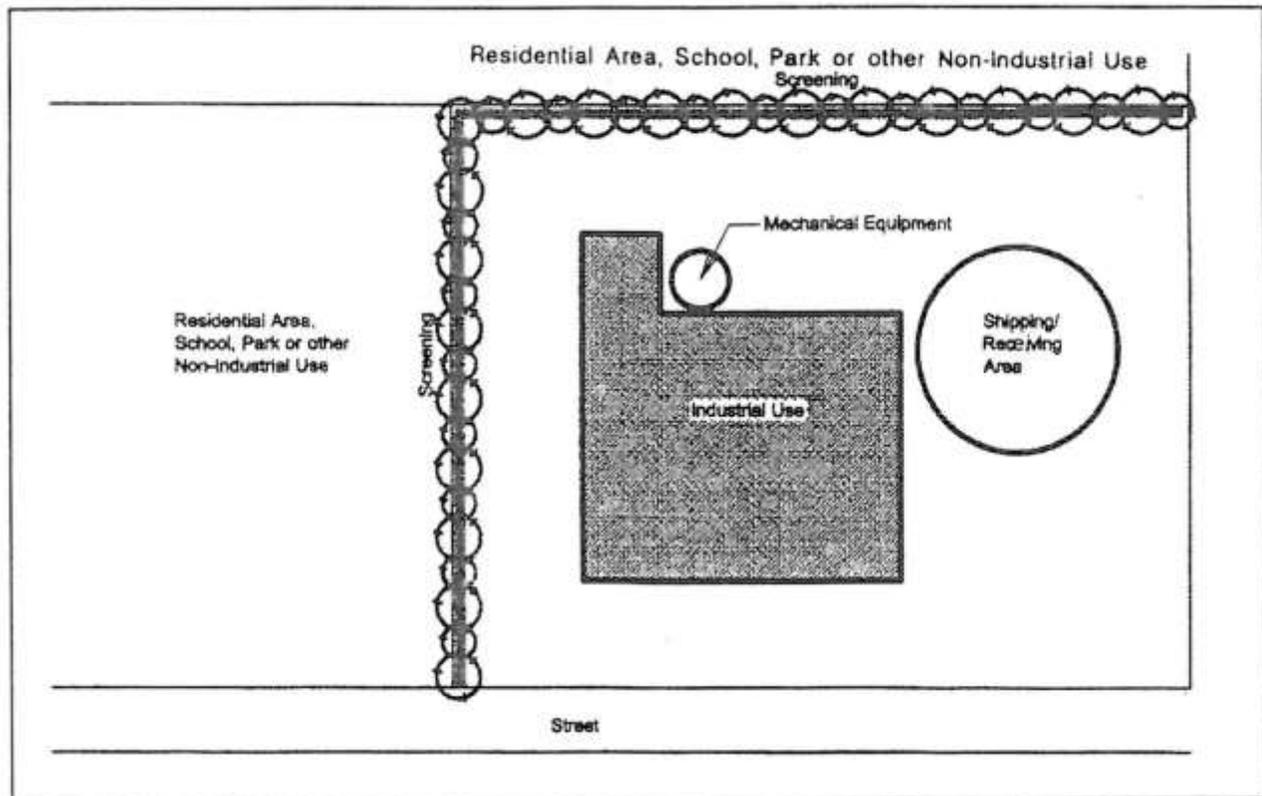
The maximum allowable lot coverage in the Industrial District is 80 percent. The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures, parking lots, driveways, paved storage areas, and patios. Compliance with other sections of this Code may preclude development of the maximum lot coverage for some land uses.

### 2.3.140 Development Orientation

Industrial developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) and protect the privacy of adjacent (non-industrial) uses to the extent possible. The following standards shall apply to all development in the Industrial District:

### 2.3.140 Development Orientation Cont.

Figure 2.3.140.A - Industrial Development Orientation



- A. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings shall be located away from residential areas, schools, parks, and other non-industrial areas to the maximum extent practicable; and
- B. The City may require a landscape buffer or other visual or sound barrier (fence, wall, landscaping, or combination thereof) to mitigate adverse impacts that cannot be avoided through building orientation standards alone.

### 2.3.150 Building Height

The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

- A. **Base Requirement.** Buildings shall be no more than three stories or 35 feet in height, whichever is greater, and shall comply with the building setback/height standards in Section 2.3.120 - Development Setbacks.

### 2.3.150 Building Height Cont.

- B. Performance Option.** The allowable building height may be increased to 45 feet, when approved as part of a Conditional Use Permit. The development approval may require additional setbacks, stepping-down of building elevations, visual buffering, screening, and/or other appropriate measures to provide a height transition between industrial development and adjacent non-industrial development. Smoke stacks, cranes, roof equipment, grain elevators, storage silos, and other similar features that are necessary to the industrial operation may not exceed 55 feet in height without approval of a Conditional Use Permit.
- C. Method of Measurement.** “Building height” is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (see Figure 2.2.170 for examples of measurement). The reference datum shall be selected by either of the following, whichever yields a greater height of building:
1. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
  2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Section 2.3.150 Building Height, A., is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are bell towers, steeples, flag poles, antennas, solar energy systems, and similar features that are not for human occupancy.

### 2.3.160 Special Standards for Certain Uses

#### 2.3.161 Uses With Significant Noise, Light/Glare, Dust, Vibration, or Traffic Impacts

The following uses shall require Conditional Use Permit approval, in addition to Development Review or Site Design Review.

- A. Uses With Significant Noise, Light/Glare, Dust, and Vibration Impacts.** *Uses which are likely to create significant adverse impacts beyond the Industrial District boundaries, such as noise, light/glare, dust, or vibration, shall require conditional use approval, in conformance with Section 4.4 - Conditional Use Permits. The following criteria shall be used in determining whether the adverse impacts of a use are likely to be “significant.”*

### 2.3.161 Uses With Significant Noise, Light/Glare, Dust, Vibration, or Traffic Impacts Cont.

1. Noise

The noise level beyond the property line exceeds 55 dBA (24-hour average) on a regular basis. A dBA of 55 is generally considered to be normally acceptable for low-density residential uses.

2. Light/Glare

Lighting and/or reflected light from the development exceeds ordinary ambient light and glare levels (i.e., levels typical of the surrounding area).

3. Dust and/or Exhaust

Dust and/or exhaust emissions from the development exceeds ambient dust or exhaust levels, or levels that existed prior to development.

4. Vibration

Vibration (e.g., from mechanical equipment) is sustained and exceeds ambient vibration levels (i.e., from adjacent roadways and existing land uses in the surrounding area).

5. Odor

Odor is sustained and exceeds ordinary ambient levels from adjacent roadways and existing land uses in the surrounding area.

***B. Traffic. Uses that are likely to generate unusually high levels of vehicle traffic due to shipping and receiving. "Unusually high levels of traffic" means that the average number of daily trips on any existing street would increase by 20 percent and 100 vehicles per day or more as a result of the development. The City may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by ODOT for developments that increase traffic on state highways.***

***C. Resource extraction, such as the operation of mineral and aggregate quarries and similar uses, shall require a Conditional Use Permit. The applicant shall also be required to prepare a site reclamation plan for review and approval by the City and other affected agencies, prior to commencing resource extraction. The required scope of the reclamation plan shall be identified by the Conditional Use Permit, and shall comply with applicable requirements of State natural resource regulatory agencies.***

### **2.3.162 Residential Caretakers**

One residential caretaker unit shall be permitted for each primary industrial use, subject to the following conditions:

***A. The unit shall be served with public water and sanitary sewer disposal, in conformance with City engineering requirements.***

***B. Caretaker units shall be required to meet applicable fire safety and building code requirements, in addition to the applicable setback standards of this chapter.***

### **2.3.163 Wireless Communication Equipment**

Wireless communication equipment includes radio (i.e., cellular), television, and similar types of transmission and receiving facilities. Wireless communication equipment shall comply with required setbacks, lot coverage, and other applicable standards of the Industrial District.

### **2.3.164 Transportation Improvements**

Standards for transportation improvements are listed in Section 4.4.400 - Criteria, Standards, and Conditions of Approval, D.