

Chapter 2 Land Use Districts

2.1 - Residential (R) District

2.2 - Downtown (D) District

2.3 - General Industrial (GI) District

2.4 - Light Industrial (LI) District

2.5 - Historic Preservation Ordinance

Chapter 2.1 Residential (R) District

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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

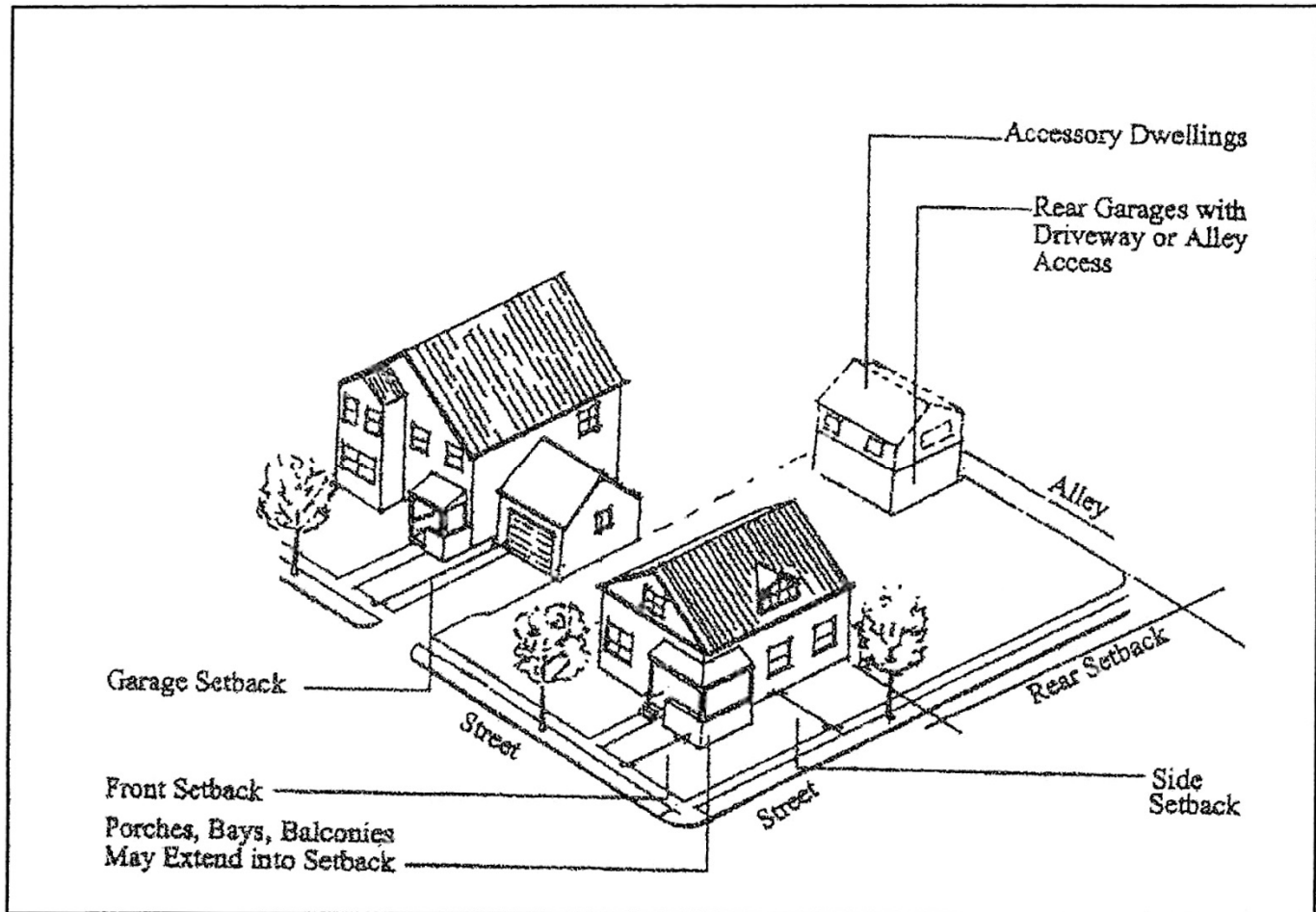
- A. Permitted Uses.** The land uses listed in Table 2.1.110.A are permitted in the Residential District, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 2.1.110.A, and land uses which are approved as "similar" to those in Table 2.1.110.A, may be permitted. 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 Chapter 4.4.
- B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4. 8.

**Table 2.1.110.A
Land Uses and Building Types Permitted in the Residential District**

<p>1. Residential: <i>Single Family</i> a. Single-family detached housing b. Single-family detached zero-lot line* c. Accessory dwellings* d. Manufactured homes - individual lots* e. Single-family attached townhomes* f. Cottage Clusters (2-4 small single family dwellings on one lot, oriented to an alley or common green.* <i>Two- and Three-Family</i> f. Two- and three-family housing (duplex and triplex)* <i>Multi-family</i> g. Multi-family housing (RM Sub-district only) <i>Residential care</i> h. Residential care homes and facilities* i. Family daycare 2. Home occupations* 3. Accessory Uses and Structures ADUs are included under “single family” (This does not include Accessory Dwelling Units, which are included under “single family” in section 1) 4. Agricultural (Permitted only in Farm Residential Sub-district)</p>	<p>4. Public and Institutional (CU)*: a. Churches and places of worship b. Clubs, lodges, similar uses c. Government offices and facilities (administration, public safety, utilities, and similar uses) d. Libraries, museums, community centers, and similar uses e. Private utilities f. Public parks and recreational facilities g. Schools (public and private) h. Telecommunications equipment (including wireless) i. Transportation Facilities and Improvements 1. Normal operation, maintenance; 2. Installation of improvements within the existing right-of-way; 3. Projects identified in the adopted Transportation System Plan 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 Transportation System Plan** (CU); and 8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU) j. Uses similar to those listed above</p>	<p>5. Residential Commercial (RC Sub-district only)*: Each of the following uses is “size limited” and subject to provisions in Section 2.1.200 - Special Standards for Certain Uses: a. All uses listed as I. Residential in this Table b. Child Care Center (care for more than 12 children) c. Food services, excluding automobile-oriented uses d. Laundromats and dry cleaners e. Light manufacture, conducted entirely within building f. Retail goods and services g. Medical and dental offices, clinics and laboratories h. Personal services (e.g., barber shops, salons, similar uses) i. Professional and administrative offices j. Repair services, conducted entirely within building; auto-repair, similar services excluded k. Mixed use building (residential with other permitted use) l. Other similar uses 6. Bed & Breakfast inns and vacation rentals (CU)*</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 2 asterisks are subject to the standards in Section 4.4.400D.
(CU) - Uses marked with CU require a Conditional Use Permit. Temporary uses are subject to the standards in Section 4.9. 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.

2.1.120 - Building Setbacks.



Building Setbacks

Building setbacks provide space for private yards and building separation for fire protection/security, building maintenance, sun light 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 Chapter 5. I to modify any setback standard.

2.1.120 - Building Setbacks. *(continued)***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 shall be accessed from alleys or otherwise recessed behind the front building elevation by a minimum of 6 feet. Alternatively, garage and carport entrances may be built flush with the front building elevation when the building is set back by at least 20 feet.
- 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 Chapter 3.1.2.

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; or 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.)

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 "A". Walls and fences may be placed on property lines, subject to the standards in Chapter 3.2 · Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 3.1.2.

2.1.120 - Building Setbacks. (continued)

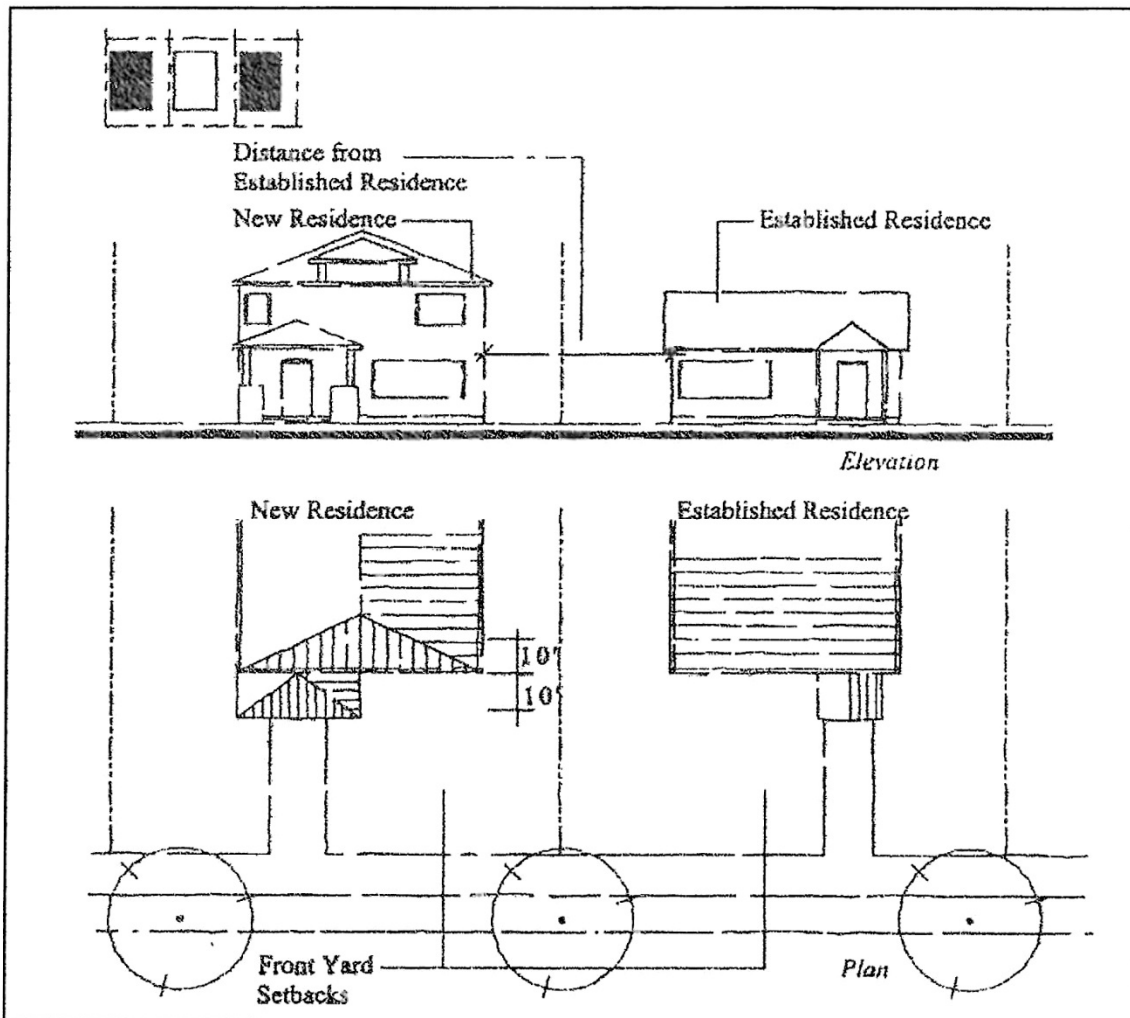
E. Special Yards- Distance Between Buildings on the Same Lot

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 (1/2) 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

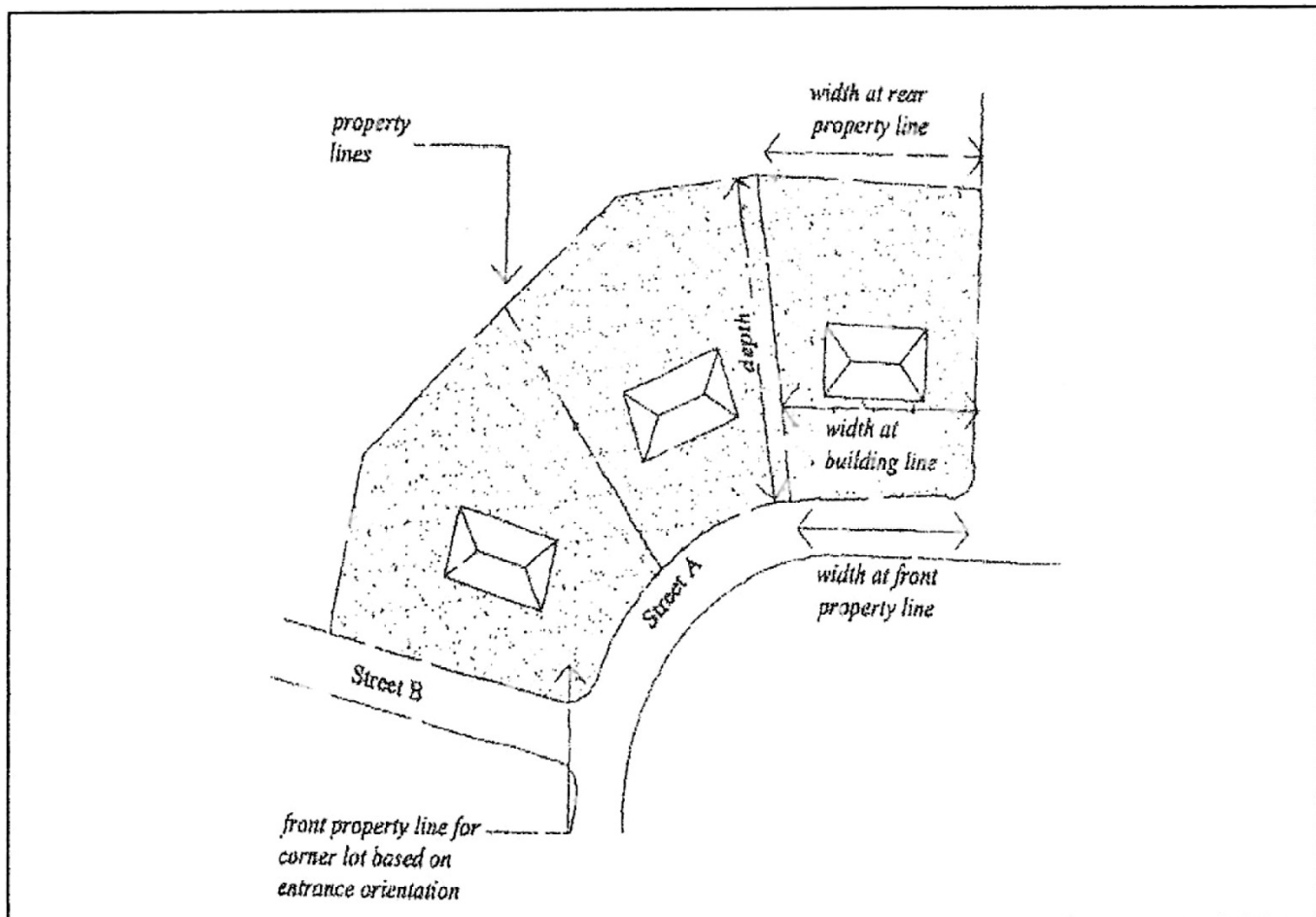


2.1.120 Building Setbacks. (continued)

- 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 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.
- 3 The standards in 1-2 shall not be changed, except through a Class B Variance (i.e., to avoid significant trees, topographic constraints or other sensitive lands).

Figure 2.1.130 - Lot Dimensions

2.1.130 - Lot Area and Dimensions.



2.1.130 - Lot Area and Dimensions. (continued)

Permitted Lot Areas and Dimensions

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

Table 2.1.130.A Lot Area and Dimensions Permitted in the Residential District			
<i>Lane Use</i>	<i>Lot Area</i>	<i>Lot Width/Depth</i>	<i>Related Standards</i>
Detached Single-Family Housing; Manufactured Homes on Lots	Minimum: 7,200 square feet Maximum: 10,000 square feet Minimum in Residential Suburban Sub-District 15,000 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) Maximum Depth: Three (3) 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.
Cottage Cluster (2-4 single family dwellings on one lot, oriented to an alley or common green)	Minimum area for cottage cluster: 7200 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.
Two-and Three-Family Housing (duplex and triplex)	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) Maximum Depth: Three (3) 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.
Attached Single-Family Housing (Townhome)	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) Maximum Depth: Three (3) 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.
Multi-Family Housing (more than 3 units)	Minimum area: 10,000 square feet Maximum area: None. (see "related standards")	Minimum Width: 60 feet at front property line Maximum Depth: None	The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 0 Access and Circulation

2.1.130 - Lot Area and Dimensions. *(continued)*

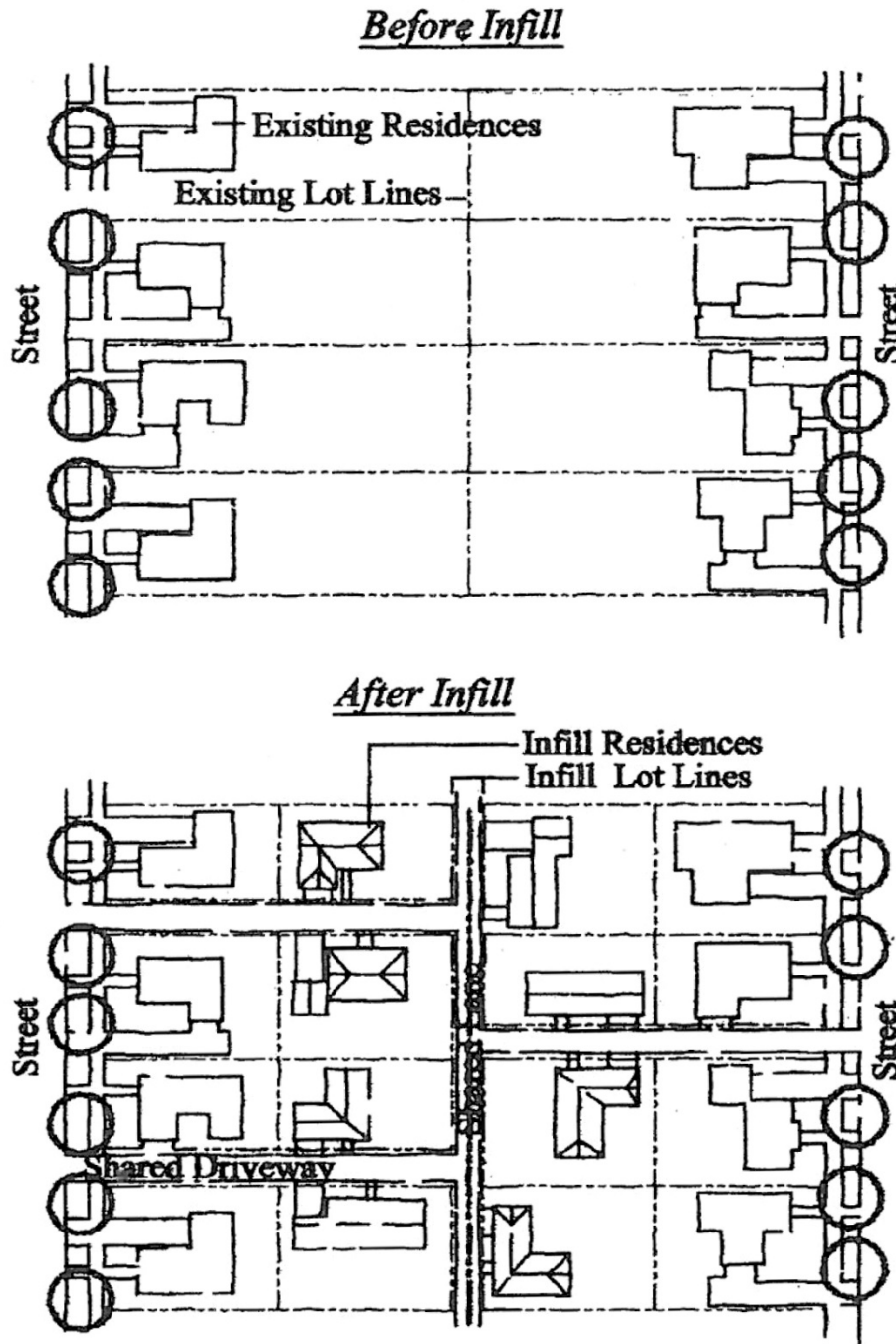
Table 2.1.130.A *(continued)*
Lot Area and Dimensions Permitted in the Residential District

<i>Lane Use</i>	<i>Lot Area</i>	<i>Lot Width/Depth</i>	<i>Related Standards</i>
Public and Institutional Uses	Minimum area: None Maximum area: None (see Special Standards for Certain Uses 2.1.200)	Minimum Width: 60 feet at front property line. Maximum Depth: None	The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 - Access and Circulation
Residential Commercial Uses	Minimum area: None Maximum area: None (see Special Standards for Certain Uses 2.1.200)	Minimum Width: 60 feet at front property line. Maximum Depth: None	The maximum lot/parcel area is indirectly controlled by the floor area standards for Residential Commercial development, as provided in Section 2.1.200.

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

As shown below, 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:

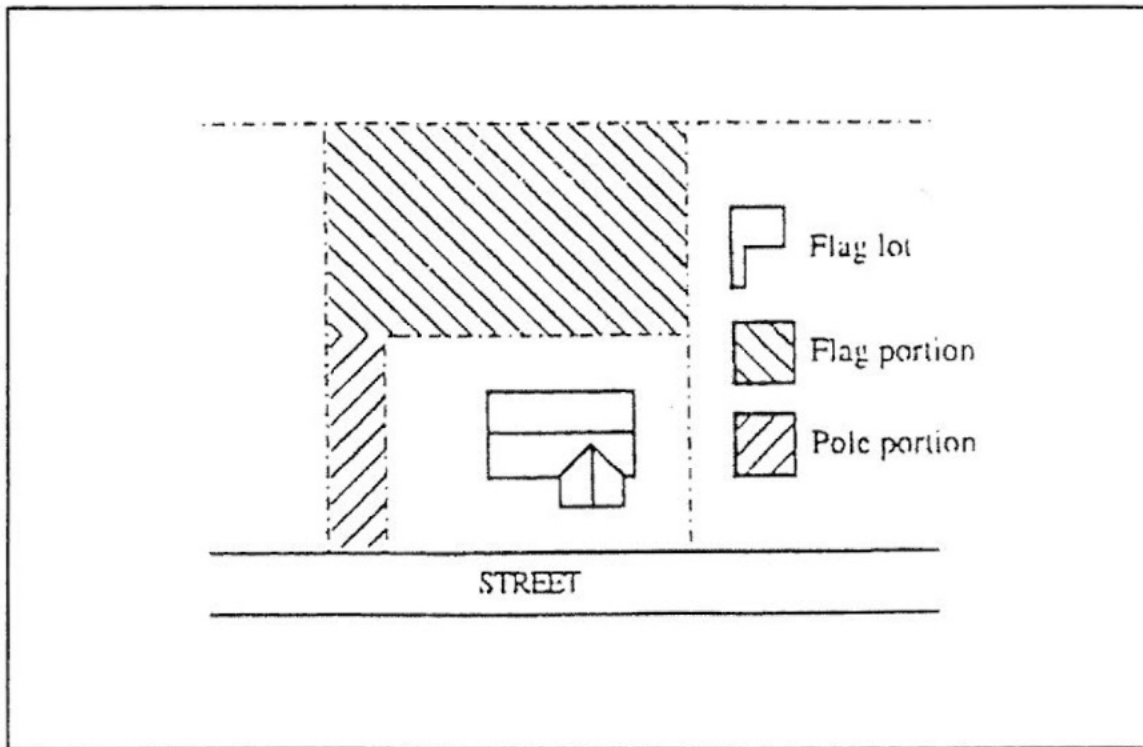
Figure 2.1.140A - Mid block infill



2.1.140- Flag Lots and Lots Accessed by Mid-Block Lanes. (continued)

- 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 Chapter 3.4.1, and subsections C-F, below.

Figure 2.1.140B - Flag Lot (Typical)



- 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 (2) dwelling units, including accessory dwellings 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 (6). 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 Uniform Fire Code.
- 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 7½ 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.
- E. **Maximum Drive Lane Length.** The maximum drive lane length is subject to requirements of the Uniform Fire Code, but shall not exceed 150 feet for a shared side drive, and 400 feet for a shared rear lane.

2.1.140- Flag Lots and Lots Accessed by Mid-Block Lanes. (continued)

- 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 the preceding graphic).
- 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.
- A.** Minimum and maximum housing densities are calculated by multiplying the parcel or lot area by the

2.1.150 - Residential Density and Building Size.

applicable density standard. For example, if the total site area is five (5) acres, and the maximum allowable density is 7 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. Flag poles on flag lots shall be considered not buildable for the purpose of calculating densities. See Figure 2.1.140B.

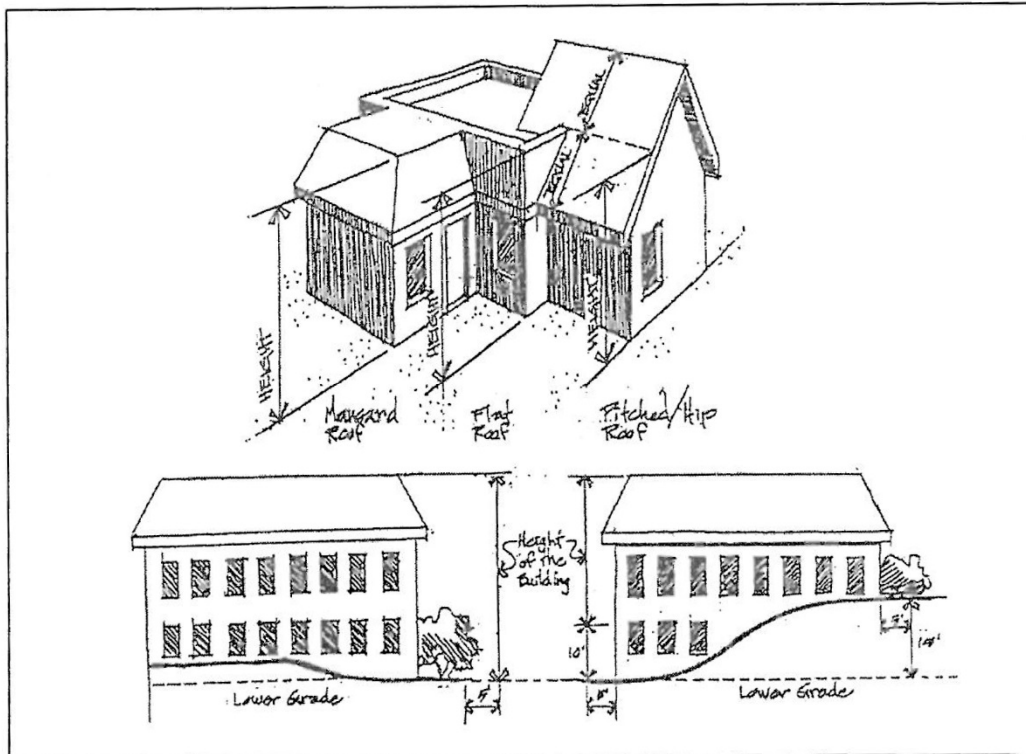
- B. Minimum Residential Density Standard.** The following density standards apply to all new subdivisions. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.
1. New subdivisions shall provide for housing at densities between 4 dwelling units per net acre minimum and 6 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 4 units per net acre minimum and 7 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:
- Single Family Detached Houses - 40 percent
 - Duplexes and Triplexes- 60 percent
 - Single Family Attached Townhomes - 60 percent
 - Cottage Clusters - 40 percent for two dwellings; 60 percent for three or four dwellings
 - Multiple Family Housing- 60 percent
 - Residential Commercial and Public/Institutional Uses - 80 percent
- 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 2.1.170 - Building Height Measurement (Composite of Several Roof Forms)

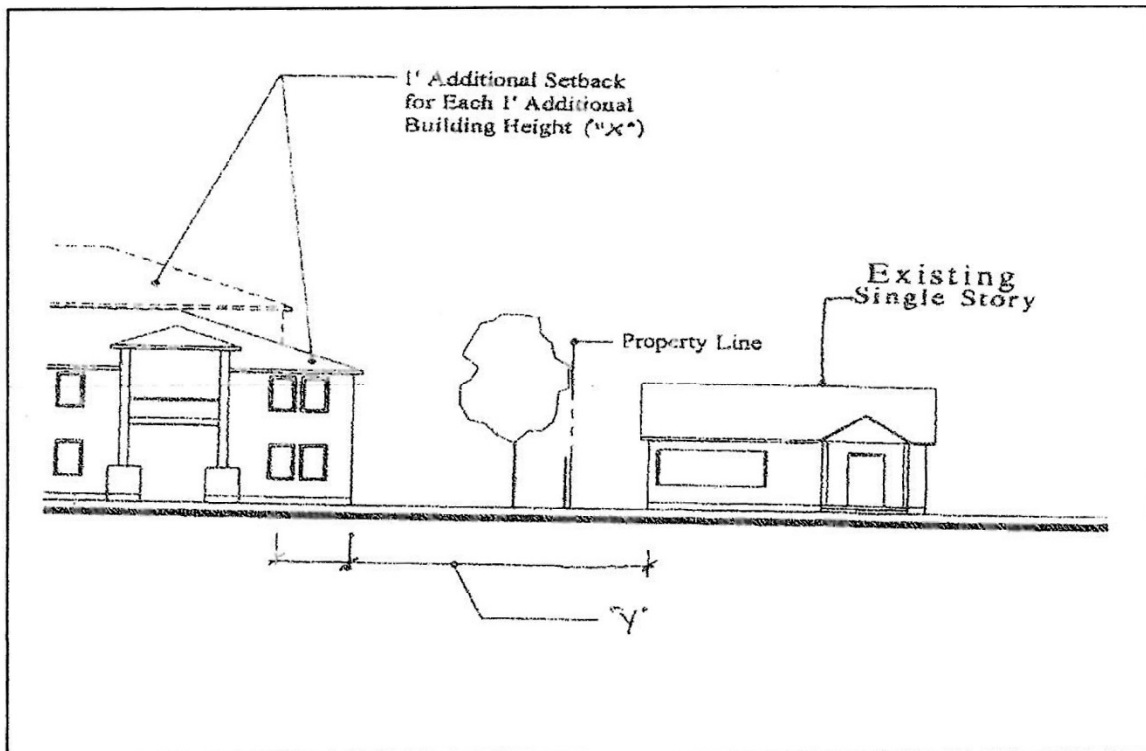


2.1.170 - Building Height. *(continued)*

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 lie no more than 30 feet or 2 and $\frac{1}{2}$ 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 "C" below. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features which 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:
- The elevation of the highest adjoining sidewalk or ground surface within a five-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;
 - An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection '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



2.1.170 - Building Height. *(continued)*

- 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 one (1) foot of height for every one (1) foot separating the two buildings (“y”), as shown above.

2.1.180 - Building Orientation.

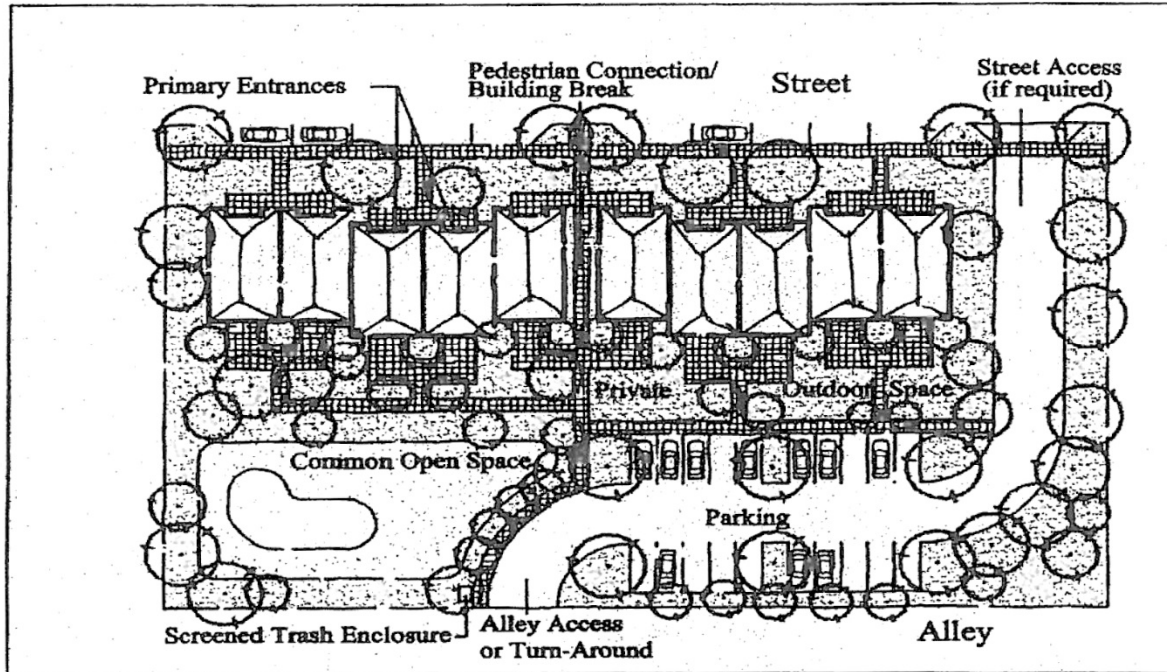
- A. Purpose.** The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more “eyes-on-the-street”.
- 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 “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.
 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 Chapter 3 .I - 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 townhouses.
- D.** The standard shall not apply to buildings which do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses.)

2.1.170 - Building Orientation. *(continued)*

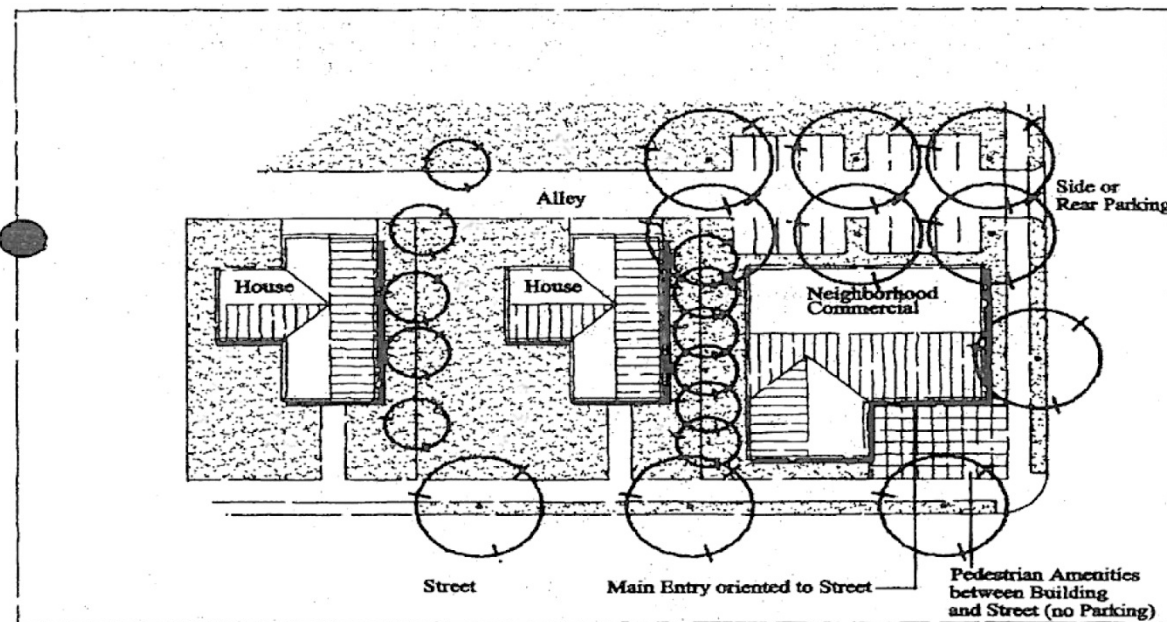
E. Manufactured Homes may have the door facing the side yard if there are windows, making up at least 30% of the street-facing wall.

Typical Building Orientation (Multi-Family/Attached Housing & Neighborhood Commercial)

(Multi-Family/Attached Housing)



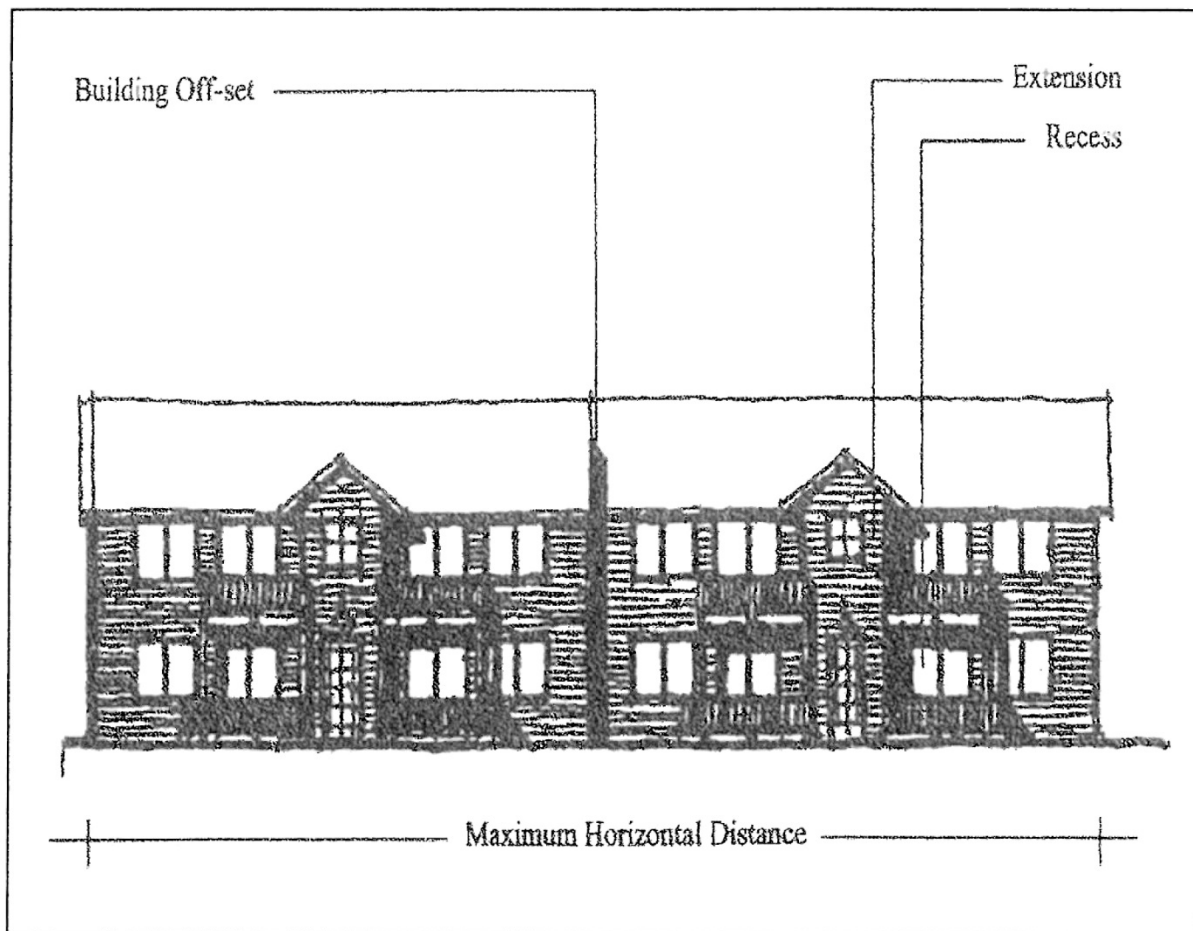
(Neighborhood Commercial Building)



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 all of the following types of buildings, and shall be applied during Site Design Review:
- Duplexes and Triplexes
 - Single family attached townhomes which are subject to Site Design Review (3 or more attached units);
 - Multi-family housing;
 - Public and institutional buildings; and
 - Residential Commercial and mixed use buildings.
- C. **Standards.** All buildings which 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.

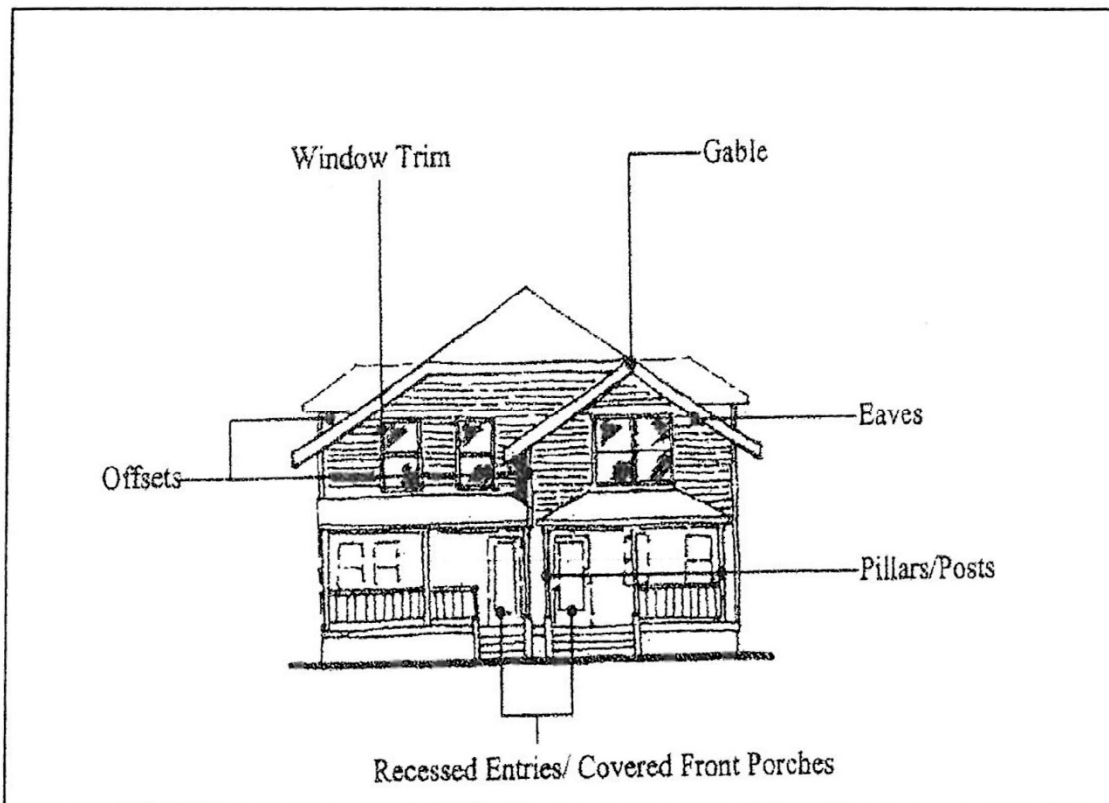
Figure 2.1.190C(1)- Building Form (Multi-family Housing Example)



2.1.190 - Design Standards. (continued)

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 the above Figure. 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 (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

Figure 2.1.190C(3) - Examples of Architectural Details

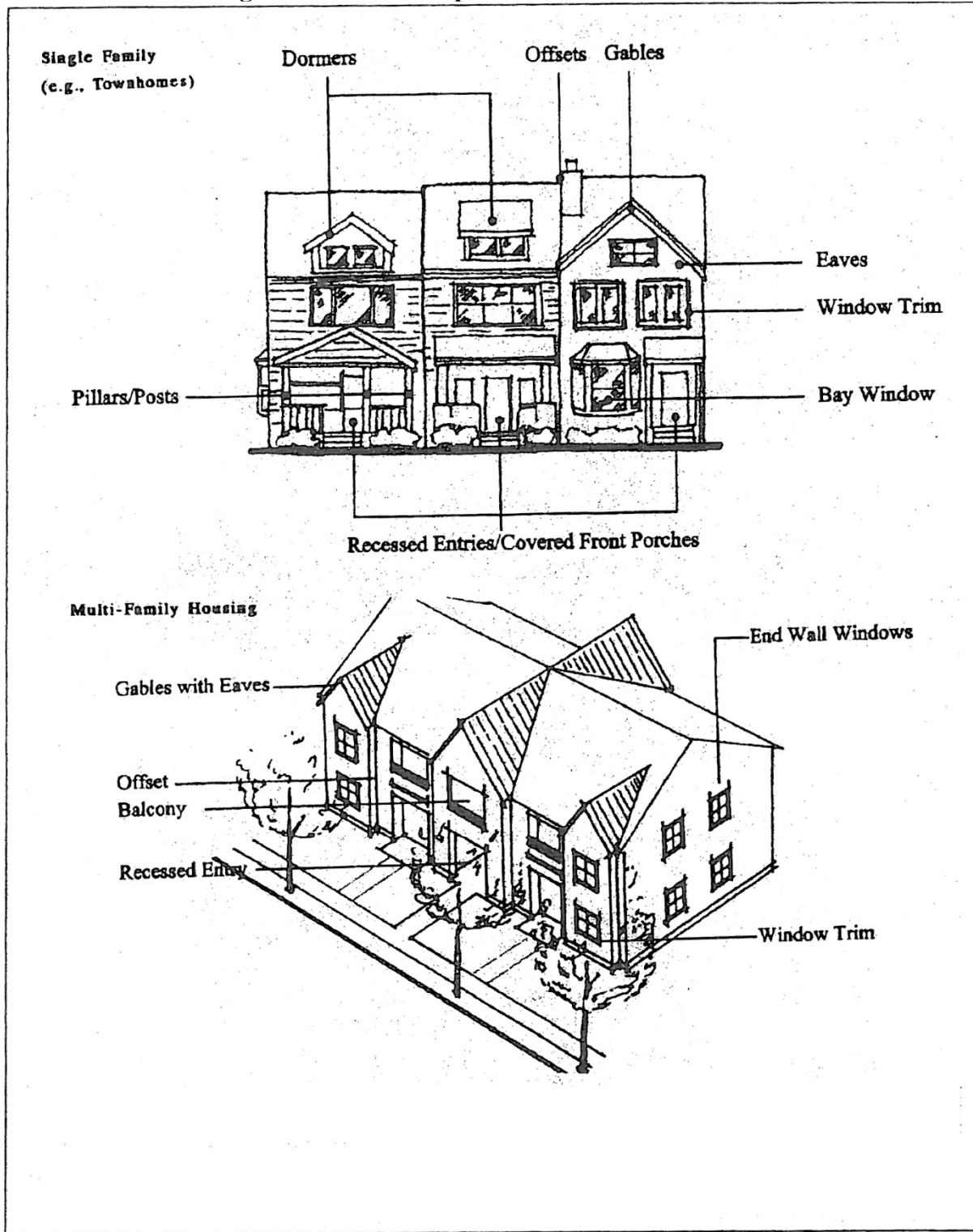


2.1.190 - Design Standards. *(continued)*

1. 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 2 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):
 - a. Dormers
 - b. Gables
 - c. Recessed entries
 - d. Covered porch entries
 - e. Cupolas or towers
 - f. Pillars or posts
 - g. Eaves (min. 6-inch projection)
 - h. Off-sets in building face or roof (minimum 16 inches)
 - i. Window trim (minimum 4-inches wide)
 - j. Bay windows
 - k. Balconies
 - l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
 - m. Decorative cornices and roof lines (e.g., for flat roofs)
 - n. An alternative feature providing visual relief, similar to options a-m.

2.1.190 - Design Standards. (continued)

Figure 2.1.190- Examples of Architectural Details

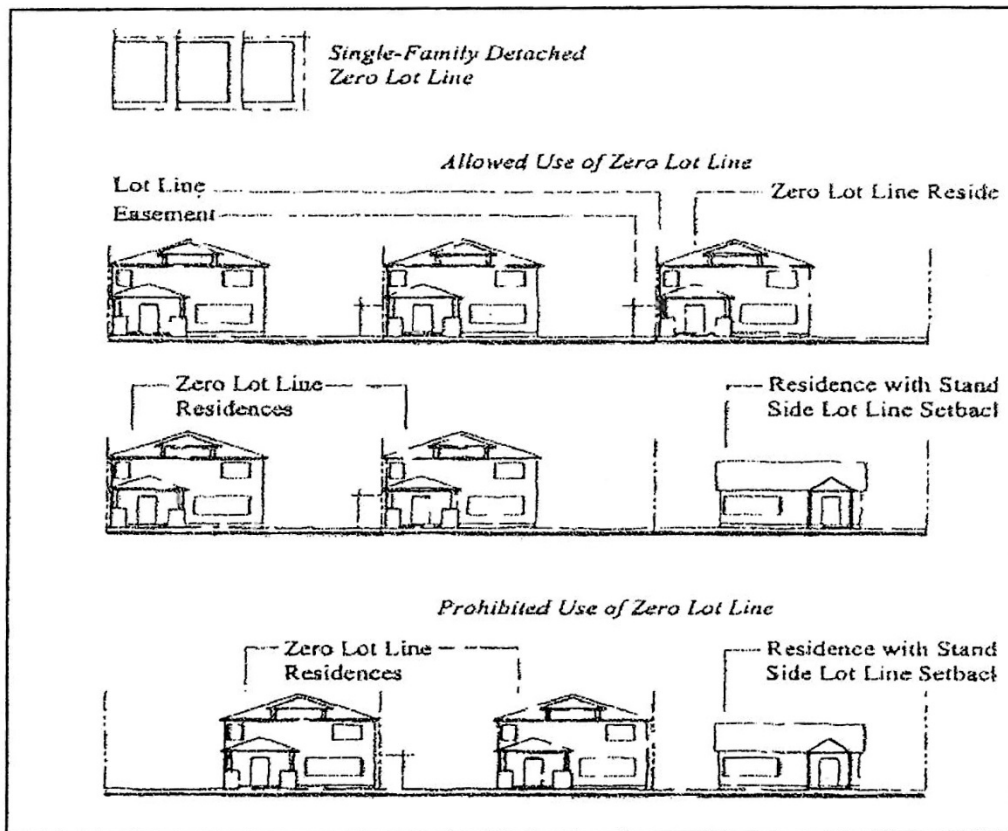


2.1.200 - Special Standards for Certain Uses.

This section supplements the design standards contained 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:

- A. “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 atypical 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 2.1.200 .A - Zero Lot Line Housing



1. 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. 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

(2) Except as provided in subsection (1) of this section, this section does not alter or affect an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions adopted by Lane County or local governments in Lane County. [2007 c.650 §2]

Note: Section 3, chapter 650, Oregon Laws 2007 provides:

Sec. 3. A local government that is subject to section 2 of this 2007 Act [197.304] shall complete the inventory, analysis and determination required Under ORS 197.296 (3) to begin compliance with section 2 of this 2007 Act within two years after the effective date of this 2007 Act [January 1, 2008]. [2007 c.650 §3]

197.305 [1973 c.80 §52; 1977 c.664 §23; repealed by 1979 c.772 §26]

197.307 Effect of need for certain housing in urban growth areas; approval standards for certain residential development; placement standards for approval of manufactured dwellings. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3)(a) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing, including housing for farmworkers, shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

(b) A local government shall attach only clear and objective approval standards or special conditions regulating, in whole or in part, appearance or aesthetics to an application for development of needed housing or to a permit, as defined in ORS 215.402 or 227.160, for residential development. The standards or conditions may not be attached in a manner that will deny the application or reduce the proposed housing density provided the proposed density is otherwise allowed in the zone.

(c) The provisions of paragraph (b) of this subsection do not apply to an application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(d) In addition to an approval process based on clear and objective standards as provided in paragraph (b) of this subsection, a local government may adopt an alternative approval process for residential applications and permits based on approval criteria that are not clear and objective provided the applicant retains the option of proceeding under the clear and objective standards or the alternative process and the approval criteria for the alternative process comply with all applicable land use planning goals and rules.

(e) The provisions of this subsection shall not apply to applications or permits for residential development in

historic areas designated for protection under a land use planning goal protecting historic areas.

(4) Subsection (3) of this section shall not be construed as an infringement on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

(5) A jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

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

(b) The manufactured home 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 12 inches above grade.

(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

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

(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant

COMPREHENSIVE LANE USE PLANNING COORDINATION

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

(6) Any approval standards, special conditions and the procedures for approval adopted by a local government shall be clear and objective and may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. [1981 c.884 §5; 1983 c.795 §3; 1989 c.380 §2; 1989 c.964 §6; 1993 c.184 §3; 1997 c.733 §2; 1999 c.357 §1; 2001 c.613 §2]

197.309 Local ordinances or approval conditions may not effectively establish housing sale price or

designate class of purchasers; exception. (1) Except as provided in subsection (2) of this section, a city, county or metropolitan service district may not adopt a land use regulation or functional plan provision, or impose as a condition for approving a permit under ORS 215.427 or 227.178, a requirement that has the effect of establishing the sales price for a housing unit or residential building lot or parcel, or that requires a housing unit or residential building lot or parcel to be designated for sale to any particular class or group of purchasers.

(2) This section does not limit the authority of a city, county or metropolitan service district to:

(a) Adopt or enforce a land use regulation, functional plan provision or condition of approval creating or implementing an incentive, contract commitment, density bonus or other voluntary regulation, provision or condition designed to increase the supply of moderate or lower cost housing units; or

(b) Enter into an affordable housing covenant as provided in ORS 456.270 to 456.295. [1999 c.848 §2; 2007 c.691 §8]

197.310 [1973 c.80 §53; 1977 c.664 §24; repealed by 1979 c.772 §26]

197.312 Limitation on city and county authority to prohibit certain kinds of housing, including farmworker housing; real estate sales office. (1) A city or county may not by charter prohibit from all residential zones attached or detached single family housing, multifamily housing for both owner and renter occupancy and manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2) A city or county may not impose any approval standards, special conditions or procedures on farmworker housing that are not clear and objective or have the effect, either in themselves or cumulatively, of discouraging farmworker housing through unreasonable cost or delay or by discriminating against such housing.

(3)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farm worker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(4)(a) Multifamily housing for farm workers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(5) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public. [1983 c.795 §5; 1989 c.964 §7; 2001 c.437 §1; 2001 c.613 §3].

197.313 Interpretation of ORS 197.312. Nothing in ORS 197.312 or in the amendments to ORS 197.295, 197.303, 197.307 by sections 1,2 and 3, chapter 795, Oregon Laws 1983, shall be construed to require a city or county to contribute to the financing, administration or sponsorship of government assisted housing. [1983 c.795 §6]

197.314 Required siting of manufactured homes; minimum lot size; approval standards. (1) Notwithstanding ORS 197.296, 197.298, 197.299, 197.301, 197.302, 197.303, 197.307, 197.312 and 197.313, with urban growth boundaries each city and county shall amend its comprehensive plan and land use regulations for all land zoned for single-

2.1.200 - Special Standards for Certain Uses. (continued)

3. **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.

B. Accessory Dwelling (attached, separate cottage, or above detached garage). An accessory dwelling 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:

1. **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;
2. **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;
3. **One Unit.** A maximum of one accessory dwelling unit is allowed per lot;
4. **Floor Area.** The maximum floor area of the accessory dwelling shall not exceed 800 square feet;
5. **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; and
6. **Buffering.** A minimum four 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.

C. Manufactured Homes on individual Lots. Manufactured homes 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 ordinance.

1. **Floor Plan.** The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 sq. ft., except where existing lot size would not accommodate a multi-sectional manufactured home having a minimum of 1,000 sq. ft. of floor area;
2. **Roof.** The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width;

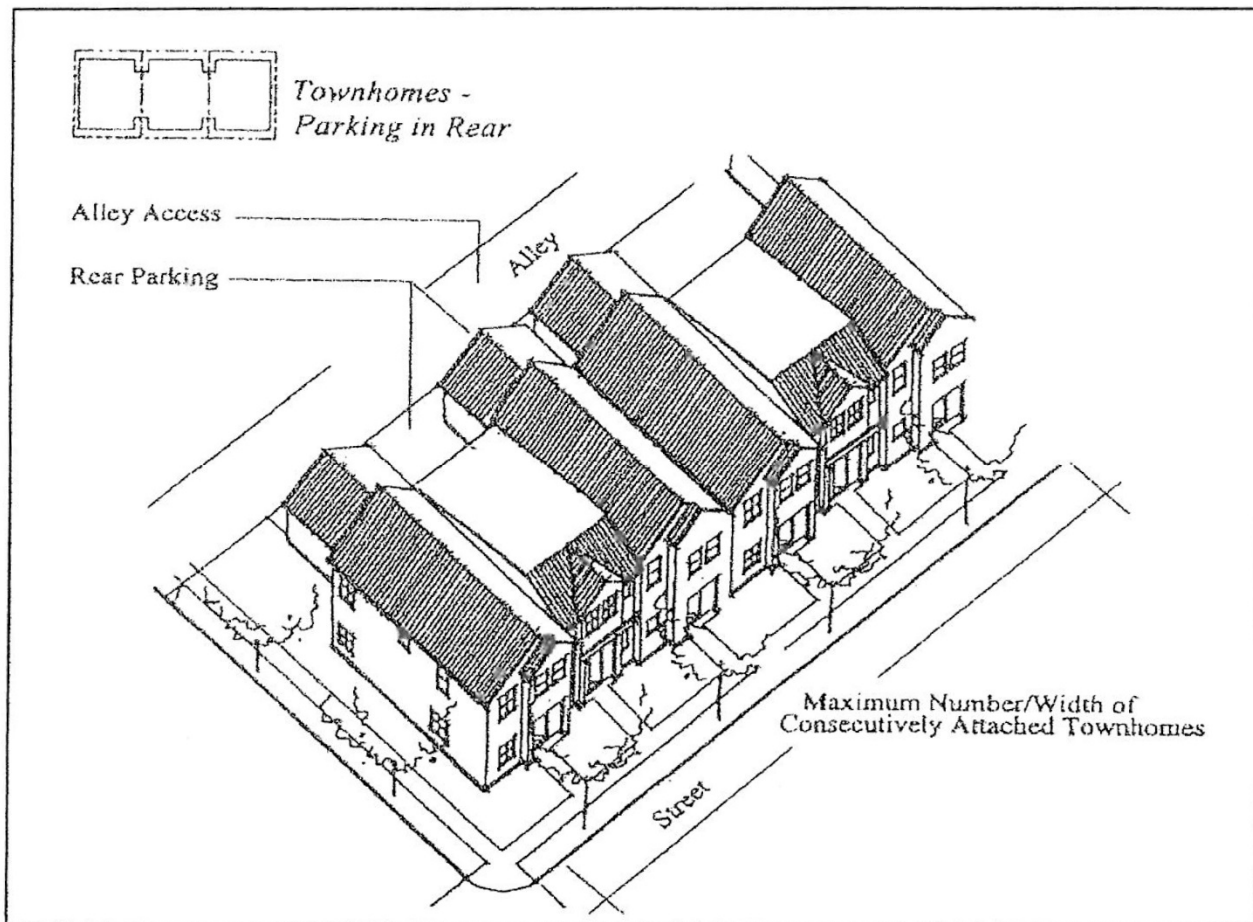
2.1.200 - Special Standards for Certain Uses. (continued)

3. Residential Building Materials. The manufactured home 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);
 4. Garages and Carports. The manufactured home 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 where that would be consistent with the predominant construction of immediately surrounding residences;
 5. Thermal Envelope. The manufactured home 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 manufacturers certification shall not be required;
 6. Placement. The manufactured home 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;
 7. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted; and
 8. Prohibited. The manufactured home shall not be located in a designated historic district.
- D. 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:
1. Licensing. All residential care homes shall be duly licensed by the State of Oregon.
 2. Parking. A minimum of one parking space shall be provided for each employee and typical number of visitors, in accordance with Chapter 3.3 -Parking requirements.
 3. 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.

2.1.200 - Special Standards for Certain Uses. (continued)

- E. 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 1-4, 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.

Figure 2.1.200E(2)- Townhomes and Multiplex Housing With Alley Access

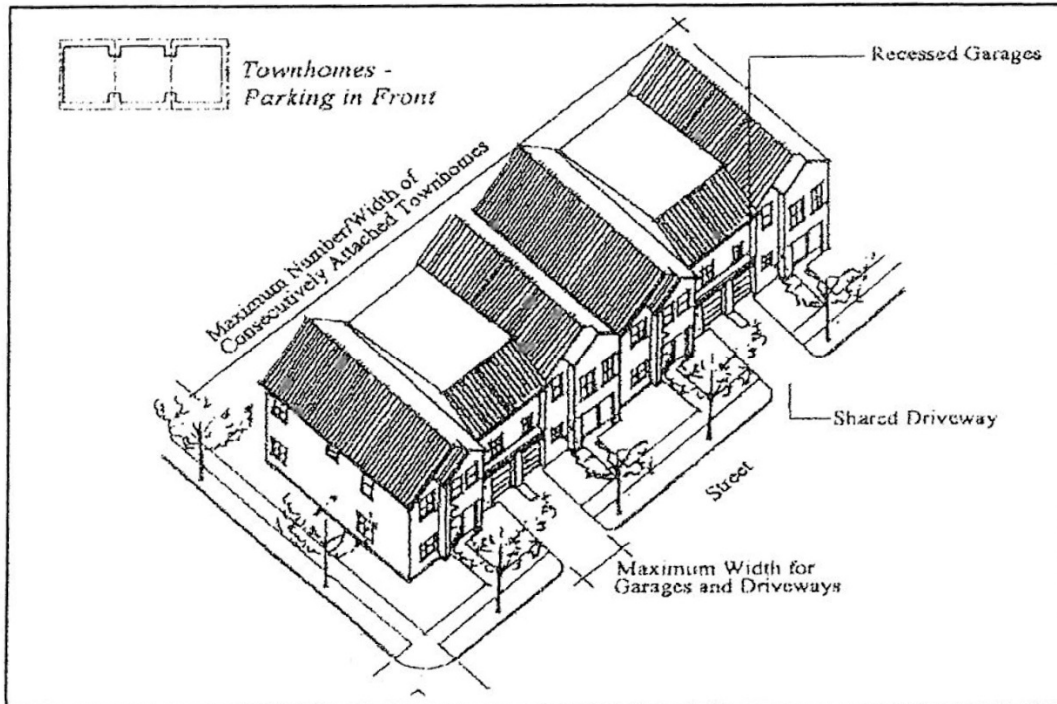


1. **Building Mass Supplemental Standard.** Within the Residential District, the number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed four units, (Within the Multi-family Sub-district, the number and width of consecutively attached townhome units shall not exceed six units.)
2. **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 Chapter 3 .4. I -Transportation Standards, and Chapter 4.3 – Land Divisions. Alleys are not required when existing development patterns or topography make construction of an alley impracticable (See #3 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 Chapter 3.1 Access and Circulation.

2.1.200 - Special Standards for Certain Uses. *(continued)*

3. **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 storm water management.
 - a. 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 four feet.
 - b. 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 garaged facing the street.
 - c. 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.
4. **Common Areas.** "Common areas" (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or other legal entity. A homeowners 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.

Townhomes and Multiplex Housing With Street Access



2.1.200 - Special Standards for Certain Uses. *(continued)*

- F. Cottage Clusters.** These uses shall comply with the development standards I -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.
1. Building size supplemental standard. Building heights shall be limited to one story.
 2. 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 ADA accessibility standards, using impervious or semi-pervious materials.
 3. Common areas. “Common Areas” such as landscaping or shared courtyards shall be maintained by a homeowners association, other legal entity or through legal agreement between residents. A homeowners 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.
 4. Access to Fire Protection. Each dwelling will be directly accessible to and located within no more than 50 feet of an adjacent or alley to ensure access to fire-fighting equipment.
- G. 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:
1. Development Site Area. The maximum development site area shall be eight 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 Chapter 4.4- Conditional Use Permits, or as part of a Master Planned Development, in accordance with Chapter 4.5.
 2. Building Mass. The maximum width or length of a multiple 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.
 3. Telecommunications Equipment. Telecommunications equipment (e.g., cell towers and antennae) shall comply with the standards of Chapter 3 .62.
 4. 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 six feet in height.
 5. Standards for Transportation Improvements. Standards for Transportation Improvements are located in Chapter 4.4.400.D.

2.1.200 - Special Standards for Certain Uses. (continued)

- H. 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 include detached garages, sheds, workshops, green houses and similar structures. (For standards applicable to Accessory Dwellings, please refer to Section 2.1.200.B. Type I accessory structures shall comply with the all of following standards; Type II accessory structures may be permitted in accordance with subsection 7.
1. Primary use required. An accessory structure shall not be allowed without another permitted use (e.g., as listed in Table 2.1.110.A).
 2. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
 3. Compliance with land division standards. 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.
 4. Floor Area. The maximum floor area of the accessory structure shall not exceed 800 square feet;
 5. Building Height. The building height of detached accessory structure shall not exceed 25 feet, as measured in accordance with Section 2.1.170; and
 6. Buffering. A minimum four-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.
**Ordinance Amendment 9/12/2007 22007-2.2.2000
 7. The Planning Commission may approve a Type II accessory structure in compliance with the standards of subsections 2, 3, and 6, and the following additional requirements:
 - a. Primary use not required. A Type II accessory structure may 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 Recorder before a building permit is approved.
 - b. 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 Zoning Ordinance. 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.
 - c. 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.

2.1.200 - Special Standards for Certain Uses. (continued)**I. Bed and Breakfast Inns and Vacation Rentals.**

1. Purpose. The purpose of this section is to provide standards for the establishment of a bed and breakfast inn.
2. Accessory Use. A bed and breakfast inn must be accessory to a household already occupying the structure as a residence.
3. Maximum size. The bed and breakfast structure is limited to a maximum of 3 bedrooms for guests and a maximum of 6 guests per night.
4. Employees. The bed and breakfast facility may have up to 2 non-resident employees for the facility.
5. Food Service. Food services may only be provided to overnight guests of the bed and breakfast inn.
6. 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).
7. Signs. Signs must meet the standards in Chapter 3.6.5, Signs
8. Monitoring. All bed and breakfast inns must maintain a guest log book. 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 city staff upon request.

J. Master Planned Neighborhood Development.

1. 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.
2. 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;

2.1.200 - Special Standards for Certain Uses. (continued)

3. Master plan required. Prior to land division approval, a master plan shall be prepared for all sites meeting the criteria in subsection 2. Master plans shall follow the procedures in Chapter 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.
4. Land use and design standards. Master Planned Neighborhood Developments shall be evaluated based on the criteria in Chapter 4.5, and shall be consistent with the following design principles:
 - a. All neighborhoods have identifiable centers and outer boundaries;
 - b. Edge lots are readily accessible to Residential Commercial and recreational uses by walking and bicycling (a distance not greater than one-quarter mile);
 - c. Uses and housing types are mixed and in close proximity to one another;
 - d. Streets are connected and blocks are small (e.g., between 200-600 feet in length; with a maximum perimeter of 1,600 feet);
 - e. Civic buildings, monuments and open spaces (e.g., parks, squares, greenbelts, natural areas, etc.) are given
 - f. Prominent sites throughout the neighborhood.
 - g. Overall, the neighborhood plan achieves a housing density of 7 units per acre, in accordance with the Comprehensive Plan and Residential District standards.
 - h. 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.
5. Implementation. Upon approval of a Neighborhood Development Master Plan, the development shall follow the Land Division procedures in Chapter 4.3, and the Site Design Review procedures in Chapter 4.2, as applicable. Any modifications to the approved masterplan shall be subject to the standards and procedures in Chapter 4.6 -Modifications.

K. Home Occupations.

The purpose of this Section is to encourage those who are engaged in small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters or which, 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:

2.1.200 - Special Standards for Certain Uses. (continued)

1. Appearance of Residence:
 - a. 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.
 - b. 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.
 - c. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
 - d. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.
2. Storage:
 - a. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited.
 - b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
 - c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.
3. Employees:
 - a. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than two full time equivalent employee 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.
 - b. 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.
 - c. 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.
4. Advertising and Signs: Signs shall comply with Chapter 3.6.5. In no case shall a sign exceed 4 square feet.
5. Vehicles. Parking and Traffic:
 - a. 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.

2.1.200 - Special Standards for Certain Uses. *(continued)*

- b. 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.
 - c. 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.
6. 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 subject to Sections A and E, above.
7. Prohibited Home Occupation Uses:
- a. 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.
 - b. 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 business are allowed subject to A-F, above.
 - c. 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:
 - (1) Ambulance service;
 - (2) Animal hospital, veterinary services, kennels or animal boarding;
 - (3) Auto and other vehicle repair, including auto painting;
 - (4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site;
8. 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 insure compliance with all applicable regulations, during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with Chapter 1.4 - Enforcement.
- L. Transportation Improvements.** Standards for Transportation Improvements are in Chapter 4.4.400.0.

2.1.300 - Residential Sub-Districts.

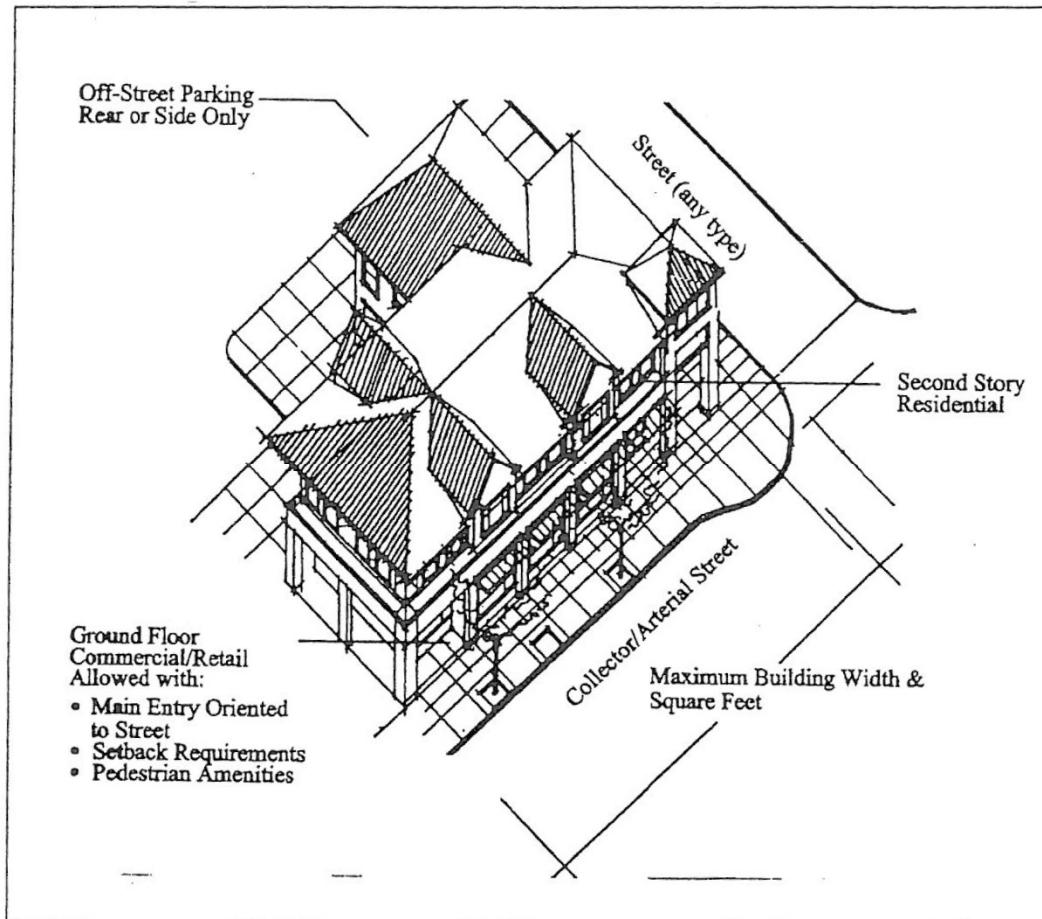
- A. **Sub-districts Authorized.** Sub-districts provide needed land for land uses that may not otherwise be accommodated in the Residential District. The Comprehensive Plan identifies a need for residential farm uses, commercial services within residential neighborhoods, and multi-family housing. Therefore, 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 to 2.1.200. If there is no specific conflict, then the standards of 2.1.100 to 2.1.200 shall apply.

2.1.400 - Farm Residential Sub-Districts (FR).

- A. **Purpose/intent Statement:** The Farm Residential Sub District (FR) 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 which are compatible with adjacent residential development. 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:

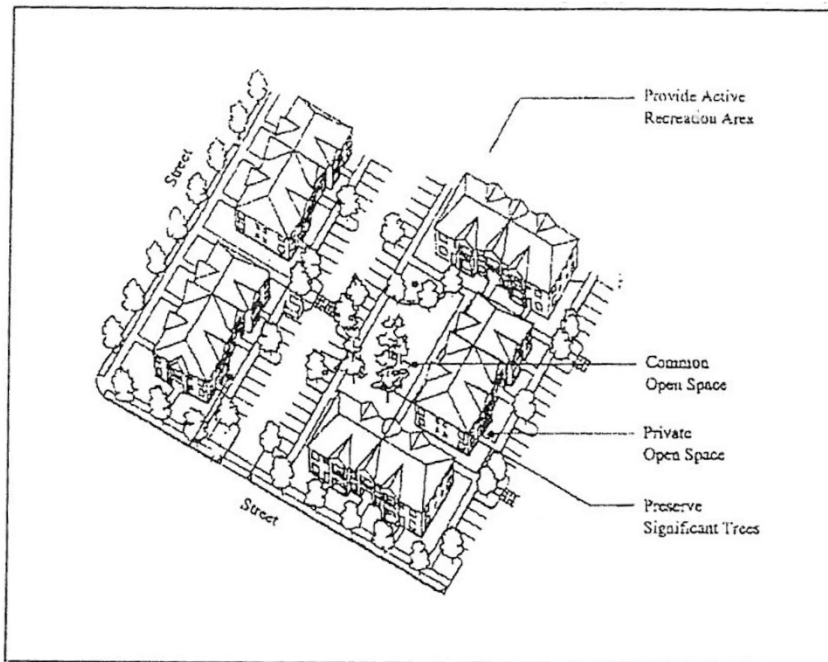
2.1.500 - Residential Commercial Sub-District. (continued)
Figure 2.1.500- Residential Commercial (Typical Site Layout)


- 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 Chapter 1.3, 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).
- 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 seven and one half 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 Multi-Family Sub-District.

- A. **Purpose/Intent Statement:** The Residential Multi Family Sub District is intended to provide land for multiple family housing that provides four or more dwellings on an individual lot (e.g., multiplexes, apartments, condominiums, etc.). New multi-family developments shall comply with all of the following standards:

Figure 2.1. 600 - Multifamily Housing (typical site layout)



- B. **Common Open Space Standard.** Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in all multiple family developments. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted toward meeting the common open space requirements.
- C. **Private Open Space Standard.** Private open space areas shall be required for ground floor and upper-floor housing units based on all of the following standards:
1. Ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);
 2. A minimum of 50 percent of all upper-floor-housing units shall have balconies or porches measuring at least 48 square feet. Upper-floor housing means housing units which are more than 5 feet above the finished grade; and
 3. Private open space areas shall be oriented toward common open space areas and away from adjacent single family residences, trash receptacles, parking and drives to the greatest extent practicable.

2.1.600 - Residential Multi-Family Sub-District. (continued)

- D. Exemptions.** Exemptions may be granted for the first 50 units of a larger project when these developments are within one-quarter mile (measured walking distance) of a public park; and there is a direct, accessible (i.e., federal Americans With Disabilities Act-compliant), lighted, and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides active recreation areas such as play fields, children's play area, sports courts, walking/fitness course, or similar facilities.
1. **Trash receptacles.** Trash receptacles shall be oriented away from adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height. Receptacles must be accessible to trash pick-up trucks.

2.1.700 Residential Suburban Sub-District (RS).

- A. Purpose/Intent Statement:** The Suburban Residential Sub District (RS) 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 sections of the Code - 2. 1.110 through 2.1.190 unless otherwise noted in this Section.
- D. Parking Standards:** These standards are addressed in Chapter 3.3.

CITY OF WESTON ORDINANCES
ORDINANCE NO. Z2007- 2.2.200 II

AN ORDINANCE AMENDING THE WESTON ZONING ORDINANCE
TO MAKE MINOR ADJUSTMENTS

WHEREAS the Planning Commission of the City of Weston held a public hearing on May 5, 2008 to consider several minor amendments and corrections to the zoning ordinance; and

WHEREAS the Planning Commission determined that such minor amendments were appropriate to assure the efficient review of land use permits; and

WHEREAS the City Council held a public hearing on May 14, 2008 to consider the proposed zoning text amendment and the Planning Commission's recommendation; and

WHEREAS the City Council has determined that the minor amendments recommended by the Planning Commission were in the best interests of maintaining an efficient and fair zoning ordinance and permit review; therefore

THE CITY OF WESTON DOES ORDAIN AS FOLLOWS:

(new text is indicated by underlining; deleted language is indicated by ~~strike through~~)

Section I. DEFINITIONS AMENDED: Chapter 1.3 Definitions of the Weston Zoning Ordinance is hereby amended as follows:

City Official -The City Recorder, who is designated by the Mayor and City Council as the city employee responsible to administer the Zoning Ordinance by providing information regarding permits, issue certain non-discretionary permits, and assuring that all procedural requirements are followed in the issuance of permits.

Section 2. MANUFACTURED HOME STANDARDS AMENDED: Chapter 2.1, Section 200.C Manufactured Homes on Individual Lots of the Weston Zoning Ordinance is hereby amended as follows:

200.C Manufactured Homes on Individual Lots. Manufactured homes are permitted on individual lots subject to all of the following design standards, ~~consistent with~~ ~~ORS 197.307(5)~~. Exception: The following standards do not apply to units, which existed within the city prior to the effective date of this ordinance.

2. Roof. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (~~14 degrees~~);

1-AN ORDINANCE AMENDING THE WESTON ZONING ORDINANCE

Section 3. *FENCES AND WALLS AMENDED*: Chapter 3.2, Section 500 Fences and Walls of the Weston Zoning Ordinance is hereby amended to add a new subsection as follows:

E. Permit Requirements. An application for fence permit shall include a site plan that identifies the location of the fence on the property and the location of property boundaries. For a fence proposed to be located on or adjacent to a property line, the applicant shall provide proof of the location of the property boundary such as a survey, letter of agreement from the neighboring property owner(s), or other document satisfactory to the City Official that demonstrates that the proposed fence will be located on or within the property owned by the applicant.

Section 4. *TYPE II PROCEDURE AMENDED*: Chapter 4.1, Section 400 Type II Procedure (Quasi-Judicial) of the Weston Zoning Ordinance is hereby amended to add a new subsection as follows:

A. Pre-application Conference. A pre-application conference may be requested by an applicant for all Type II applications. The requirements and procedures for a pre-application conference are described in Section 4.1. 700C 4. I.600C.


Section 5. *EFFECTIVE DATE*: This ordinance shall take effect 30 days following its passage by the City Council and approval by the Mayor.

PASSED AND ADOPTED this 14th day of May, 2008 by the following vote

AYES: 3 NAYS 0 ABSTENTIONS: 0

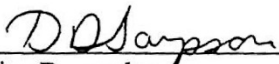
And the Mayor having declared the ordinance enacted by a majority vote, became effective on June 14th, 2008.

APPROVED by the Mayor this 14th day of May, 2008.



Mayor

ATTEST:



City Recorder

CITY OF WESTON PLANNING ORDINANCE
ORDINANCE NO. Z2007- 2.2.200 II (PL)

AN ORDINANCE AMENDING THE WESTON ZONING ORDINANCE
TO MAKE MINOR ADJUSTMENTS

WHEREAS the Planning Commission of the City of Weston held a public hearing on May 5, 2008 to consider several minor amendments and connections to the zoning ordinance; and

WHEREAS the Planning Commission determined that such minor amendments were appropriate to assure the efficient review of land use permits; and

WHEREAS the Planning Commission has forward to the City Council so a public hearing may be held on May 14, 2008 to consider the proposed zoning text amendment and the Planning Commission's recommendation; and therefore

THE CITY OF WESTON PLANNING COMMISSION DOES SUBMIT TO THE WESTON CITY COUNCIL FOR ADOPTION THE FOLLOWING:

(new text is indicated by underlining; deleted language is indicated by ~~strike through~~)

Section 1. DEFINITIONS AMENDED: Chapter 1.3 Definitions of the Weston Zoning Ordinance is hereby amended as follows:

City Official - The City Recorder, who is designated by the Mayor and City Council as the city employee responsible to administer the Zoning Ordinance by providing information regarding permits, issue certain non-discretionary permits, and assuring that all procedural requirements are followed in the issuance of permits.

Section 2. MANUFACTURED HOME STANDARDS AMENDED: Chapter 2.1, Section 200.C Manufactured Homes on Individual Lots of the Weston Zoning Ordinance is hereby amended as follows:

200.C Manufactured Homes on Individual Lots. Manufactured homes are permitted on individual lots Subject to all of the following design standards, ~~consistent with ORS 197.307(5)~~. Exception: The following standards do not apply to units, which existed within the city prior to the effective date of this ordinance.

2. Roof. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width ~~(14 degrees)~~;

1-AN ORDINANCE AMENDING THE WESTON ZONING ORDINANCE

Section 3. *FENCES AND WALLS AMENDED*: Chapter 3.2, Section 500 Fences and Walls of the Weston Zoning Ordinance is hereby amended to add a new subsection as follows:

E. Permit Requirements. An application for fence permit shall include a site plan that identifies the location of the fence on the property and the location of property boundaries. For a fence proposed to be located on or adjacent to a property line, the applicant shall provide proof of the location of the property boundary such as a survey, letter of agreement from the neighboring property owner(s), or other document satisfactory to the City Official that demonstrates that the proposed fence will be located on or within the property owned by the applicant.

Section 4. *TYPE II PROCEDURE AMENDED*: Chapter 4.1, Section 400 Type II Procedure (Quasi-Judicial) of the Weston Zoning Ordinance is hereby amended to add a new subsection as follows:

A. Pre-application Conference. A pre-application conference may be requested by an applicant for all Type II applications. The requirements and procedures for a pre-application conference are described in Section 4.1.700C 4.1.600C.

Section 5. *EFFECTIVE DATE*: This ordinance shall take effect 30 days following its passage by the City Council and approval by the Mayor.

PASSED this 5th day of May, 2008 by the following vote

AYES: 3 NAYS 0 ABSTENTIONS: 0

And the Planning Chairperson has declared the ordinance was APPROVED by a majority vote this 5th day of May, 2008.



Planning Commission Chair Person

CITY OF WESTON ORDINANCES
ORDINANCE NO. Z2007- 2.2.200

AN ORDINANCE AMENDING THE WESTON ZONING ORDINANCE
TO PERMIT LIMITED NON-RESIDENTIAL USES
ON RESIDENTIALLY-ZONED LAND

WHEREAS the Planning Commission of the City of Weston held public hearings on September 10, 2007 to consider allowing buildings to support residential use of a property larger than currently allowed and as stand-alone uses; and

WHEREAS the Planning Commission determined that certain standards should be set for such structures to minimize potential impacts on adjacent residential uses and properties; and

WHEREAS the Planning Commission found that limitations on the size of accessory buildings was not consistent with the rural nature of the community, which has many large lots, or the needs of its residents; and

WHEREAS the Planning Commission considered evidence and testimony, and recommended to the City Council that the Zoning Ordinance should be amended to allow such structures, with restrictions; and

WHEREAS the City Council held public hearings on September 12, 2007 & November 14, 2007 to consider the proposed zoning text amendment and the Planning Commission's recommendation; and

WHEREAS the City Council has determined that modifications to the requirements for accessory buildings, including allowing some non-dwelling structures to be built as stand-alone uses; therefore

THE CITY OF WESTON DOES ORDAIN AS FOLLOWS:

Section 1. DEFINITIONS AMENDED: Chapter 1.3 Definitions of the Weston Zoning Ordinance is hereby amended as follows (new text is indicated by underlining; deleted language is indicated by ~~strike through~~):

Accessory use/Accessory structure - Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical Type I accessory structures in the residential District include detached garages, sheds, workshops, greenhouses, and similar structures. Type II accessory structures include the preceding types of structures and may be allowed as stand-alone uses. See Chapter 2.1, Section 200.G.

1-AN ORDINANCE AMENDING THE WESTON ZONING ORDINANCE
REQUIREMENTS FOR ACCESSORY STRUCTURES IN THE RESIDENTIAL ZONES.

Section 2. ACCESSORY USES AND STRUCTURES STANDARDS AMENDED: Chapter 2.1, Section 200.G Accessory Uses and Structures of the Weston Zoning Ordinance is hereby amended as follows:

200.G 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 2.1.200.B.) ~~All~~ Type I accessory structures shall comply with all of the following standards; Type II accessory structures may be permitted in accordance with subsection 7:

1. Primary use required. An accessory structure shall not be allowed without another permitted use (e.g., as listed in Table 2.1.110.A).
2. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
3. Compliance with land division standards. 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.
4. Floor Area. The maximum floor area of the accessory structure shall not exceed 800 square feet; ·
5. Building Height. The building height of detached accessory structure shall not exceed 25 feet, as measured in accordance with Section 2.1.170; and
6. Buffering. A minimum four-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.
7. The Planning Commission may approve a Type II accessory structure in compliance with the standards of subsections 2, 3, and 6, and the following additional requirements:
 - a. Primary use not required. A Type II accessory structure may be approved as a standalone use; without a primary use, when the structure and use thereof is consistent with the purpose of supporting a primary residential use. The applicant for such a standalone 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 at a 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 Recorder before a building permit is approved.

2-AN ORDINANCE AMENDING THE WESTON ZONING ORDINANCE
REQUIREMENTS FOR ACCESSORY STRUCTURES IN THE RESIDENTIAL ZONES.

b. 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 Zoning Ordinance. 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.

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

Section 2. EFFECTIVE DATE: This ordinance shall take effect 30 days following its passage by the City Council and approval by the Mayor.

PASSED AND ADOPTED this 14th day of November, 2007 by the following vote

AYES: 4 NAYS 0 ABSTENTIONS: 1

and the Mayor having declared the ordinance enacted by a majority vote, became effective on December 14th, 2007.

APPROVED by the Mayor this 14 day of November, 2007.

Barb Byrd
Mayor

ATTEST:

DD Sampson
City Recorder

ORDINANCE ____(__)

Adoption of a Revision in the Weston Zoning Ordinances

WHEREAS, a public hearing was held on July 23rd 2007 to discuss a planning permit denial and was the denial was upheld; the Commission realized that the ordinances did not meet the needs of the community;

WHEREAS, public comment is limited during a hearing, the community came to the hearing to support a change in the ordinances;

WHEREAS, a public hearing was held by the Weston Planning Commission on Sept. 10th 2007, where the revisions in the Definitions Chapter 1.3 and G#7 under the "Special Standards for Certain Uses Chapter 2.1.200 were read aloud and approved;

THEREFORE, be it resolved that the Planning Commission recommends to the Weston City Council to pass this ordinance change into law.

Passed by a majority vote of the Weston Planning Commission on September 10th 2007.


Weston Planning Commission Chair

Chapter 2.2 Downtown (D) District

Sections:

- 2.2.100 - Purpose
- 2.2.110 - Permitted Land Uses
- 2.2.120 - Building Setbacks
- 2.2.130 - Lot Coverage
- 2.2.140 - Building Orientation
- 2.2.150 - Building Height
- 2.2.160 - Design Guidelines and Standards
- 2.2.170 - Pedestrian Amenities
- 2.2.180 - Special Standards for Certain Uses

2.2.100 Purpose.

A city goal is to strengthen the Downtown 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 District is intended to support this goal through elements of design and appropriate mixed-use development. This chapter provides standards for the orderly improvement of the Downtown 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;
- Downtown provides both formal and informal community gathering places;
- There is a distinct storefront character which identifies Downtown;
- The Downtown District is connected to neighborhoods and other employment areas;
- Provide 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 Downtown District, subject to the provisions of this Chapter. 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 Chapter 4.4.
- B. **Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 -Interpretations.

**Table 2.2.110.A
Land Uses and Building Types Permitted in the Downtown District**

<p>1. Residential*: <i>Single-family</i> a. Single-family detached housing (existing housing only) b. Accessory dwellings c. Manufactured homes - individual lots (existing housing only) d. Single-family attached townhomes*</p> <p><i>Two- and Three-Family</i> e. Two- and three-family housing (duplex and triplex)*</p> <p><i>Multi-family</i> f. Multi-family housing</p> <p><i>Residential care</i> g. Residential care homes and facilities h. Family daycare (12 or fewer children)</p> <p>2. Home occupations* (according to standards in Section 2.1.200)</p> <p>3. Bed & breakfasts inss (CU)*</p> <p>4. Public and Institutional* a. Churches and places of worship b. Clubs, lodges, similar uses c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)</p>	<p>d. Libraries, museums, community centers, concert halls and similar uses e. Public parking lots and garages f. Private utilities g. Public parks and recreational facilities h. Schools (public and private) i. Special district facilities j Transportation Facilities and Improvements: 1. Normal operation, maintenance; 2. Installation of improvements within the existing right-of-way; 3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval; 4. Landscaping as part of 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 Transportation System Plan ** (CU); and 8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU).</p> <p>k. Telecommunications equipment (including wireless) (CU) l. Uses similar to those listed above (subject to CU requirements, as applicable)</p>	<p>5. Accessory Uses and Structures•</p> <p>6. Commercial: a. Auto-dependent and auto-oriented uses and facilities (CU)* b. Entertainment (e.g., theaters, clubs, amusement uses) c. Hotels/motels d. Medical and dental offices, clinics and laboratories e. Mixed use development (housing & other permitted use)* f. Office uses (i.e., those not otherwise listed) g. Personal and professional services (e.g., child care center, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions and similar uses) h. Repair services i. Retail trade and services, except auto-oriented uses j. Uses similar to those listed above (subject to CU requirements, as applicable)</p> <p>4. Industrial*: Light manufacture (e.g., small-scale crafts, electronic equipment,, bakery, furniture, similar goods when in conjunction with retail)</p>
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* - Uses marked with an asterisk are subject to the standards in Section 2.2.180, "Special Standards for Certain Uses". ** - Uses marked with 2 asterisks are subject to the standards in Section 4.4.400D.
(CU) - Uses marked with CU require a Conditional Use Permit. Temporary uses are subject to the standards in Section 4.9.

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 Downtown District. The following uses are expressly prohibited: heavy industrial uses, drive-up, drive-in, and drive-through facilities, as defined in Section 2.2.180.E.

2.2.120 Building Setbacks.

In the Downtown 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 on the following page, apply to primary structures as well as accessory structures. The standards may be modified only by approval of a Variance, in accordance with Chapter 5.1.

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, Pedestrian Amenities Standards in Section 2.2.170, and Design Standards in Section 2.2.160 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. Double-Frontage-Lots. For buildings on double-frontage lots (lots with both front and rear frontage onto a street), the front yard setbacks in "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 Chapter 3.1 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 Chapter 3.2 - Landscaping and Fences and Walls.

2.2.130 Lot Coverage.

- A. **Lot Coverage.** 100% (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.

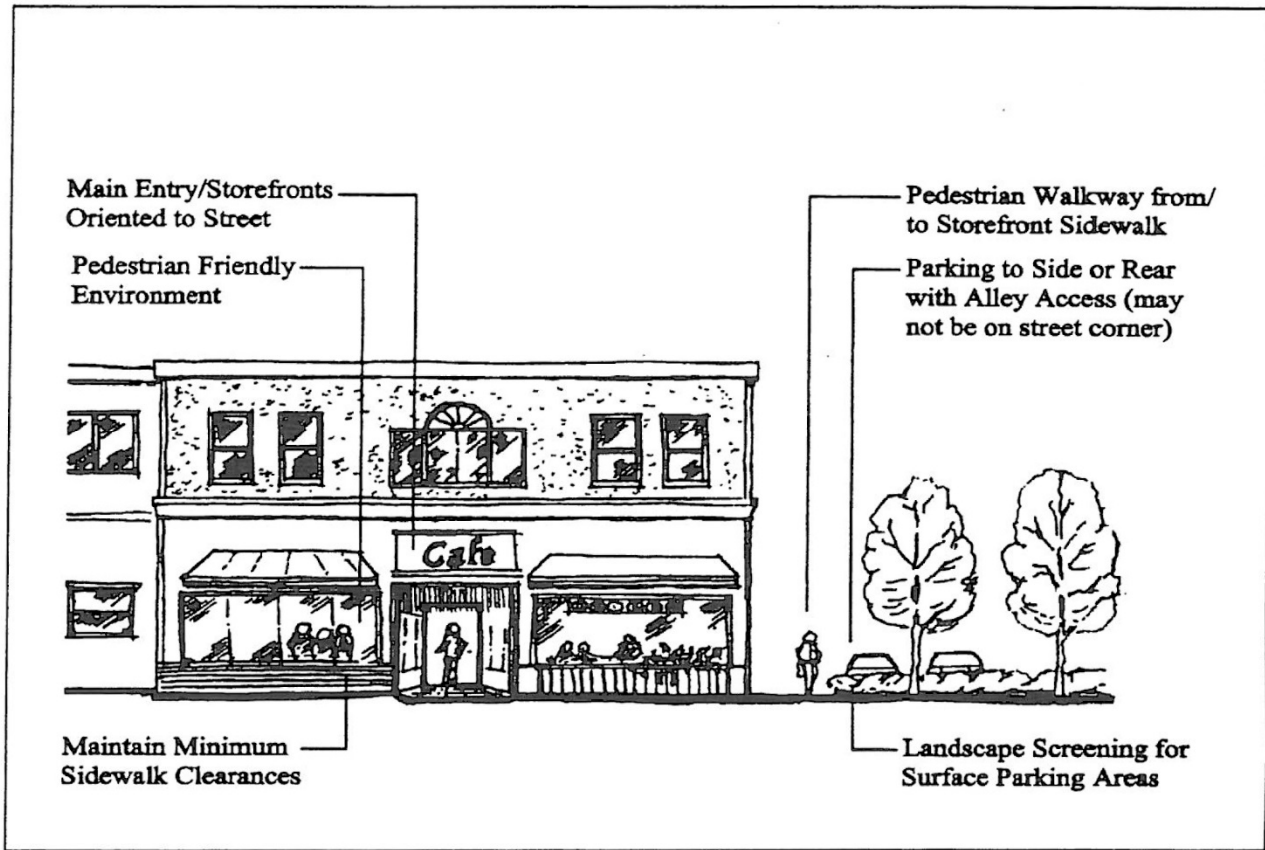
- A. **Applicability.** This Section applies to new Land Divisions (partitions and subdivisions and all of the following types of development (i.e., subject to Site Design Review):
1. Multi-family housing;
 2. Public and institutional buildings, except that the standard shall not apply to buildings which 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.

Compliance with all of the provisions of subsections B through E, below, shall be required.

- B. **Building Orientation Standard.** All of the developments listed in Section 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 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 subsection ‘b’, above. On corner lots, buildings and their entrances shall be oriented to the street corner, as shown above; 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.

2.2.140 Block Layout and Building Orientation. *(continued)*

Figure 2.2.1400- Building Orientation (typical)

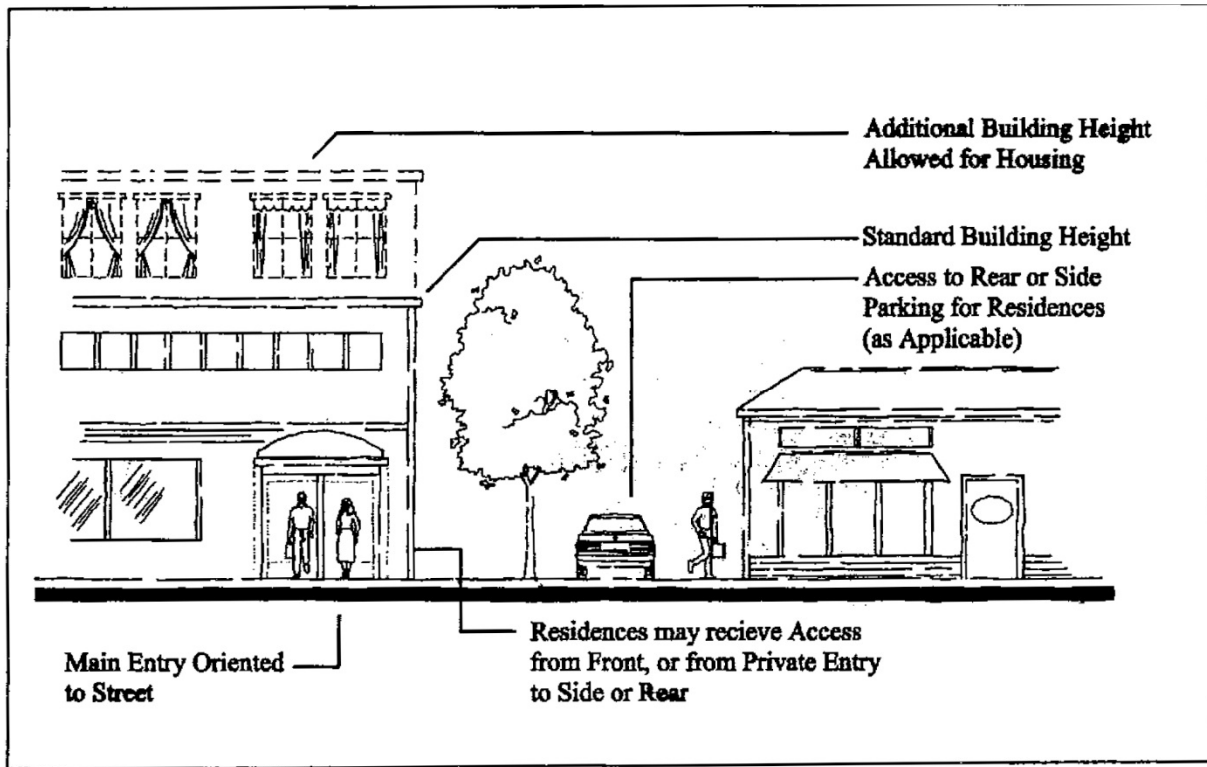


E. Variations. The standards of this Section shall not be changed through a Class A Variance. The standard may be varied to address topographic or other physical constraints, in accordance with the provisions for Class B or C variations in Chapter 5.

2.2.150 Building Height.

All buildings in the Downtown 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:

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.

2.2.150 Building Height. *(continued)*

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 five-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 subsection ‘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, and similar features which are not for human occupancy.

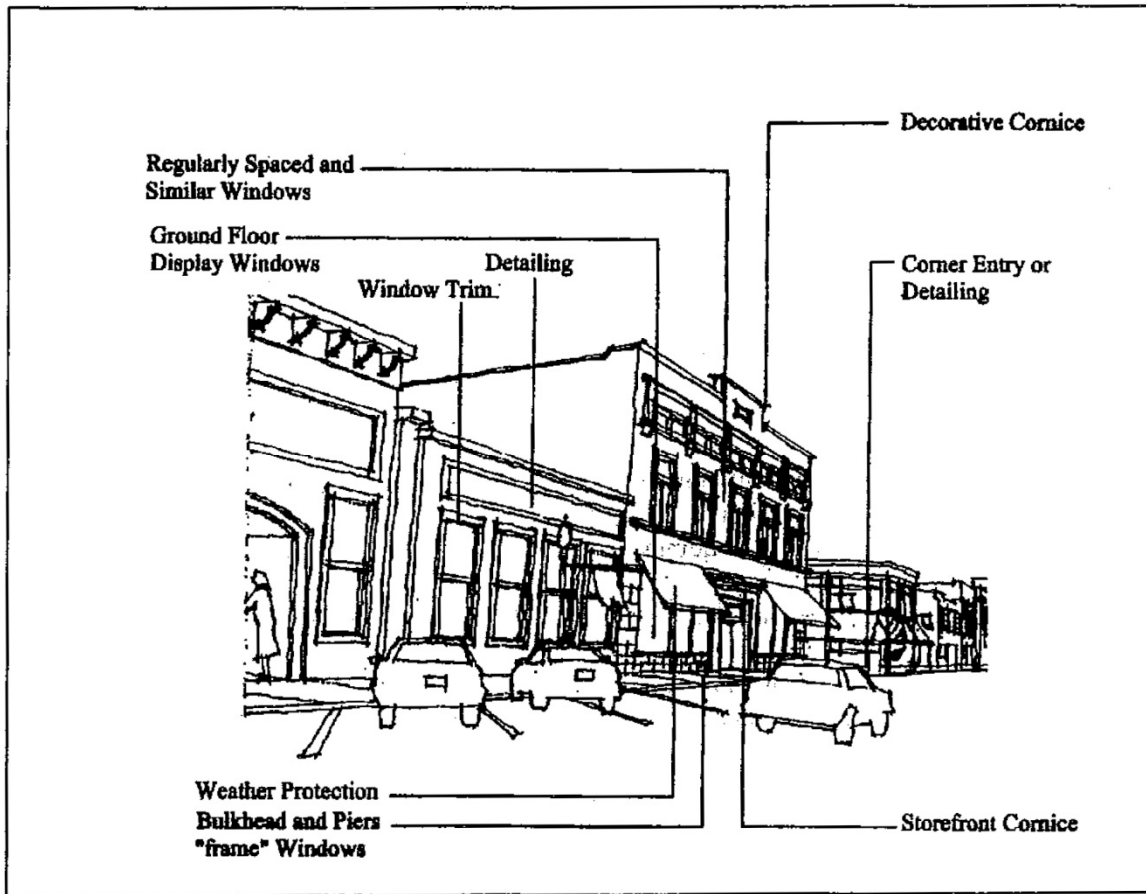
2.2.160 Design Standards.

- A. Purpose and Applicability.** The Downtown 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 which 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 Downtown buildings. This criterion is met by providing all of the following design features listed in a-e, below, along the front building elevation (i.e., facing the street), as applicable.
 - a. Comer building entrances on comer lots. Alternatively, a building entrance may be located away from the comer when the building comer is beveled or incorporates other detailing to reduce the angular appearance of the building at the street comer.
 - b. Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).

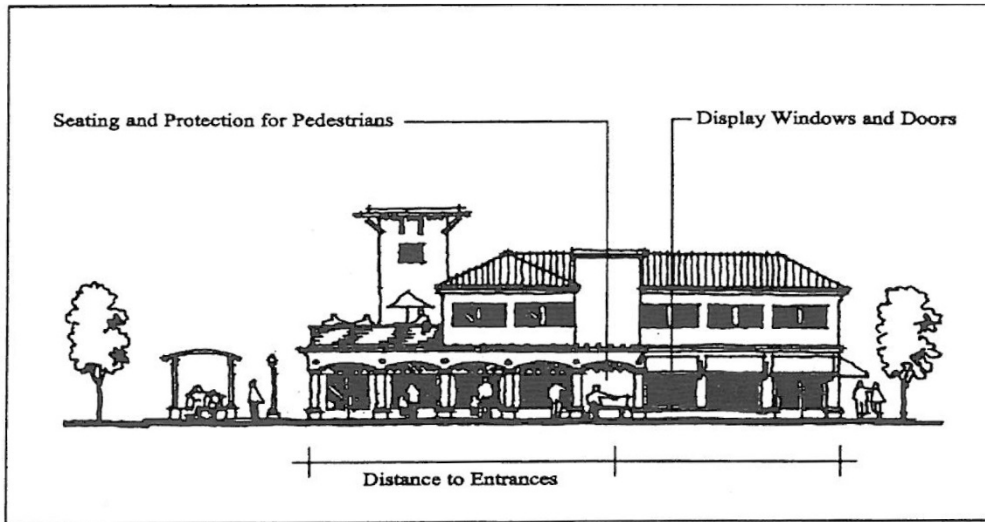
2.2.160 Design Standards. *(continued)*

- C. 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 2.2160B(1))
 - D.. Decorative cornice at top of building (flat roof) or eaves provided with pitched roof.
2. All residential buildings subject to design review shall comply with the Residential District design guidelines, as listed in Chapter 2.1, Section 190.

Figure 2.2.160B(1)- Downtown 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 Guidelines and Standards. (continued)
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.

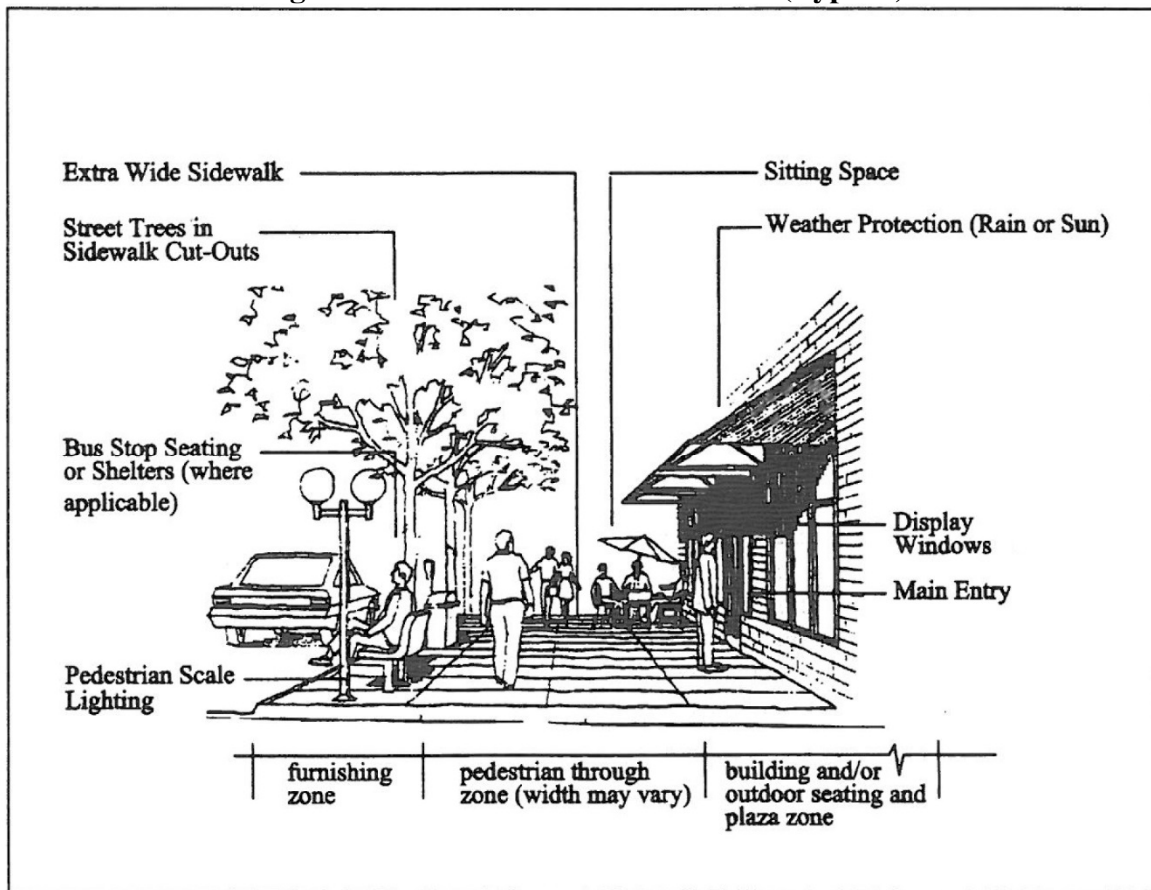
4. Design of Large-Scale Buildings and Developments. The standards in subsection “c”, below, shall apply to “Large-Scale Buildings and Developments”, as defined in a-b:
 - a. Buildings with more than 20,000 square feet of enclosed ground-floor space (i.e., “largescale”). Multi-tenant buildings shall 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) 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-b, shall provide human-scale design by conforming to all of the following criteria:
 - 1) 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) 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 Chapter 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, and the street standards in Chapter 3.1, by providing comfortable and inviting pedestrian spaces within the Downtown 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 which 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.

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.

2.2.170 Pedestrian Amenities. *(continued)*

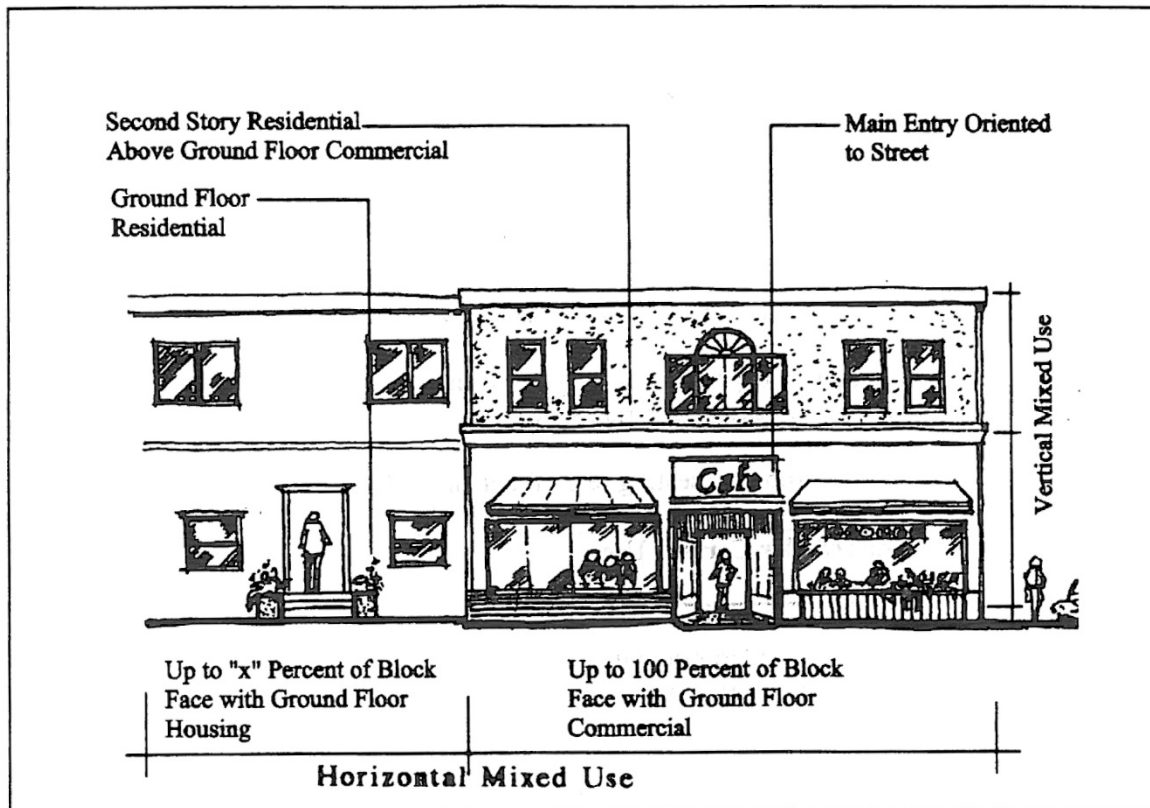
- B. Pedestrian Amenity Standards.** Every development shall provide at least one of the “pedestrian amenities” listed below and illustrated in Figure 2.2.170. Pedestrian amenities may be provided within a public right-of-way (i.e., on the sidewalk, curb, or street pavement) when approved by the city (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);
 3. Building canopy, awning, pergola, or similar weather protection (minimum projection of four feet over a sidewalk or other pedestrian space).
 4. Public art which incorporates seating (e.g., fountain, sculpture, etc.).

2.2.180 Special Standards for Certain Uses.

This section supplements the standards contained in Sections 2.2.1 00 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 Downtown District:

Residential Uses
 Bed and Breakfast Inns
 Public and Institutional Uses
 Accessory Uses and Structures
 Automobile-Oriented Uses and Facilities
 Outdoor Storage and Display
 Light Manufacture

- A. 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 1-4, below. These standards are intended to require mixed-use development; conserve the community’s supply of commercial land for commercial uses; provide for designs which 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.

2.2.180 Special Standards for Certain Uses. (continued)
Figure 2.2.180A- Mixed Use Development in the Downtown District


1. **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 2-5 listed below:
2. **Density.** There is no minimum or maximum residential density standard. Density shall be controlled by the applicable lot coverage and building height standards.
3. **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.

2.2.180 Special Standards for Certain Uses. (continued)

4. 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 Chapter 3.1- Access and Circulation.
5. 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.

B. Bed and Breakfast Inns and Vacation Rentals.

1. Purpose. The purpose of this section is to provide standards for the establishment of a bed and breakfast inn.
2. Accessory Use. A bed and breakfast inn must be accessory to a household already occupying the structure as a residence.
3. Maximum size. The bed and breakfast structure is limited to a maximum of 3 bedrooms for guests and a maximum of 6 guests per night.
4. Employees. The bed and breakfast facility may have up to 2 non-resident employees for the facility.
5. Food Service. Food services may only be provided to overnight guests of the bed and breakfast inn.
6. 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).
7. Signs. Signs must meet the standards in Chapter 3.6.5, Signs
8. 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 city staff upon request.

C. Public and Institutional Uses.

Public and institutional uses (as listed in Table 2.2.110.A) are allowed in the Downtown District, except that automobile-oriented uses shall comply with the standards in "E", below. 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 Chapter 4.4.400.D.

2.2.180 Special Standards for Certain Uses. (continued)

D. 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 Downtown 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 H. below).

Accessory Uses and Structures shall comply with the following standards:

1. Primary use required. An accessory structure shall not be allowed before or without a primary use, as identified in Table 2.2.110.A.
2. Setback standards. Accessory structures shall comply with the setback standards in Section 2.2.120, except that the maximum setback provisions shall not apply.
3. Design guidelines. Accessory structures shall comply with the Downtown design guidelines, as provided in Section 2.2.160.
4. Restrictions. A structure shall not be placed over an easement that prohibits such placement No structure shall encroach into the public right-of-way.
5. Compliance with subdivision standards. 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.

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

1. 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. 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:

2.2.180 Special Standards for Certain Uses. *(continued)*

a. Vehicle repair, sales, rental, storage, service. Businesses that repair, sell, 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.

b. 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:

- 1) The facility receives access from an alley or driveway, and not a street;
- 2) 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);
- 3) 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
- 4) 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.

F. 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.

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

1. Retail or Service Use Required. Light manufacture is allowed only when it is in conjunction with a permitted retail or service use.
2. Location. The light manufacture use shall be enclosed within a building, or shall be located within a rear yard not adjacent to a street.

H. Accessory Dwelling. Development standards for accessory dwellings in the Downtown District are the same as those in Section 2.1.200.B for the Residential District.

I. Historic District Standards. (Placeholder).

Chapter 2.3 General Industrial (GI) District

Sections:

- 2.3.100 - Purpose
- 2.3.110 - Permitted Land Uses
- 2.3.120 - Development Setbacks
- 2.3.130 - Lot Coverage
- 2.3.140 - Development Orientations
- 2.3.150 - Building Height
- 2.3.160 - Special Standards for Certain Uses

2.3.100 Purpose.

The General 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 chapter 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 General Industrial District, subject to the provisions of this Chapter. Only land uses which 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 Chapter 4.4.
- B. **Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

2.3.110 Permitted Land Uses. (continued)

**Table 2.3.110.A
Land Uses and Building Types Permitted in the General Industrial District**

1. Industrial (CU)*:

- a. Heavy manufacturing, assembly, and processing of raw materials (CU)
- b. Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods)
- c. Warehousing and distribution
- d. Junk yard and motor vehicle wrecking yards, and similar uses
- e. Uses similar to those listed above

2. Residential:

One caretaker unit shall be permitted for each development, subject to the standards in Section 2.3.160. Other residential uses are not permitted, except that residences which existed seven years prior to the effective date of this Code may continue.

3. Commercial (CU)*:

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).

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 Transportation System Plan 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 Transportation System Plan** (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 in Chapter 3.6.200.

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 2asterisks are subject to the standards in Section 4.4.400D. (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 General Industrial District. The following uses are expressly prohibited in the GI 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 one foot for every one 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 GI District abuts a non-GI District the rear setback in this case shall increase by one foot for every one 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-General 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, inset back yards to mitigate adverse noise, light, glare, and aesthetic impacts to adjacent properties.
 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 Chapter 3.1 - Access and Circulation Standards.
 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.).

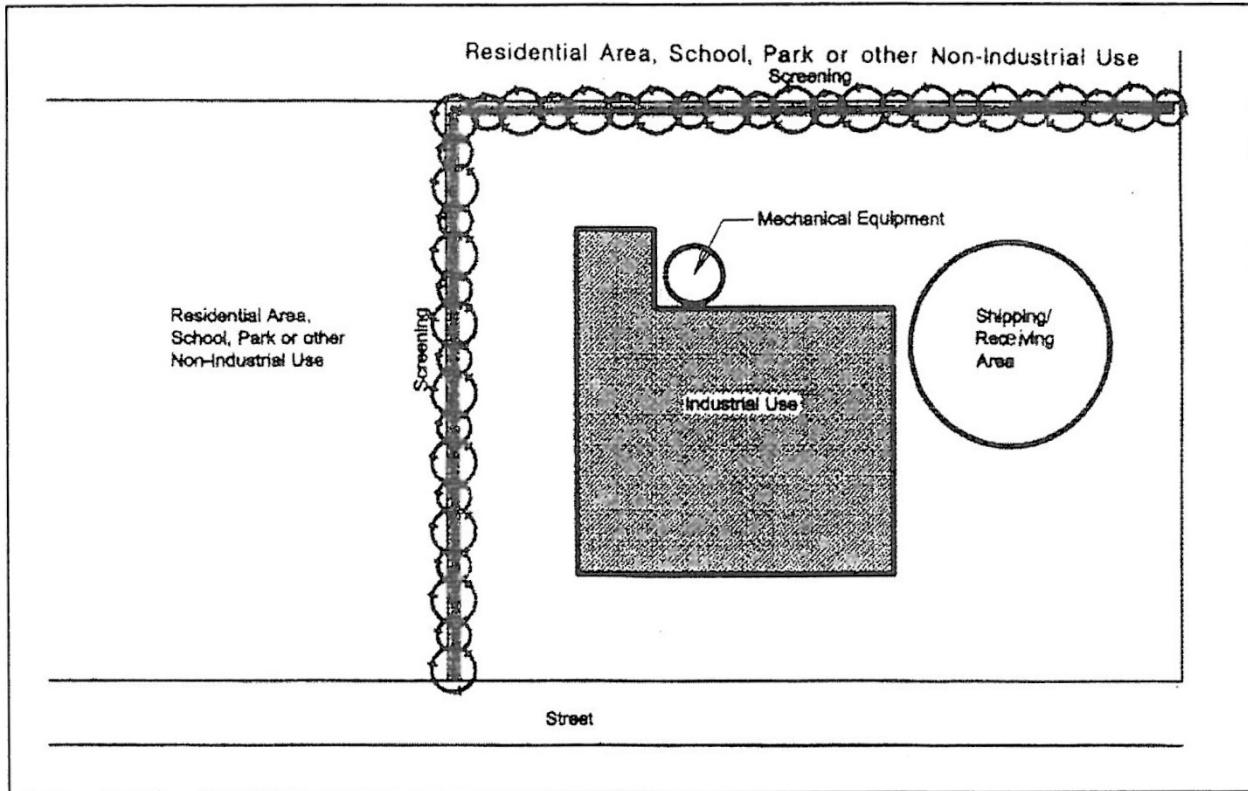
2.3.130 Lot Coverage.

The maximum allowable lot coverage in the General 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.

General 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 General Industrial District:

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.
- 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 which 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 five-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 subsection ‘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 and similar features which are not for human occupancy.

2.3.160 Special Standards for Certain Uses.

- A. **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:
1. **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 Chapter 4.4. The following criteria shall be used in determining whether the adverse impacts of a use are likely to be “significant”:
 - a. **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.

2.3.160 Special Standards for Certain Uses. (continued)

- b. 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).
 - c. 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.
 - d. 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).
 - e. Odor. Odor is sustained and exceeds ordinary ambient levels from adjacent roadway and existing land uses in the surrounding area.
2. Traffic. Uses which 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.
 3. 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.

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

1. The unit shall be served with public water and sanitary sewerage disposal, in conformance with city engineering requirements.
2. Caretaker units shall be required to meet applicable fire safety and building code requirements, in addition to the applicable setback standards of this chapter.

C. Wireless Communication Equipment. Wireless communication equipment includes radio (i.e.,

2.3.160 Special Standards for Certain Uses. (continued)

cellular), television and similar types of transmission and receiving facilities. The requirements for wireless communication equipment are provided in Chapter 3.6.2. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the Industrial District.

D. Transportation Improvements. Standards for Transportation Improvements are listed in Chapter 4.4.400.D.

Chapter 2.4 Light Industrial (LI) District

Sections:

- 2.2.100 - Purpose
- 2.2.110 - Permitted Land Uses
- 2.2.120 - Development Setbacks
- 2.2.130 - Lot Coverage
- 2.2.140 - Building Height
- 2.2.150 - Building Orientation
- 2.2.160 - Design Guidelines and Standards
- 2.2.170 - Special Standards for Certain Uses

2.4.100 Purpose.

The Light Industrial District accommodates a range of light manufacturing, industrial-office uses, automobile-dependent and automobile oriented commercial uses (e.g., lodging, restaurants, auto-oriented retail), and similar commercial uses that are not appropriate in downtown or main street areas. The district's standards are based on the following principles:

- Ensure efficient use of land and public services
- Provide a balance between jobs and housing, and encourage mixed-use development
- Provide transportation options for employees and customers
- Provide business services close to major employment centers
- Ensure compatibility between industrial uses and nearby residential areas.
- Provide appropriately zoned land with a range of parcel sizes for industry
- Provide for automobile-oriented and automobile-dependent uses, while preventing strip-commercial development in highway corridors.

A. Permitted Uses. The land uses listed in Table 2.4.110.A are permitted in the Light Industrial District,

2.4.110 Permitted Land Uses.

subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 2.4.110.A, and land uses which are approved as "similar" to those in Table 2.4.110, may be permitted. The land uses identified with a "CU" in Table 2.4.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.

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

**Table 2.4.110.A
Land Use Types Permitted in the Light Industrial District**

1. Industrial*:

- Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods)
- Research facilities
- Warehousing and distribution
- Mini-warehouse and storage
- Similar uses

2. Commercial (CU)*:

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

3. Civic and Semi-Public Uses (CU)*:

- Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities)
- Transportation Facilities and Improvements**
- Utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)
- Special district facilities (e.g., irrigation district, and similar facilities)
- Vocational schools
- Uses similar to those listed above.

4. Accessory Uses**5. Wireless communication equipment***

* - Uses marked with an asterisk shall conform to the standards when required by Section 2.4.170A. **Uses marked with 2 asterisks are subject to the standards in Section 4.4.400D. (CU)- Uses marked with CU require a Conditional Use Permit.

Only uses specifically listed in Table 2.4.110.A, and uses similar to those in Table 2.4.110.A, are permitted in the Light Industrial District. The following uses are expressly prohibited: new housing, churches and similar facilities, and non-vocational schools.

2.4.120 Development Setbacks.

Development setbacks provide building separation for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. Building setbacks are measured from the building foundation to the respective property line.

- A. **Front Yard Setbacks.** The minimum front yard building setback shall be 15 feet, except that additional setback yards may be required to provide for planned widening of an adjacent street.
- B. **Rear Yard Setbacks.** There is no required rear yard setback, except that buildings shall be setback from the Residential District by a minimum of 20 feet.
- C. **Side Yard Setbacks.** There are no required side-yard setbacks, except that buildings shall be setback from the Residential District by a minimum of 15 feet.
- D. **Other Yard Requirements.**
1. **Buffering.** A 20-foot minimum buffer zone shall be required between development and any adjacent Residential District. The buffer zone shall provide landscaping to screen parking, service and delivery areas, and walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in Chapter 3.2 may require buffering other situations, as well.
 2. **Neighborhood Access.** Construction of pathway(s) and fence breaks in setback yards maybe required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Chapter 3.1 - Access and Circulation Standards.
 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., combustible materials, etc.).

The maximum allowable lot coverage in the Light Industrial District is 80 percent. The maximum allowable

2.4.130 Lot Coverage.

lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

The following building height standards are intended to promote land use compatibility and flexibility for

2.4.140 Building Height.

industrial development at an appropriate community scale:

2.4.140 Building Height. *(continued)*

- A. **Base Requirement.** Buildings shall be no more than 3 stories or 35 feet in height, whichever is greater
- 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 the development and adjacent non-industrial development. Roof equipment and other similar features which are necessary to the industrial operation shall be screened, and 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 2.1.170 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 five-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 subsection ‘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, and similar features which are not for human occupancy.

2.4.150 Building Orientation.

All of the following standards shall apply to new development within the Light Industrial District in order to reinforce streets as public spaces and encourage alternative modes of transportation, such as walking, and bicycling

- A. **Building Entrances.** All buildings shall have a primary entrance oriented to a street. “Oriented to a street” means that the building entrance faces the street, or is connected to the street by a direct and convenient pathway. Streets used to comply with this standard may be public streets, or private streets that contain sidewalks and street trees, in accordance with the design standards in Chapter 3.
- B. **Pathway Connections.** Pathways shall be placed through yard setbacks as necessary to provide direct and convenient pedestrian circulation between developments and neighborhoods. Pathways shall conform to the standards in Chapter 3.
- C. **Arterial Streets.** When the only street abutting a development is an arterial street, the building’s entrance(s) may be oriented to an internal drive. The internal drive shall provide a raised pathway connecting the building entrances to the street right-of-way. The pathway shall conform to the standards in Chapter 3.

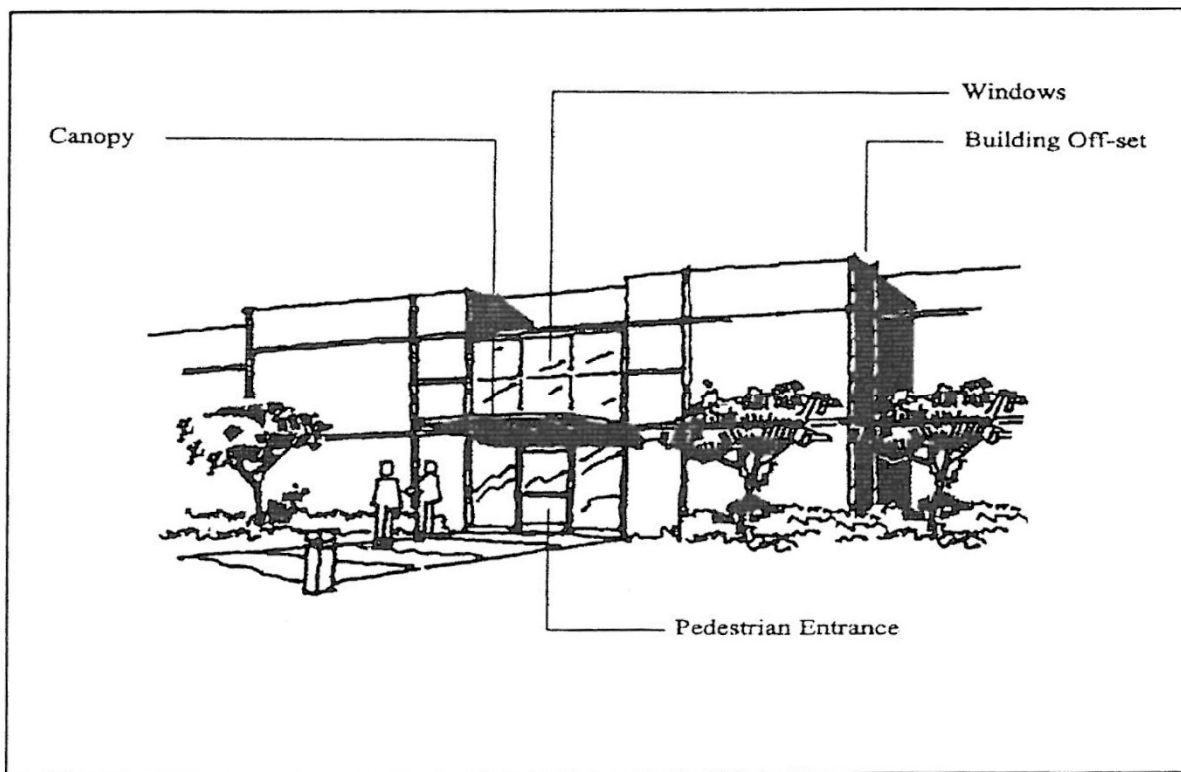
2.4.151 Building Orientation. *(continued)*

- D. Buffers.** The city may require a 20-foot landscape buffer between development in the Light Industrial District and adjacent Residential District(s) to reduce light, glare, noise, and aesthetic impacts.

2.4.160 Design Standards.

All developments in the Light Industrial District shall be evaluated during Site Design Review for conformance with the criteria in A-B. *Note: the example shown below is meant to illustrate typical building design elements, and should not be interpreted as a required design or style.*

Figure 4.A- Design Features (Typical)



- A. Building Mass.** Where building elevations are oriented to the street in conformance with Section 2.4.150, design features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials or similar features, shall be used to break up and articulate large building surfaces and volumes.
- B. Pedestrian-Scale Building Entrances.** Recessed entries, canopies, and/or similar features shall be used at the entries to buildings in order to create a pedestrian-scale.

2.4.170 Special Standards for Certain Uses.**A. High Traffic-Generating Uses.**

Uses which are likely to generate “significant” levels of vehicle traffic (e.g., due to shipping, receiving, and/or customer traffic) shall require a Conditional Use Permit, in accordance with Section 4.4. “Significant levels of vehicle traffic” means that the average number of daily trips, or the average number of peak hour trips, on any existing street would increase by 20 percent and 100 vehicles or greater 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 Oregon Department of Transportation (ODOT) for developments that increase traffic on state highways. The Conditional Use Permit shall include appropriate transportation improvement requirements, as identified by the traffic analysis and/or ODOT, in conformance with Chapter 3.4.1.

B. Wireless Communication Equipment.

Wireless communication equipment, including radio (i.e., cellular), television and similar types of transmission and receiving facilities are permitted, subject to the standards for wireless communication equipment in Chapter 3.6.2. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the Light Industrial District.

C. Transportation Improvements. Standards for Transportation Improvements are in Chapter 4.4.400.D.

CHAPTER 2.5 Historic Preservation Ordinances

I. TITLE: THE CITY OF WESTON, UMATILLA COUNTY HISTORIC PRESERVATION ORDINANCE

II. PURPOSE

The City of Weston, Umatilla County, recognizes that certain significant historic resources located within its boundaries contribute to the unique character of the community and are irreplaceable and as such, merit preservation. This ordinance establishes a Historic Landmark Commission; a program for the identification, evaluation, and designation of historic resources as landmarks; public incentives for the preservation of Designated Landmarks; and land use regulations regarding the alteration, moving or demolition of Designated Landmarks and Historic Resources of Statewide Significance.

III. DEFINITIONS

The following definitions apply to terms used in this ordinance. Terms not defined have their commonly construed meaning.

ALTERATION - An addition, removal, or reconfiguration which significantly changes the character of a historic resource; which includes new construction in historic districts.

DEMOLITION - The razing, destruction, or dismantling of a resource to the degree that its historic character is substantially obliterated.

DESIGNATED LANDMARK - A property officially recognized by The City of Weston, Umatilla County, as important in its history.

DESIGNATED LANDMARKS REGISTER - The list of and record of information about properties officially recognized by The City of Weston, Umatilla County, as important in its history.

EXTRAORDINARY HISTORIC IMPORTANCE - The quality of historic significance achieved outside the usual norms of age, association, or rarity.

HISTORIC INTEGRITY - The quality of wholeness of historic location, design, setting, materials, workmanship, feeling and/or association of a resource, as opposed to its physical condition.

HISTORIC RESOURCE-A building, structure, object, site or district which meets the significance and integrity criteria for designation as a landmark. Resource types are further described as:

BUILDING -A construction made for purposes of shelter or habitation; e.g. house, barn, store, theater, train station, garage, school, etc.

STRUCTURE -A construction made for functions other than shelter or habitation; e.g. bridge windmill, dam, highway, boat, kiln, etc.

OBJECT - A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure; e.g. statue, fountain, milepost, monument, sign, etc.

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SITE - The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features; e.g. battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, etc.

DISTRICT - A geographically defined area possessing a significant concentration of buildings, structures, objects, and/or sites which are unified historically by plan or physical development; e.g. downtown, residential neighborhood, military reservation, ranch complex; etc.

HISTORIC RESOURCES OF STATEWIDE SIGNIFICANCE - Buildings, structures, objects, sites and districts which are listed on the National Register of Historic Places

INVENTORY OF HISTORIC PLACES - The record of information about resources potentially significant in the history of The City of Weston, Umatilla County.

RELOCATION - The removal of a resource from its historic context

IV. THE CITY OF WESTON, UMATILLA COUNTY HISTORIC LANDMARK COMMISSION

1. The Mayor and Council shall appoint a Historic Landmark Commission, hereinafter the Commission, of seven, with two alternate members, with a demonstrated interest, knowledge or competence in historic preservation to carry out the provision of this ordinance. A majority of the members shall reside within the corporate boundaries of The City of Weston, Umatilla County. Members shall serve without compensation, but are eligible for reimbursement of expenses related to their service.
2. Initial appointments to the Commission shall be for terms of one, two and three years. Subsequent terms of appointment shall be for three years, or in the case of a replacement, for the remainder of the unexpired term. Members shall be eligible for reappointment.
3. A simple majority of the seated members shall constitute a quorum to conduct official business.
4. A chair and vice-chair shall be elected annually by and from the seated membership. Officers are eligible for re-election.
5. The Commission shall meet at least four a year, and as required to conduct business in a timely fashion. Notice of the meetings shall be in accordance with applicable state law. Minutes, applications, staff reports, findings and decisions of the Commission shall be maintained as public records in accordance with applicable state law.

V. POWERS AND DUTIES OF THE HISTORIC LANDMARK COMMISSION

1. The Commission may adopt and amend by-laws subject to approval by the City Council to regulate its internal operations.
2. For purposes consistent with this ordinance, and subject to the approval of the City Council, the Commission may seek, accept and expend public appropriations; seek, accept, and expend grant and gift funds; cooperate with public and private entities; and employ clerical and expert assistance.
3. The Commission may undertake to inform the citizens and visitors to the City of Weston, Umatilla County, regarding the community's history and prehistory, promote research into its history and prehistory, collect and make available materials on the preservation of historic resources, provide information on state and federal preservation programs, document historic resources prior to their alteration, demolition, or relocation and archive that documentation, assist the owners of historic resources in securing funding for the preservation of their properties, and recommend public incentives and code amendments to the City Council.
4. The Commission may develop and publish, or adopt written and graphic guideline and example materials to clarify the criteria in this ordinance and to assist applicants in developing complete and viable applications.
5. Employing the procedures and criteria in Section VI of this ordinance, the Commission shall periodically identify and evaluate the historic resources of the City of Weston, Umatilla County and maintain an Inventory of Historic Resources. At such time as surveys are being conducted, owners of the subject properties shall be notified and invited to provide comment and input.
6. Employing the procedures and criteria in Section VII of this ordinance, the Commission shall periodically revise the Designated Landmarks Register of the City of Weston, Umatilla County by adding or deleting properties.
7. Employing the procedures and criteria in Section VIII of this ordinance, the Commission shall review and act upon applications for the alteration, relocation, or demolition of Designated Landmarks.

8. The Commission shall advise and make policy recommendations to the City Council and the Planning Commission on matters relating to historic preservation, and shall make an annual report in writing to the City Council on its activities and expenditures during the preceding twelve months, and its projected activities and expenditures for the following twelve months.
9. The Commission shall support the enforcement of all state laws relating to historic preservation. These include, but are not limited to: ORS 197.722 (Consent for designation for historic Property), ORS 358.653 (Conservation Programs, Leases), and ORS 358.475 through 358.541 (Special Assessment).

VI. THE INVENTORY OF HISTORIC RESOURCES

1. The Commission shall determine and periodically revise priorities for the identification and evaluation of potential Historic Resources.
2. Before commencing inventory studies or updates, the Commission shall provide public notice describing the inventory, its purpose, and invite public participation.
3. Documentation and evaluation of properties in the Historic Resource Survey shall be in a format compatible with the Oregon Historic Sites Database. Survey results shall be supplied to the SHPO as described in the most recent addition of the document "Guidelines for Conducting Historic Resource Surveys in Oregon," or most recent guidance for such efforts published by the SHPO.
4. The Historic Resources Survey shall be maintained as a public record. Records concerning archaeological records shall not be made available to the public in accordance with State law.
5. A process shall be put in place to allow citizens to review and correct information and add additional buildings, structures, sites or objects to the inventory. Any member of the public may place a property in the Historic Resource Survey; however the Commission reserves the right to determine the property's eligibility for inclusion in the Designated Landmarks Register.
6. The Commission may collect further information, including current photographs; architectural descriptions based on on-site observations, or archival documentation for properties already recognized in the Historic Sites List, Landmarks Register, or National Register for the purposes of administering this ordinance pursuant to the provisions of Section VII and VIII.

VII THE DESIGNATED LANDMARKS REGISTER

1. Properties listed on the National Register of Historic Places, including all properties within National Register Historic District boundaries; are eligible for automatic listing on the Designated Landmarks Register. As Historic Resources of Statewide Significance, all such properties are subject to the regulations in Section VIII of this ordinance regardless of their listing on the designated Landmarks Register, pursuant to Oregon Administrative Rule 660-023-200. However, only properties listed on the Designated Landmarks Register shall be eligible for public incentives and code considerations pursuant to this ordinance.
2. Any individual or group, including the Commission acting on its own initiative, may nominate a historic resource for inclusion on or removal from the Designated Landmarks Register by submitting a complete application to the Planning Director. The burden of proof lies with the applicant. No property shall be so designated without the written consent of the owner or, in the case of multiple ownership, a majority of the owners as provided for under ORS 197.772.
3. The Historic Landmark Commission shall establish standards for a complete application. Upon acceptance of a complete application, the Planning Director or Commission shall schedule a public hearing pursuant to applicable state laws.
4. In order to be included or maintained on the Designated Landmarks Register, the Commission must find that the historic resource is over fifty years of age or extraordinary historic importance, and possesses sufficient historic integrity and:

- a. is associated with events that have made a significant contribution to the broad patterns of local, state or national history; or
 - b. is associated with the lives of persons, or groups of people significant in local, state or national history; or
 - c. embodies the distinctive characteristics of an architectural type, style, period or method of construction or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
5. In order to approve an application for the relocation or demolition of a Designated Landmark or Historic Resource of Statewide Significance, the Commission must find as applicable that:
- a. no prudent and feasible alternative exists; and/or
 - b. the designated property is deteriorated beyond repair; and/or
 - c. the value to the county of the proposed use of the property outweighs the value of retaining the Designated Landmark or Historic Resource of Statewide Significance
 - d. changes to a property that have acquired historic significance in their own right shall be retained and preserved; and/or
 - e. distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved; and/or
 - f. deteriorated historic features shall be repaired rather than replaced. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence; and/or
 - g. chemical and physical treatments; if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used; and/or
 - h. archaeological resources shall be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. new additions, exterior alterations or related new construction shall not destroy historic materials, features and spatial relationships that characterize the property. The new work shall be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion; and massing to protect the integrity of the property and its environment; and/or
 - j. new additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
6. At the hearing of an application to relocate or demolish a Designated Landmark or Historic Resource of Statewide Significance, the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to 120 days from the date of the hearing. If ten days prior to the expiration of the delay period, the Commission finds that there are still reasonable alternatives to explore, it may apply to the City Council for permission to continue the delay for an additional period of up to 120 days.
7. In approving an application for the demolition of a Designated Landmark or Historic Resource of Statewide Significance, the Commission may impose the following conditions:
- a. photographic, video or drawn recordation of the property to be demolished; and/or
 - b. has yielded or is likely to yield information which is important in local, state or national history.

8. The Commission shall develop findings to support its decisions. These finding shall indicate those elements of a property, including interior, landscape and archaeological features that are included in the designation and subject to regulation under the provisions of this ordinance.
9. No provision of this ordinance shall be construed to prevent the ordinary repair or maintenance of a Designated Landmark or Historic Resource of Statewide Significance when such action does not involve a change in design, materials or appearance.

VIII. ALTERATIONS, RELOCATIONS AND DEMOLITIONS

1. No exterior, interior, landscape, or archaeological element of a Designated Landmark which is specified as significant in its designation shall be altered, removed or demolished without a permit issued pursuant to this ordinance.
2. Prior to submitting an application for a permit pursuant to this section, proponents are encouraged to request a pre-application conference to review concepts and proposals. The Planning Director or Commission may form ad-hoc committees for this purpose. Commission members participating in pre-application conferences shall disclose their ex-parte contact at the time of a public hearing on the proposal.
3. The Commission shall establish standards for a complete application. Upon acceptance of a complete application, the Planning Director or Commission shall schedule a public hearing pursuant to applicable state laws.
4. In cases requiring a public hearing, the Commission shall review and act upon applications for the alteration, relocation or demolition of a Designated Landmark, or the major exterior alteration, relocation or demolition of a Historic Resource of Statewide Significance. The burden of proof lies with the applicant, Applications may be approved, approved with conditions or denied. The City of Weston, Umatilla County shall include any conditions imposed by the Commission in permits issued pursuant to this section.
5. In order to approve an application for the alteration of a Designated Landmark or the major alteration of a **Historic Resource of Statewide Significance**, the Commission must find that the proposal-meets the following standards as applicable:
 - a. a property shall be used as it was historically, or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships; and/or
 - b. the historic character of a property shall be retained and preserved. The relocation of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property shall be avoided; and/or
 - c. a property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as, adding conjectural features or elements from other historic properties shall not be undertaken; and/or
 - d. salvage and curation of significant elements; and/or
 - e. other reasonable mitigation measures.
6. No provision of this ordinance shall be construed to prevent the ordinary repair or maintenance of a Designated Landmark **or Historic Resource of Statewide Significance** when such action does not involve a change in design, materials or appearance.

IX. SEVERABILITY

1. The provisions of this ordinance are severable.

X. ENFORCEMENT AND PENALTIES

1. Violations of Section VII of this ordinance shall be subject to the same procedures and penalties that apply to violations of the planning code.

XI. APPEALS

1. Decisions of the Commission are appealable to the City Council. Procedures for appeals to Historic Landmarks Commission decisions shall be the same as those for appeals of Planning Commission decisions. Decisions of the City Council are appealable pursuant to ORS 197.747-197.796