

## Title 17

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(Ord. 242, 2007)

**17.04 INTRODUCTORY PROVISIONS**

**Sections:**

<b>17.04.010</b>	<b>Title.</b>
<b>17.04.020</b>	<b>Purpose.</b>
<b>17.04.040</b>	<b>Definition.</b>

**17.04.010 Title.**

Chapter 17 shall be known as the City of Metolius zoning standards.

**17.04.020 Purpose.**

These standards are adopted for the purpose of prompting the health, safety, peace, convenience, economic well-being, and the general welfare of the City of Metolius. These standards are not limited to, but intended specifically to achieve the following designated objectives:

- A. To implement the comprehensive plan as adopted by the Metolius City Council on November 13, 1978;
- B. To comply with ORS Chapters 227 and 197;
- C. To promote the public health, safety and welfare of the citizens of the City.
- D. To protect the character and values of land and buildings, the economic stability of zoning districts, and to enhance the quality of the desired environment in each zone by preventing the intrusion of inharmonious uses, preventing encroachment on desirable open space, providing for the safe efficient movement of present and future traffic, and assuring the provision of necessary off-street parking space for vehicles.
- E. To provide for additional growth and development in a manner appropriate to the character of the City and which will contribute to the economic stability of the City.
- F. To assure that future development occurs in an orderly manner and provides for economy and efficiency in public services and utilities.
- G. To assure satisfactory physical relationships between zoning districts of different uses and to minimize conflicts among land uses.

#### **17.04.030 Interpretation.**

- A. Headings. In the event there is any conflict or inconsistency between the heading of a chapter, section or subsection of this title and the context thereof, the heading shall not be deemed to affect scope, meaning or intent of such context.
- B. More Restrictive Provisions Shall Apply. Where a provision of this title differs from another ordinance or requirement of the city, the provision or requirement which is more restrictive shall govern.

#### **17.04.040 Definitions.**

As used in this title, the singular includes the plural, and the masculine includes the feminine and neuter; the word "may" is discretionary; the word "shall" is mandatory. The following words and phrases shall mean:

"Abutting" means adjoining with common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures no less than eight feet in a single direction.

"Access" or "access way" means any way or means by which pedestrian and/or vehicles shall have safe and adequate and usable ingress and egress to/from a property; the right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

"Accessory dwelling unit" means a secondary housing unit on a single-family lot used for residential purposes. See also, Table 17.16.110B.

"Accessory use" or "accessory structure" means a use or structure incidental and subordinate to the principal use of the property and located on the same lot as the principal use, but not to be used for any residential purpose.

"Adjacent" means near, close; for example, an industrial zone across the street or highway from a residential zone shall be considered as "adjacent".

"Agent" means any person who represents or acts for any other person with regard to ownership interest in either development or undeveloped property. Includes a real estate broker as defined in ORS 696.010(12) but does not include an attorney-at-law whose representation of another person consists solely of rendering legal services.

"Aisle" means the traveled way by which vehicles enter and depart parking spaces.

"Alley" means a public way, permanently dedicated or reserved as a secondary means of access to abutting property. An Alley is not a street as defined in this section.

"Apartment" means a building or portion thereof designed for occupancy by five or more families living independently of each other.

"Automobile wrecking yard" means premises used for the commercial storage or sale of used automobile or truck parts or for the commercial storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof, but not including such places where such uses are conducted entirely within a completely enclosed building and such uses are not of a commercial nature.

"Basement" means a story partly underground. A basement shall be counted as a story in building height measurement when the floor level directly above is more than six feet about the average level of the adjoining ground.

"Block" means a contiguous series of lots bounded on all sides by streets, railroad rights-of-way or pedestrian access ways.

"Building" means a sidewalk enclosed covered structure, or manufactured dwelling, excluding a covered deck or patio without sidewalls, designed, built, or used for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Building, Existing. "Existing building" means any building, upon which construction was lawfully begun prior to the effective date of the ordinance codified in this title or effective date of amendments to the ordinance codified in this title, may be completed, and thereafter shall be considered an existing building.

"Building line" means a dashed or solid line on site plan drawing or plot plan drawing indicating the location of buildings or structures on the property and the distance from the property lines as required by this title.

"Carport" means a permanent covered parking space that is not a garage and meets structural codes.

"Church" means a permanently located building or other structure commonly used for religious workshop and instruction by religious society within commonly accepted or historic meaning of the word.

“City” means the municipality of Metolius, Jefferson County, Oregon. The municipal corporation known as “City of Metolius”.

“City Council” means Metolius City Council.

“Clinic” means a place where group medical services, which do not involve overnight housing of patients, are offered or provided.

“Commercial” means the purchase, sale or other transaction involving the handling or disposition, other than as included in the term “industrial”, as defined in this section, of any article, substance, or commodity for livelihood or profit, including shops for the sale of personal services including professional services, and places where commodities, services or merchandise are sold, or agreement are made to furnish them.

“Commission” means the City of Metolius Planning Commission.

“Comprehensive plan” means the plan adopted by the commission and council providing the objectives and policy guidelines for the growth and development of the city, including amendments thereto.

“Contiguous” means two or more parcels or units of land, including water, under a single ownership which are not separated by an intervening parcel of land under separate ownership, including limited access right-of-way which would deny access between the two parcels under single ownership.

“Curbline” means the line dividing the roadway from a planting strip or footway.

“Deck” means a structure constructed of wood; a wooden platform structure built on concrete pads or pressured-treated wooden timbers placed on the earth; or other approved materials may be covered or uncovered. A covered deck shall not be considered a building unless it is enclosed by sidewalks.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

“Disabled parking” means off-street parking spaces are required by the federal Americans with Disabilities Act.

“Duplex” means a building containing two dwelling units designed or intended as the residence of two families living independently of each other on one lot or parcel.

"Dwelling" means a building, including structural additions, designed and/or used as a residence for human occupancy.

"Dwelling unit" means one or more rooms constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease, and physically separated from any other room or dwelling units which may be in the same building and containing independent cooking and sleeping facilities.

"Easement" means a grant of the right to use a parcel of land or portion thereof for specific purposes, where ownership of the land or portion thereof is not transferred.

"Family" means two or more persons related by blood, marriage, or legal adoption or legal guardianship, living together in a dwelling unit at which meals or lodging may also be provided for not more than four additional persons, excluding servants, or individuals or groups of not more than five persons, excluding servants, who need to be related by blood, marriage, adoption or legal guardianship, living in a dwelling unit.

"Floor area" means the sum of the gross horizontal areas of the floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven feet;
2. Basement, if the floor above is less than six feet above grade;
3. Uncovered steps of fire escapes;
4. Private garages, carports or porches;
5. Accessory water towers or conning towers;
6. Accessory off-street parking or loading spaces.

"Fourplex" means a detached building containing four dwelling units designed or intended as the residence of four families living independently of each other, on one lot or parcel.

"Fraternal organization" means an association of persons or fraternal order which has more than fifty (50) active members and/or which carries on commercial activities such as, but not limited to, dispensing or sale of alcoholic beverages.

"Garage" means a building or structure intended to be used for motor vehicle storage for the private use of a resident of a dwelling unit.

"Grade" means the surface of a lot, parcel or tract of land. The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, alley, or other public way, the finished ground level should be measured at the elevation of the sidewalk, alley or public way.

“Heavy industrial use” means the manufacturing, processing, compounding, packaging or assembling of products, the process of which requires or creates emission or discharges other than normal sanitary sewage wastes or the storage of materials which require permits be issued by the Oregon State Department of Environmental Quality.

“Height of building or structure” means the vertical distance measured from the “grade” to the highest point of the roof beams of flat roofs, to the deck line of mansard roofs, or to the highest point of any structure, or gable, hip or gambrel roofs.

“Historic area” means lands with sites, structures and objects that have been officially designated as having local, regional, statewide or national historical significance.

“Home occupation” means the lawful occupation carried on by resident of a dwelling as an accessory use within the same dwelling, or accessory structure, on the same lot or parcel of land, in conformance with Chapter 17.40.150.

“Hotel (motel)” means a building or group of buildings used for transient residential purposes, containing three or more rental units which are designated to be used, or which are used, rented or hired out for sleeping purposes.

“Industrial” means the making of commodities by manufacturing, assembling, fabrication, generating or compounding by manual labor or machinery. The term includes physical or chemical processes or combination thereof.

“Landscape” means to improve by landscape architecture or gardening, or the result thereof. The term “landscape” includes primarily trees, grass, bushes, shrubs, flowers and garden areas, and incidental arrangements of fountains, patios, decks, street furniture and ornamental concrete or stonework areas and artificial turf or carpeting.

“Light industrial use” means the manufacturing, processing, compounding, packaging warehousing, distribution, or assembling of product, the process of which does not require or create emissions or discharges, other than normal sanitary sewage wastes, or require the storage of materials which require permits issued by the Oregon Department of Environmental Quality.

“Livestock” means domestic animals of types customarily raised or kept on farms for profit or other purposes. Reference Ordinance 201.5.96.

“Lodge” means an association of persons or fraternal order which carries on no commercial activities such as the sale of food or alcoholic beverages and has fewer than fifty (50) active members.



"Lot" means a single unit of land created by a subdivision plat filed in the office of the Jefferson County Clerk, in conformance with ORS 92. The term "lot" does not include condominiums as used under ORS 91.505 through 91.675 "Unit Ownership Law."

"Lot area" means the total area of the lot measured in the horizontal plane within the lot boundary lines exclusive of public or private streets, but inclusive of any lawful easement providing access to other properties.

"Lot depth" means the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.

"Lot line" means any line bounding a lot as defined in this section.

Lot Line, Front. "Front lot line" means the line on a lot abutting a street, other than an alley. Corner lots have two front lot lines.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite from the front lot line.

Lot Line, Side. "Side lot line" means any lot boundary line which is not a front line or a rear lot line.

Lot, Reverse Corner. "Reverse corner lot" means a corner lot which rears upon the side yard of another lot.

"Manufactured home". A transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the US Dept. of Housing and Urban Development but is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety regulations and is intended for permanent occupancy and must comply with all city codes.

"Manufactured Home Park", as defined by ORS 446. It does not include a lot, or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under ordinance adopted pursuant to ORS 92.010 to 92.190.

"Modular home" means a building, including structural additions, designated, built assembled or erected from the pre-built sections or modules, such as complete or nearly complete wall sections transported to the site of assembly by vehicle, and designed for use as a single-family residence. Use of pre-built trusses may not cause a structure to be a "modular home"

“Multi-family housing” means housing that provides 3 or more dwellings on a lot (e.g., multi-plexes, apartments, condominiums).

“Nonconforming structure, lot, parcel or use” means a lawful existing structure, lot, parcel or use at the time this title or any amendment thereto becomes effective which does not conform to the requirements of the land division ordinance or zone in which it is now located.

“Open space” means lands used for agricultural or other open space used, and any land area that would, if preserved and continued in its present use:

1. Conserve and enhance natural or scenic resources;
2. Protect air or streams or water supply;
3. Conserve landscape areas, such as public or private golf courses, that reduce pollution and enhance the value of abutting or neighboring parks or other open space, enhance recreation opportunities, preserve historic, geological and archeological sites; or
4. Promote orderly urban development and minimize land-use conflicts.

“Owner” means a person whose name is on the most recently-recorded deed for a unit of land, or his/her authorized agent, or his/her lawful representative having legal authority to use, transfer or lease that land.

“Parcel” means a tract of land as created by a partitioning of land.

“Parking space” means an area designated for vehicular or bicycle parking that complies with the zoning code provisions for parking. (Chapter 17.44).

“Patio” means a structure resting on the earth and often placed next to an exterior sidewall of a building; usually a concrete slab resting on the earth but may also be made of other materials placed on the earth; may be covered or uncovered. A covered patio shall not be considered a building unless it is enclosed by sidewalls.

“Person,” unless context indicates otherwise, means and includes an individual, partnership, corporation, and both public and private, association and club.

“Planning Commission,” means the Metolius City Planning Commission.

“Planting strip” means that part of a public right-of-way lying between a curb line and a property line and designated as an area to be landscaped and maintained by the owner of adjacent property.

“Principal use” means the primary or predominate use to which the property is or may be devoted, and to which all other uses of the premises are accessory.

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"Professional offices" means a place where professional services (including, but not limited to, accounting, law, medical, dental, counseling and insurance) are provided by licensed persons possessing specialized education qualifications particular to their profession.

"Public use" means a structure or use intended to be used as a public facility and to which all other uses on the premises are also public.

"Recreational vehicle" means a vehicle with or without motive power, which is designated for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes, and has a gross floor area not exceeding 400 square feet in the set-up mode.

"Recreational vehicle park" means any privately-owned place or facility that provides temporary water, and/or electricity, and/or sewer hookups, and/or sewer disposal, and/or rents space for the temporary parking of recreational vehicles within five hundred (500) feet of one another on a lot, tract or parcel of land within the same ownership. "Recreational vehicle park" does not include a place used solely for the storage or recreational vehicles. (ORS 446)

"Residence or residential use" means a structure or use designed or used for occupancy as a human dwelling or lodging place, such as single-family dwelling, duplex, triplex, fourplex, apartment, boarding, lodging or rooming house, manufactured home, mobile home, manufactured home park, or mobile home park.

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"Residential facility" means a residential treatment or training home or adult foster care home providing care for 6 to 15 individuals and licensed by the State of Oregon in accordance with ORS 197.660-670.

"Residential home" means a residential treatment or training home or adult foster care home providing care for 5 or fewer individuals and licensed by the State of Oregon in accordance with ORS 197.660-670.

"Right-of-way" means the area between the boundary lines of an alley, easement, street or highway.

"Roadway" means the portions of the right-of-way of a street or highway developed for vehicular and bicycle traffic. New streets are required to be developed with sidewalks.

"Satellite receiving antenna" means a combination of:

1. A device or structure used for receiving television, telecommunication or microwave signals transmitted via satellites from earth-based transmitters; and
2. An amplifier which is situated at the focal point of the receiving components, the purpose of which is to magnify and transfer signals.

“Service Station” means any lot of parcel used in the normal course of business for the retail sale of motor vehicle fuel and lubricants for delivery on the premises. May also include a convenience store or automobile services.

“Setback” means the minimum allowed horizontal distance from a given point or line of reference, such as a property line, to the nearest vertical wall or other element of a building or structure (which is not exempted in Section 17.52.040) as defined herein.

“Signs” means an outdoor sign, display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is used, designed or intended for advertising purposes or to inform or attract the attention of the public. The term includes the sign supporting structure, display surface, and all other component parts of the sign.

When dimensions of the sign are specified, the term includes the panels and frames, and the term includes both sides of the sign of specified dimension or area, but the term shall not include a sign as reasonably necessary or required by any branch or agency of the government pursuant to any public law or regulation.

“Single-family dwelling” means a building or modular unit constructed for the purposes of single-family occupancy constructed in accordance with the Uniform Building Code of Oregon, or a manufactured home designed for single-family occupancy. Single family dwellings include both attached (e.g., townhomes) and detached dwellings.

“Site plan” means a written plan with narrative prepared to scale, showing accurately and with complete dimensions, all of the uses proposed for a specific parcel of land.

“Story” means the portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, except the top story shall be that portion of a building included between the upper surface of the top-most floor and ceiling or roof above.

“Street” means a public way which provides or will provide or is intended to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land. This includes the entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic and includes the terms “road,” “highway,” “lane,” “place,” “avenue,” “alley” or other similar designation which is commonly open to use by the public. Private streets are located within a “tract” and have an associated right-of-way for the benefit of covenant parties.

“Structural alteration” means any change to the supporting members of a structure including foundation, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.

“Structure” means something which is designated, intended, assembled, erected, constructed or built having a fixed base on, or fixed connections to the ground or another structure. The word “structure” shall be construed to include any part thereof.

"Subdivision and subdivided lands" means to divide an area or tract of land into four or more lots, in conformance with ORS 92, when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the time of adoption of the ordinance codified in this title.

"Tract or area" means measurable extent or stretch of contiguous land.

"Triplex" means a detached building containing three dwelling units designed or intended as the residence of three families living independently of each other on one lot or parcel.

"Use" means the purpose for which land or building is designed, arranged or intended, or for which it is occupied or maintained.

"Vision clearance area" means a triangular area on a lot at the intersection of two streets, or at the intersection of a street and a railroad right-of-way, as provided in Section 17.40.050.

"Walkway" means a sidewalk or pathway designed for or used by pedestrians.

"Yard" means an open area on a lot that is unobstructed from the ground upward, except as otherwise permitted in this chapter, and includes driveways.

Yard, Front. "Front yard" means a yard between the side lot lines and measured horizontally at right angles to the front line from the front lot line to the nearest point of a building foundation. Any yard meeting this definition abutting on a street other than an alley shall be considered a front yard.

Yard, Rear. "Rear yard" means a yard between the side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building foundation.

Yard, side. "Side yard" means the yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.

"Zoning District" see Chapter 17.12.

(Ord. 242, 2007)

**ADMINISTRATION AND ENFORCEMENT**

**Sections:**

17.08.010	Compliance with Provisions of this Title.
17.08.020	Building Permits and Occupancy Permits.
17.08.030	Appeals.
17.08.040	Filing Fees.
17.08.050	Public Hearings.
17.08.060	Authorization of Similar Uses.
17.08.070	Proposed Amendments.
17.08.080	Final Action.
17.08.090	Abatement and Penalty.

**17.08.010 Compliance with Provisions of this Title.**

- A. Strict Compliance Required. Land shall be used and a structure or part of a structure shall be constructed, reconstructed, altered, occupied or used only as this chapter shall permit.
- B. Illegal Occupancy. Any use of a premises or building or other structure which deviates from or violates any of the provisions of this chapter shall be illegal occupancy and the persons responsible therefore shall be subject to penalties provided in this chapter.

**17.08.020 Building Permits and Occupancy Permits.**

- A. Notice of Intent to Construct Shall be First Action Required. Prior to securing any required building permit, or construction, reconstruction alteration, improvement, modification, erection or moving in of any building, storage sheds, fences, decks or other types of structures within the city, the owner shall file with the city a notice of intent to construct. The City will notify the applicant if a site plan approval, in accordance with Chapter 17.48, is required.
- B. Building Permits. A building permit is required prior to any construction, reconstruction alteration, improvement, modification, or change of use of a structure or lot if such is required under the Uniform Building Code of the State of Oregon. A building permit may be obtained from the City Recorder or the Recorder's designee.
- C. City Requirements for Issuance of a Building Permit. No building permit shall be issued by the authorized building official unless:
  1. Notice of Intent to Construct Required Before Building Permit Issued. A notice of intent to construct, as set forth in subsection A of this section, has been filed with the City Recorder and a copy of same is presented to the authorized building official at time application for a building permit is made.

2. Proposed Construction Etc., Must Conform to All Laws. The proposed construction, reconstruction, alteration or change of use of a structure or lot conforms to the requirements of all applicable law, including City ordinances.
3. Before any dwelling or other building to be used by humans is occupied. Before any dwelling or other building to be used by humans is occupied, it shall be connected to the established domestic water supply system and City sanitary sewer system, and the storm water management/ disposal system shall meet the City Standards in Title 16.
4. Occupancy Permit Required. Before any building designed or intended for use by humans may be used, an occupancy permit issued by an approved and authorized building inspector is required and shall be furnished to the City Recorder by owner.

#### **17.08.030 Appeals.**

- A. Appeals of ruling of City Administrative Officer. Except where this chapter directs an appeal to the City Council, an appeal from a ruling of a City Administrative Officer regarding a requirement of this chapter may be made only to the Planning Commission. An appeal from a ruling of the Planning Commission may be made only to the City Council.
- B. Who May File, and Requirement to File Appeal. Any aggrieved party may appeal an action or ruling of the Planning Commission pursuant to this chapter within fifteen (15) working days after the decision.
  1. Written Notice if Appeal Required. Written notice of the appeal shall be filed with the City Recorder, and include: name, address, and phone number of appellant, decision appealed, basis for appeal, and applicable approved criteria.
  2. Failure to Make Timely Filing of Appeal. If an appeal is not filed within the fifteen (15) day period, the decision shall be final.
  3. Public Hearing Required. If an appeal is filed, the City Council shall receive the decision and findings from the City Recorder and shall conduct a public hearing on the appeal as provided in Section 17.08.060.

#### **17.08.040 Filing Fees.**

Filing fees shall be paid to the City Recorder upon filing of a land use or appeal application for which fees are required. Such fees shall not be refundable. There fees shall be established and changed by the City Council resolution.

#### **17.08.040 Public Hearings.**

- A. Notices of Public Hearings Required. Each notice of hearing authorized or required by this chapter shall be published in a newspaper of general circulation in the City at least ten (10) working days prior to the date of hearing.

B. When Mailed Notices are Required.

1. Requests for Variance, Conditional Use, Zone Change. A notice of hearing on a conditional use, a variance, or an amendment to a zone boundary shall be mailed to the applicant and owners of property within one hundred (100) feet of this property for which the variance, conditional use or zone boundary amendment has been requested. This notice shall:
  - a. Explain the nature of the application and the proposed use or uses that would be authorized.
  - b. List the applicable criteria from the ordinance and the plan that ally to the application.
  - c. Set forth the street address or other easily understood geographical reference to the subject property.
  - d. State the date, time and location of the hearing.
  - e. State that the failure to raise an issue by the close of the record at or following the final evidentiary hearing, in person or by letter, precludes appeal to LUBA based on the issue.
  - f. State that failure to provide sufficient specifically to afford the decision maker an opportunity to respond to an issue that is raised, precludes appeal to LUBA based on that issue.
  - g. Include the name of a local government representative to contact and a telephone number where additional information may be obtained.
  - h. State that a copy of (i) the application, (ii) all documents and evidence relied upon by the applicant, and (iii) applicable criteria are available for inspection at no cost and will be provided at reasonable cost.
  - i. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.
  - j. Include a general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings
2. Mailed at Least Ten (10) Days before Hearing. The notice of hearing shall be mailed at least ten (10) working days prior to the date of the hearing.
3. If Zone Boundary Change Includes Mobile Home Park. Notice of a mobile home park zone boundary change shall be given in accordance with the provisions of ORS Chapter 446.



- C. Failure to Receive Notice. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
- D. Recess in Hearing Authorized. The Planning Commission and the City Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners of persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

#### **17.08.060 Authorization of Similar Uses.**

The Planning Commission may, in a particular zone, recommended to the City Council a use not listed in this chapter, provided the use is of the same general type as the uses permitted in that zone by this chapter. However, this section does not authorize the inclusion, in a zone where it is not listed, of a use specifically listed in another zone, or which is of the same general type and is similar to a use specifically listed in another zone.

#### **17.08.070 Proposed Amendments.**

The City Council shall hold a public hearing on all changes to the comprehensive plan, zoning ordinance text, land division ordinance, and plan/zone map. All proposed amendments shall be processed in accordance with the procedures under Section 17.08.050. Written notice of text and map amendments shall also be submitted to the Oregon Department of Land Conservation and Development forty-five (45) days before the first public hearing at which public testimony or new evidence will be reviewed.

#### **17.08.080 Final Action.**

Except as provided for under ORS 227.178, the City Council shall take final action on conditional use permits and variances, including the resolution of all appeals to the City Council under ORS 227.180, within one hundred twenty (120) calendar days from the date a complete application is submitted to the city; unless a written extension is requested or agreed to by the applicant. The one hundred twenty (120) day time period will commence on the date the application is deemed complete.

#### **17.08.090 Abatement and Penalty.**

- A. Penalty for Violation. Violation of any provision of this chapter or of any amendment to this chapter is punishable by a fine of not more than one hundred dollars (\$100.00) for each day of violation where the offense is a continuing offense, but such fine may not exceed two thousand five hundred dollars (\$2,500.00).
- B. Abatement and Other Legal Remedies Available. In case building or other structure is or is proposed to be located, constructed, maintained, repaired, altered or used, or land is or is proposed to be used, in violation of this chapter, the building, structure or land thus in violation shall constitute a nuisance and the city may utilize all legal remedies available to it for enforcing this chapter, and as an alternative to other remedies that are legally available for enforcing this chapter, may institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanent, abate or remove the unlawful location, construction, maintenance, repair alteration or use.

(Ord. 242, 2007)

## **Chapter 17.12**

### **ZONING DISTRICTS ESTABLISHED**

#### **Sections:**

- 17.12.010      Establishment of Land Use Zones.**
- 17.12.020      Location of Zones.**
- 17.12.030      Zoning Map.**

#### **17.12.010 Establishment of Land Use Zones**

This establishes the following Land Use Zones.

<b>Zone</b>	<b>Abbreviated Designation</b>
Residential	R-1
Manufactured home residential	R-2
Multi-family residential	R-3
Commercial	C
Industrial	M-1
Open space/public facilities	O/S

#### **17.12.020 Location of Zones.**

The boundaries of the zones listed in this chapter are indicated on the Metolius Zoning Map, Which is attached to the ordinance codified in this chapter, and on file in the office of the City Recorder.

#### **17.12.030 Zoning Map.**

- A. The official Zoning Map shall be maintained in the Metolius City Hall. Amendments to this map shall be reflected as soon as practicable after adoption by the Metolius City Council.
- B. Official ordinance text and map shall be maintained at the office of the Metolius City Recorder.

(Ord. 242, 2007)

## **Chapter 17.16**

### **REDIDENTIAL ZONE (R-1, R-2 and R-3)**

#### **Sections:**

<b>17.16.100</b>	<b>Purpose.</b>
<b>17.16.110</b>	<b>Permitted Land Use.</b>
<b>17.16.120</b>	<b>Building Setbacks.</b>
<b>17.16.130</b>	<b>Lot Area and Dimensions.</b>
<b>17.16.140</b>	<b>Building Height.</b>
<b>17.16.150</b>	<b>Building Orientation.</b>
<b>17.16.160</b>	<b>Architectural Standards.</b>
<b>17.16.170</b>	<b>Special Standards for Certain Uses.</b>

#### **17.16.100 Purpose.**

The Residential Zone is intended to promote the livability, stability and improvement of the City'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.
- Accommodate a range of housing needs, including owner-occupied and rental housing.
- Provide for compatible building and site design at an appropriate neighborhood scale.
- Provide direct and convenient access to schools, parks and neighborhood services.

#### **17.16.110 Permitted Land Uses.**

- A. Permitted Uses. The Land uses listed in Table 17.16.110. A are permitted in the Residential Zone, subject to the provisions of this Chapter. Only land uses which are specifically listed in Table 17.16.110. A may be permitted. The land uses identified with a "\*" in Table 17.16.110. A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 17.56.
- B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in Chapter 17,08.060.

Table 17.16.110.A		
Land Uses and Building Types Permitted in the Residential Zones		
R-1	R-2	R-3
<b>Single-family Residential</b> a. Single-family dwellings including single-family modular homes. b. Manufactured homes on individual lots. c. Accessory buildings and structures, (less than 240 sq. ft.) d. Public Parks. e. Duplexes (Site-plan approval required) f. Residential Facilities. g. Churches* h. Public Schools and libraries* i. Government uses* j. Lodges for civic organizations* k. Necessary public utilities* l. Professional offices* m. Home occupations* n. Bed & Breakfast Inns* o. Livestock* <i>Ref Ord 201.5.96</i> p. Accessory structures (over 240 square feet.) *	<b>Manufactured Home Residential</b> a. Single-family dwellings including single-family modular homes. b. Manufactured homes on individual lots. c. Accessory buildings and structures, (less than 240 sq. ft.) d. Public Parks. e. Duplexes (Site-plan approval required) f. Manufactured Dwelling Parks (meeting Standards in Section 17.40.130) g. Residential Facilities. h. Churches* i. Public Schools and libraries* j. Government uses* k. Lodges for civic organizations* l. Necessary public utilities* m. Professional offices* n. Home occupations* o. Bed & Breakfast Inns* p. Livestock* <i>Ref Ord 201.5.96</i> q. Accessory structures (over 240 square feet.) * r. Recreational Vehicle Parks*	<b>Multiple-Family Residential</b> a. Single-family dwellings including single-family modular homes. b. Manufactured homes on individual lots. c. Accessory buildings and structures, (less than 240 sq. ft.) d. Public Parks. e. Duplexes (Site-plan approval required) f. Multiple-family dwellings (Site-plan approval required) g. Residential facilities. h. Churches* i. Public Schools and libraries* j. Government uses* k. Lodges for civic organizations* l. Necessary public utilities* m. Professional offices* n. Home occupations* o. Bed & Breakfast Inns* p. Livestock* <i>Ref Ord 201.5.96</i> q. Accessory structures (over 240 square feet.) *
Uses marked with an asterisk (*) are subject to Conditional Use Permit (Chapter 17.56)		

Table 17.16.110.B Land Uses Prohibited in the Residential Zones		
Only uses specifically listed in Table 17.16.110.A, and uses similar to those in Table 17.16.110.A, are permitted in the Residential Zones. The following uses are expressly prohibited.		
R-1	R-2	R-3
Single-family Residential	Manufactured Home Residential	Multiple-Family Residential
Wireless Communication Accessory Dwelling Unit Commercial	a. Wireless Communication Towers b. Accessory Dwelling Unit c. Commercial	a. Wireless Communication Towers. b. Accessory Dwelling Unit c. Commercial

#### **17.16.120 Building Setbacks.**

Building setbacks provide space for private yards, and building separation for fire protection/security, building maintenance, sunlight and air circulation.

Building setbacks are measured from the closest building foundation 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 apply to primary structures as well as accessory structures. An Exception or Variance is required in accordance with Chapter 17.52 to modify any setback standard.

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

##### **1. Residential Uses (single, family, duplex and multi-family housing types)**

- a. A minimum setback of twenty (20) feet is required between the property line and the foundation, except that an unenclosed porch may be within fifteen (15) feet of the front property line, as long as it does not encroach into public utility easement.
- b. New garages and carports can be accessed from alleys or set back from the front property line by a minimum of twenty (20) feet.
- c. New housing shall also comply with the building orientation standards in Section 17.16.180.

- B. Rear Yard Setbacks. There shall be a rear yard of not less than five (5) feet in depth between the property line and the foundation on lots that have alley access at the rear lot line. On lots that do not have alley access at the rear lot line, there shall be a rear yard of not less than ten (10) feet in depth.
- C. Side Yard Setbacks. The minimum side yard setback shall be 10 feet between the property line and the foundation. On corner lots, the interior side yard shall have a width of not less than ten (10) feet but the side yard on the street side of such corner lot shall not be less than twenty (20) feet in width.
- D. Setback Exceptions. The following architectural featured are allowed to encroach into the yard setbacks: Eaves, chimneys, bay windows, overhangs, and similar architectural featured may encroach into setbacks by no more than two (2) feet. Porches, decks and similar structures not exceeding thirty-six (36) inches in height may encroach into setbacks by no more than five (5) feet. Walla and fences may be placed on property lines, subject to the standards in Chapter 17.40.040 and 17.40.050.
- 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 building on the same lot shall be at least twelve (12) feet. The requirement shall also apply to portions of the same buildings separated from each other by a court, landscaped yard, or other open space.

### 17.16.130 Lot Area Dimensions

Figure 17.16.130 – Lot Dimensions

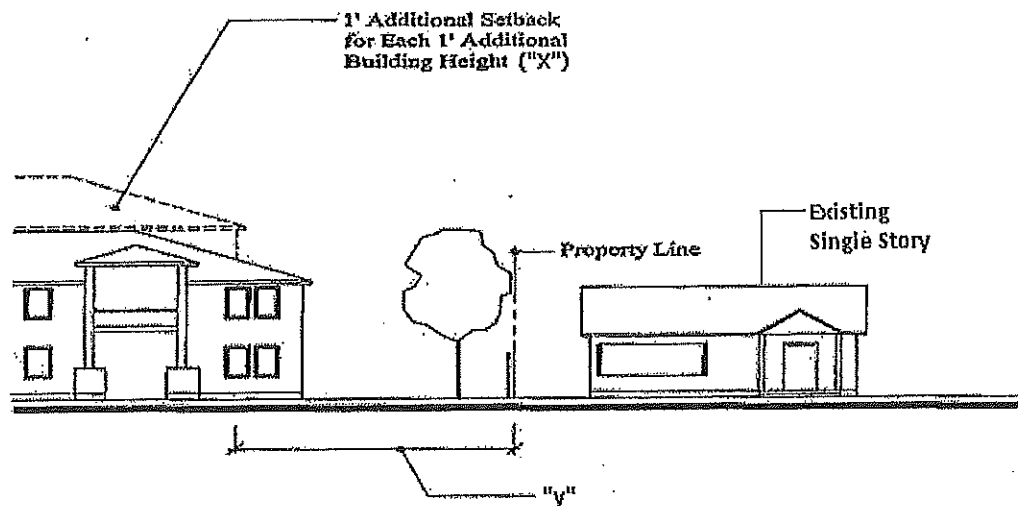
Land Use	Lot Area	Lot Width/Depth	Related Standards
Detached Single Family Housing; Manufactured Homes On Lots	Minimum: 7,500 square feet.  Maximum:  <b>None</b>	Minimum Width: 75 feet at front property line.  Maximum Depth: None	Note: All new housing shall have a primary entrance facing the street, in accordance with Section 17.16.180B.
Two-Family Housing (duplexes)	Minimum area for two-family: 11,250 square feet.  Maximum:  <b>None</b>	Minimum Width: 112 feet at front Building line  Maximum Depth: None	The maximum lot/parcel area shall comply with the standards in Chapter 16.12 – Land Divisions.
Multi-Family Housing	Minimum area: 5,625 square feet per housing unit  Maximum area: None.	Minimum Width: 50 feet per housing unit at front property line.  Maximum Depth: None.	
Manufactured Home Parks	See Section 17.16.200 for Manufactured Home Park standards.		
Open Space, Parks, and Recreation	None.	None.	N/A
Land Use	Lot Area	Lot Width/Depth	Related Standards
Facility			



### 17.16.140 Building Height.

- A. Building(s) or structure(s), or portions thereof, shall not be erected to exceed a height of two stories and in no instance shall the structure or building exceed a vertical height of twenty-two (22) feet for flat roofs or mansard roofs or other structures, and thirty (30) feet for gable, hip or gambrel roofs as "height of building or structure" is defined in Section 17.04.040, when measured from the average grade of the lot.
- B. Multifamily Dwellings (Other than shown in Subsection A of this Section). Building(s) or structure(s), or portions thereof, shall not be erected to exceed a height of three stories, and in no instance shall the building or structure exceed a vertical height of thirty (30) feet, as "height of building or structure" is defined in Section 17.04.040, when measured from the average grade of the lot. Maximum height may further be reduced as approved during the site plan approval process as provided in Subsection C, below.

Figure 17.16.140 – Building Height Transition



- C. Building Height Transition. To provide compatible building scale and privacy between developments, taller building shall "step-down" to create a building height transition to adjacent single-story building(s).
1. This standard applies to new vertically expanded buildings within twenty (20) feet (as measured horizontally) of an existing single-story building with a height of twenty (20) feet or less, as shown above.

2. The building height transition standard is met when the height of the taller building (“x”) does not exceed the (1) foot of height for every one (1) foot separating the two buildings (“y”), as shown above.

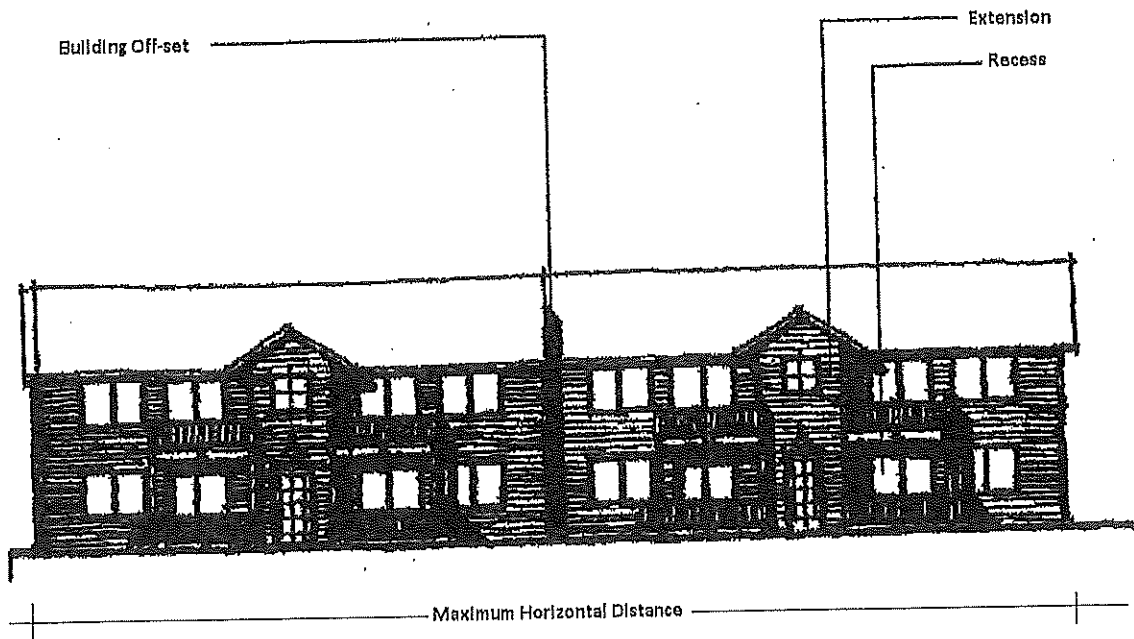
#### **17.16.150 Building Orientation.**

- A. Building orientation standards. All development 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 17.16.120.
  2. All buildings, including site-built and manufactured homes, shall have their primary entryway facing the street. Multi-family building entrances used to comply with this standard, may be entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces).

#### **17.16.160 Architectural Standards.**

- A. Purpose. The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.
- B. Applicability. This section applies to all of the following types of buildings, and shall be applied during Site Plan Review:
  1. Multi-family housing; and
  2. Duplexes.
- C. Standards. All buildings, which are subject to this Section, shall comply with all of the following standards. The graphics provide 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 17.16.160 – Building Form (Multi-Family Housing Example)**



1. **Building Form.** 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 thirty (30) 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 six (6) feet;
  - b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet; and/or
  - c. Offsets or breaks in roof elevation of two (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 thirty (30) percent of side and rear building elevations, as applicable, 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.

3. Detailed Design. All buildings shall provide detailed design along all elevations (i.e., front, rear and sides) Detailed design shall be provided by using at least two (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 (minimum 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. An alternative feature providing visual relief, similar to options a through l, above.
4. Garage or Carport Required. Every single-family and duplex dwelling shall have a garage or carport of a minimum size of (10) feet by twenty (20) feet with exterior materials matching the residence building.
5. Supplemental Design and Use Standards. The Supplemental standards in Chapter 17.40 shall also apply to all development.

### 17.16.170 Special Standards for Certain Uses.

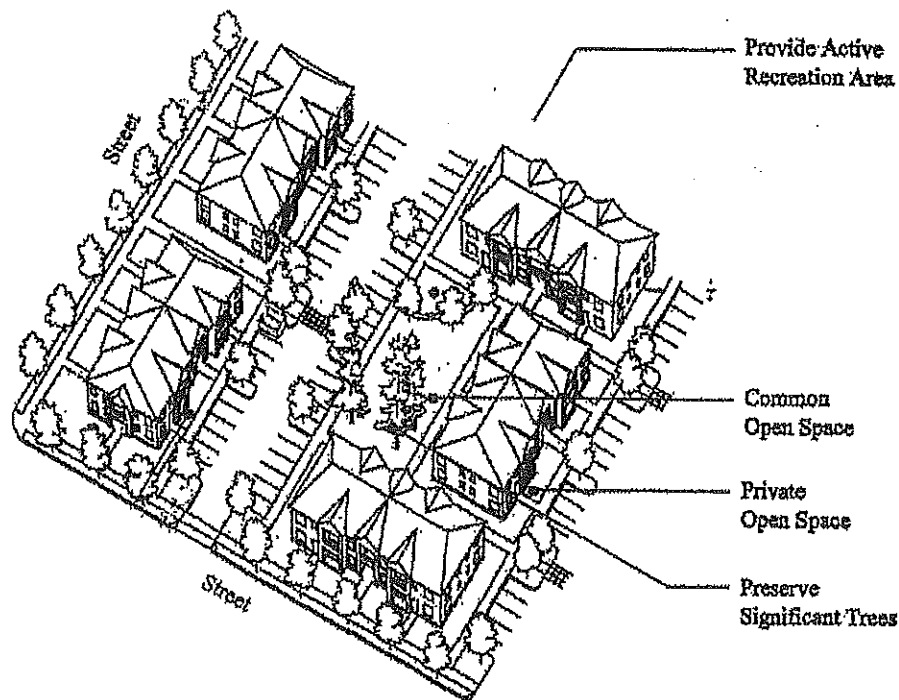
This section supplements the standards contained Sections 17.16.100 through 17.16.160. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential Zone:

- A. Accessory Dwelling (attached, separate cottage, or above detached garage). An accessory dwelling is a small secondary housing unit on a single-family lot. Accessory dwellings shall not be permitted.
- B. 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 that existed within the City prior to the adoption of Ordinance 194, 1995.
  - 1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,200 sq. ft.
  - 2. Roof. The manufactured home shall have a pitched roof with a slope not less than three (3) feet in height for each twelve (12) feet in width (14 degrees).
  - 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.
  - 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 sixteen (16) inches above grade and complying with the minimum set-up standards of the adopted Oregon Administrative Rules for Manufactured Dwellings, Chapter 918. Where the building site has a sloped grade, no more than sixteen (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 with block or poured concrete skirting.
  8. Siting Restricted. Manufactured homes shall not be sited within any historic district listed on the Register of Historical Landmarks and Districts.
- C. Manufactured Home Park. Manufactured home parks are permitted on parcels of one (1) acre or larger only within the Manufactured Home zone (R-2) subject to compliance with subsections 1-5, below:
1. Permitted uses. Single family residences, manufactured home park manager's office, home occupations, and accessory structures which are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with Chapter 17.40.150 – Home Occupations.
  2. Space. The minimum size pad or space for each home is 4,000 square feet, provided that the overall density of the park does not exceed eight (8) units per acre.
  3. Setbacks and Buildings Separation. The minimum setback between park structures is five (5) feet. The minimum setback between park structures and public street right-of-way is twenty-five (25) feet. At least a ten (10)-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of fourteen (14) feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than five (5) feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than six (6) feet to any other structure or dwelling, except that a double carport or garage may be built which serves two (2) dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least three (3) feet.
  4. Perimeter landscaping. When manufactured homes are oriented with their back or side yards facing a public right-of-way or abutting property, the City requires installation of fencing and planting of a fifteen (15)-foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.
  5. House Design. Manufactured homes in parks shall meet the following design standards, consistent with ORS 197.314(6):
    - a. The manufactured home shall have a pitched roof with a slope not less than three (3) feet in height for each twelve (12) feet in width (14 degrees).
    - b. 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).

- c. Exception. Subsections a-b, above, do not apply to manufactured homes which existed within the City prior to the effective date of Ord. 194, 1995 except that these dwellings may not be transferred to another lot, parcel, or manufactured home park within the city.
- d. 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.
- D. Multi-family housing. Multi-family housing is allowed within the Multi-family zone (R-3). Multi-family housing means housing that provides three (3) or more dwellings on an individual lot ( e.g., multi-plexes, apartments, condominiums, etc.). New multi-family developments shall comply with all of the following standards:

Figure 17.16.170F – Multi-family Housing (typical site layout)



1. Building Mapp Supplemental Standard. Within the Multiple-family zone (R-3), the maximum width or length of a multiple family building shall not exceed one hundred sixty (160) feet (from end-wall to end-wall).
2. Common open space standard. Inclusive of required setback yards, a minimum of fifteen (15) percent of the site area shall be designated and permanently reserved as usable common open space (e.g., patio, children's play area, or similar usable area 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.).
3. 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:
  - a. All ground-floor housing units shall have front porches, or rear patios, decks, or similar usable measurements at least forty-eight (48) square feet. Ground-floor housing means the housing unit entrance (front or rear) is within five (5) feet of the finished ground elevation (i.e., after grading and landscaping).
  - b. A minimum of fifty (50) percent of all upper-floor housing units shall have balconies or porches measuring at least forty-eight (48) square feet. Upper-floor housing means housing units that are more than five (5) feet above the finished grade.



- c. Private open space areas shall be oriented toward streets or common open space areas, and away from adjacent single-family residences, trash receptacles, parking and drives to the greatest extent practicable.
4. 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 six (6) feet in height.
- E. Residential care homes and facilities. Residential care homes and facilities as defined under Section 17.04.040, shall comply with the following standards, consistent with ORS 197.660-670:
1. Licensing. All residential care homes shall be dully licensed by the State of Oregon.
  2. Parking. Parking space shall be provided for employees and visitors, in accordance with Chapter 17.44 – Off-street Parking Spaces and Loading Facilities.
  3. Site Plan 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.
- F. 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 Zone include detached garages, sheds, workshops, green houses and similar structures. All accessory structures shall comply with the all of following standards:
1. Primary use required. An accessory structure shall be allowed without another permitted use only with an approved Conditional Use Permit.
  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. Building Height. The building height of detached accessory structure shall not exceed twenty-five (25) feet, as measured in accordance with Section 17.16.140.
  5. Buffering. A minimum four (4)-foot hedge or fence may be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is provided on the adjacent lot or the distance to adjacent dwelling(s) is greater than fifty (50) feet.

G. Bed and Breakfast Inns. The purpose of this section is to provide standards for the establishment of a Bed and Breakfast Inn.

1. Accessory Use. A Bed and Breakfast Inn must be a use that is accessory to a household already occupying the structure as a residence. (Requires conditional use permit)
2. Maximum size. The Bed and Breakfast Inn structure is limited to a maximum of 3 (three) bedrooms for guests and a maximum of 6 guests per night.
3. Employees. The Bed and Breakfast Inn may have up to 2 (two) non-resident employees for the facility.
4. Food Services. Food services may only be provided to overnight guests of the Bed and Breakfast Inn.
5. 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).
6. Signs. Signs for a Bed and Breakfast Inn must meet the standards in Chapter 17.40.060, Sign Regulations.
7. 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 room number of each guest. The log must be available for inspection by City staff upon request.

(Ord. 242, 2007)

## COMMERCIAL (C-1) ZONE

### Sections:

17.28.005	Purpose.
17.28.010	Occupancy permit required.
17.28.020	Permitted Land Uses.
17.28.030	Conditional uses.
17.28.040	Lot Requirements.
17.28.050	Building Setbacks
17.28.060	Building Orientation.
17.28.070	Height Restrictions.
17.28.080	Pedestrian Amenities.
17.28.090	Special Standards for Certain Uses.
17.28.100	Off-street parking requirements.
17.28.101	Sanitation regulations.
17.28.102	Water regulations.
17.28.103	Fences and walls.
17.28.110	Foundation requirements.
17.28.120	Landscaping requirements.

#### 17.28.005 Purpose.

The purpose of the Commercial (C-1) zone is to create and preserve areas suitable for commercial uses and services on broad basis, to strengthen the area as the logical place for people to gather and create a business center and to serve as the central business area for the City.

#### 17.28.010 Occupancy permit required.

Before any building designed or intended for use by humans may be used, an occupancy permit issued by an approved and authorized building inspector is required and shall be furnished to the City Recorder by owner.

#### 17.28.020. Permitted Land Uses.

The uses listed in Table 17.28.020A are permitted in the Commercial (C-1) Zone. Only uses that are specifically listed in Table 17.28.020A and uses that are approved by the Planning Commission as "similar" to those in Table 17.28.020A, may be permitted. The uses identified with a "CU" in Table 17.28.020A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 17.56.

**Table 17.28.020A**  
**Land Uses and Building Types Permitted in the Commercial (C-1) Zone**

<p><b>1. Commercial:</b></p> <p>a. Entertainment (e.g., theaters, clubs, amusement uses) (CU)</p> <p>b. Hotels/motels</p> <p>c. Medical and dental offices, clinics and laboratories</p> <p>d. Office uses (i.e., those not otherwise listed)</p> <p>e. Personal and professional services (e.g., child care center (CU), catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)</p> <p>f. Repair services, other than auto repair</p> <p>g. Retail trade and services (inside an enclosed structure)</p> <p>h. Retail trade and services (outside an enclosed structure) (CU)</p> <p>i. Uses similar to those listed above (subject to CU requirements, as applicable)</p> <p>j. Grocery Stores, Food Markets.</p>	<p><b>2. Industrial*:</b> Light manufacture (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods) when in conjunction with retail(CU)</p> <p><b>3. Home occupations*</b></p> <p><b>4. Public and Institutional*:</b></p> <p>a. Churches and places of worship (CU)</p> <p>b. Clubs, lodges, similar uses (CU)</p> <p>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</p> <p>e. Public parking lots and garages</p> <p>f. Private utilities (CU)</p> <p>g. Public parks and recreational facilities</p> <p>h. Schools, public and private (CU)</p> <p>i. Special district facilities</p> <p>j. Uses similar to those listed above (subject to CU requirements, as applicable)</p> <p><b>5. Accessory Uses and Structures*</b> (less than two hundred forty (240) square feet combined floor area)</p> <p><b>6. Temporary Retail Businesses*</b></p>
<p>Uses marked with an asterisk (*) are subject to the standards in Section 17.28.130, "Special Standards for Certain Uses." Home Occupations are subject to the standards in Section 17.40.150. Temporary uses are subject to the standards in Section 17.40.160. CUs are subject to Conditional Use permit standards in Chapter 17.56.</p>	

### **17.28.030 Conditional uses.**

Conditional uses require approval as provided in Chapter 17.56. Any physical change in an approved conditional use shall require approval of an amended conditional use permit in accordance with the procedures set forth in Chapter 17.56. All conditional uses shall require continuing compliance with terms of conditional use and approved site plan, if any.

### **17.28.040 Lot requirements.**

Lot Area. Minimum lot size shall be 2500 square feet. Proposed commercial uses shall meet setback and off-street parking requirements as specified during the site plan approval process as provided in Chapter 17.48 and shall abut a street other than an alley for a minimum of twenty-five (25) feet and must be in compliance with other sections of this code (landscape and pedestrian circulation).

### **17.28.050 Building Setbacks.**

- A. Front Yard Setback. Minimum front yard depth shall be ten (10) feet required between the property line and the foundation. The front ten (10) feet of the front yard shall be landscaped and maintained.
- B. Side Yard Setback. Side yard setbacks shall be a minimum of ten (10) feet. The required side yard setbacks shall be increased by one-half (1/2) foot for each foot by which the commercial zone building, height exceeds twenty (20) feet. Setback may be reduced based on fire code requirements/regulations.
- C. Rear Yard Setback. Rear yard setback shall be minimum of ten (10) feet. The required rear yard shall be increased by one-half (1/2) foot for each foot by which the commercial zone building, height exceeds twenty (20) feet. Setback may be reduced based on fire code requirements/regulations.

### **17.28.060 Building Orientation**

This section is intended to promote the walkable, storefront character of the "downtown" Commercial Zone by placing buildings close to the street. The standards, as listed on the following page and illustrated above, compliment the front yard setbacks standards in Section 17.28.050.

- A. Applicability. This Section applies to new Land Divisions and all of the following types of development within the "downtown" Commercial Zone (i.e., subject to Site Design Review):
  - 1. Public and institutional buildings; and
  - 2. Commercial 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 17.28.050 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 corners.
  3. Off-street parking, driveways or other vehicles circulation shall not be placed between a building and the street that is used to comply with subsection '2', above. On corner lots, buildings and their entrances shall be oriented to the street corner, as stated above; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.
- C. Active Ground Floor Standard. The street-side 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 should be built to the setback standards in Section 17.28.050 so as to create a near continuous line of storefronts. Access may be provided to the rear parking areas of the shops, offices etc. by an internal walkway.

#### **17.28.070 Height restrictions.**

The maximum height for any building, or portions thereof, shall not exceed twenty-two (22) feet for flat roofs or mansard roofs or other structures, and thirty (30) feet for gable, hip or gabled roofs, as "height of building or structure" is defined in Section 17.04.040, when measured from centerline grade of the adjacent street, except a vertical height of up to thirty (30) feet may be approved during the site plan approval process as provided in Chapter 17.48.

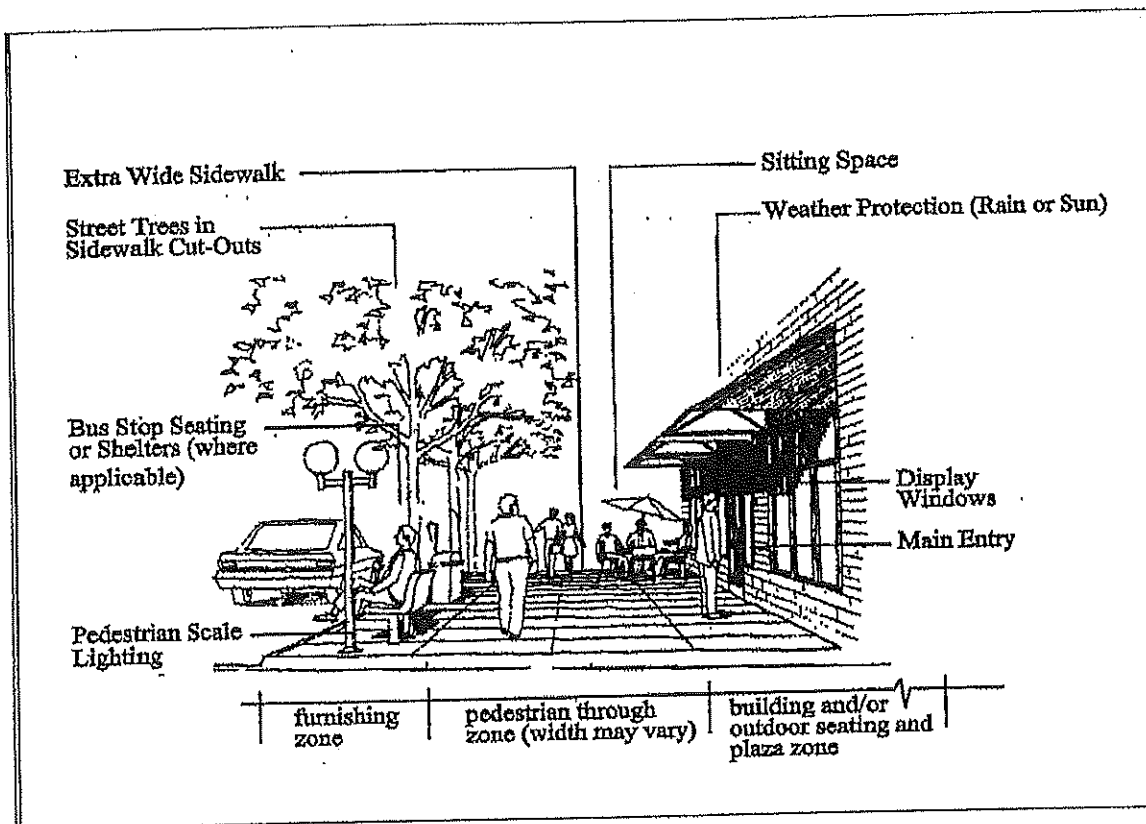
#### **17.28.080 Pedestrian Amenities**

Purpose and Applicability. This section is intended to complement the building orientation standards in Section 17.28.060 by providing comfortable and inviting pedestrian spaces within the Commercial (C-1) zone. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the City's commercial areas, and contribute to a walkable district.

- A. Pedestrian Amenity Standards. Every commercial development shall provide at least one of the "pedestrian amenities" listed and illustrated below. Pedestrian amenities may be provided within public right-of-way (i.e., on the sidewalk or curb) when approved by the City (for City streets), Jefferson 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 eight (8) feet;
2. Sitting space (i.e., benches or ledges between the building entrance and sidewalk with a minimum of sixteen (16) inches in height and thirty (30) inches in width;
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of four (4) feet over a private sidewalk or other privately owned pedestrian space.
4. Public art that incorporates seating (e.g., fountain, sculpture, etc.).

Figure 17.28.070 – Pedestrian Amenities (Typical)



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

### **17.28.090 Special Standards for Certain Uses**

This section supplements the standards contained Sections 17.28.010 through 17.28.080. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Commercial District:

Residential Uses  
Public and Institutional Uses  
Accessory Uses and Structures  
Outdoor Storage and Display  
Light Manufacture

- A. Residential Uses. Residential use is not permitted within the Commercial District. (Residential uses that existed prior to the effective date of this Code are non-conforming uses and exempt from this Section.)
- B. Public and Institutional Uses.  
Public and institutional uses (as listed in Table 17.28.020A) are allowed in the Commercial (C-1) Zone.
- C. Accessory Uses and Structures.  
Accessory uses and structures are of a nature customarily incidental and subordinate to the principle use or structure on the same lot. Typical accessory structures in the Commercial (C-1) Zone include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the Commercial (C-1) Zone, as identified in Table 17.28.020A.

Accessory structures shall comply with the following standards.

1. Combined floor area. Combined floor area shall be less than two hundred forty (240) square feet.
2. Primary use required. An accessory structure shall not be allowed before or without a primary use, as identified in Table 17.28.020A.
3. Setback standards. Accessory structures shall comply with the setback standards in Section 17.28.050.
4. Restrictions. A structure shall not be placed over a recorded 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.



D. Sidewalk Displays. Sidewalk display of merchandise and vendors shall be limited to those sidewalks on private property; 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 four (4) feet shall be maintained on the sidewalk at all times to allow pedestrians to pass by displays. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, similar vehicles and equipment, is prohibited. Temporary events such as parades or other special events where the City issues permits may modify this requirement.

E. Light Maintenance. Light manufacture uses are allowed in the Commercial Districts. "Light manufacture" means production or manufacturing of small-scale goods, such as crafts, electronic equipment, bakery products, printing and binderies, 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 the downtown Commercial (C-1) Zone:

1. Retail or Service Use Required. Light manufacturer is allowed only when it is in conjunction with a permitted retail or service use (e.g., bakery with retail baked goods outlet)
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.

F. Adult Businesses and Adult Entertainment

The purpose of this Section is to establish parameters by which an adult business or facility whose main purpose is to provide adult entertainment may locate within the City of Metolius. An adult business or use is permitted in any non-residential zone within the City, provided the following minimum standards are maintained.

1. Spacing. A use defined as an adult business or entertainment use must be at least the following distances away from the following pre-existing uses (measured in a straight line);
  - a. 1500 feet from a public or private school;
  - b. 1500 feet from a church, synagogue or other place of worship;
  - c. 1500 feet from a public park, library or recreational facility;
  - d. 500 feet from a residential zone, and,
  - e. 1500 feet from a similar adult business or adult entertainment use.
2. Permit Required. A permit shall be required from the Bureau of Licenses for any proposed adult business or use and prior to the establishment of this use of business. It shall be a violation of this Code for any person or persons to engage in conduct or carry on or to permit to be engaged in or upon any premises within the City of Metolius the operation of any adult business or use unless a permit has first been obtained from the Bureau of Licenses. At no time shall a person or persons be employed by such a use prior to a permit issued by the Bureau of Licenses.

3. Application Requirements. An applicant for an adult business or use shall provide the following;
- a. Written proof that the applicant is at least 18 years of age.
  - b. Business occupation or employment for the 3 years immediately preceding the date of the application.
  - c. Business license and permit history of the person operating a business identical to or similar to those regulated by this Code section.
  - d. Whether such person previously operating such business in this or any other city or state under any license or permit, has had such license or permit revoked or suspended. Reasons for any permit suspension or revocation shall be provided, and the business activity or occupation of the person subsequent to such action of suspension or revocation shall be provided.
  - e. The name, address, telephone number, birth date, and principal occupation of the applicant and managing agent.
  - f. The name, address, telephone number of the proposed business or use, and a written description of the exact nature of the business to be operated.
  - g. The names, addresses, telephone number, birth dates of all partners in the business or use. Included shall be the principal occupation of each of the partners whether general, limited or silent, and the respective share of the business held by each partner. If a corporation, the corporate name, a copy of the Articles of Incorporation, and the names, addresses, birth dates, telephone numbers and principal occupations of every officer, director and shareholder (having more than 5 percent of the outstanding shares) and the number of shares held by each.
  - h. Any criminal convictions or arrests relating to theft, controlled substances, gambling, prostitution, obscenity, racketeering, fraud, or tax evasion as defined in Chapter 166 of Oregon Revised Statutes, of each applicant and natural person enumerated in section "a" through "h" herein.
  - i. All residence addresses of all persons described in section "a" through "h" herein within the past 3 years.
  - j. A personal financial statement of each natural person enumerated in section "a" through "h" herein, including the location of all bank accounts, the amounts respectively deposited therein, and a complete listing of all outstanding debts and loans.
  - k. Each applicant and person described within section "a" through "h" shall appear in person before the Jefferson County Sheriff, or his designee, for fingerprinting and the taking of photographs.

4. Confidentiality. The application from required pursuant to this section, which contains personal and business information, shall remain confidential to the maximum extent by law.

G. Home Occupations, Commercial Transition Neighborhoods

This section applies only to existing residential use lots within the Commercial (C-1) Zone. Home occupations are permitted only in residential dwellings existing at the time of adoption of this Code and are subject to the following standards.

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 outside any structure.

2. Storage:

- a. Outside storage 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, products, equipment, and fixtures 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 one full time 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. 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 will not encroach onto the public right-of-way, including the sidewalk and planter strip, when parked in the driveway or other location on the home occupation site.

- b. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. Commercial vehicle deliveries are allowed during the hours of 8 a.m. to 6 p.m. weekdays, excluding holidays.
  - c. There shall be no more than two client or customer vehicles at any one time and no more than eight (8) per day at the home occupation site or in the right-of-way abutting the lot.
- 5. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 9 a.m. to 5 p.m. daily.
- 6. Prohibited Home Occupation Uses:
  - a. Any activity that produces radio, TV, other electronic 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 or retail use that does not result in more than two (2) vehicle trips per hour is allowed. For example, the sale of lesson books or sheet music by music teachers, art of craft supplies by arts or crafts instructors, computer software by computer consultants, and similar incidental items for sale by home business are allowed subject to 1-6, above. Also, the business hours of retail operation would be restricted to 9:00 a.m. to 5:00 p.m.
  - c. Any uses described in this section or uses with similar objectionable impacts because of motor vehicles, airplanes, appliances, or large equipment on-site.
- 7. Enforcement: The Code Enforcement Officer or City designee may visit and inspect the site of home occupations in accordance with this Chapter to insure compliance with all applicable regulations with reasonable notice during normal business hours. In the event of neighbor complaint(s), the home occupation shall cease and desist immediately upon notification by the City.
- 8. Site Plan Required: At the point in time that the Home Occupation no longer conforms to 1 through 8 above, owner shall terminate Home Occupation or submit and gain site plan approval to conform to Commercial development standards.

#### H. Temporary Retail Businesses

This section is to set parameters for temporary seasonal retail businesses operating for a maximum of thirty (30) working days per calendar year which take place either inside or outside an enclosed structure: e.g. Christmas tree sales, or seasonal fruit and/or vegetable stands (Other temporary uses refer to Chapter 17.40.160.)

1. Temporary retail business may be allowed under the following policy and guidelines as established by the Metolius City Council:
  - a. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval.);
  - b. The applicant has proof of the property-owner's permission to place the use on his/her property;
  - c. No parking will be utilized by customers and employees of the temporary use, which is needed by the property owner to meet their minimum parking requirement under Chapter 17.44;
  - d. The use provides adequate vision clearance, as required by Chapter 17.40.050 and shall not obstruct pedestrian access on public streets;
  - e. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Chapter 17.40.080;
  - f. The use does not create adverse off-site impacts including vehicle traffic, noise, odors vibrations, glare or lights that affect an adjoining use in manner which other uses allowed outright in the district no not affect the adjoining use; and
  - g. The use is adequately served by sewer and water, if applicable. (The applicable shall be responsible for obtaining any relating permits.)
2. City Recorder may, with Mayor's approval, under the above guidelines, issue a permit for a maximum of thirty (30) working days per calendar year to an operator to conduct such commercial endeavor.
3. Operator shall pay, in advance at time of application for permit, a fee per day plus a cleanup/damage deposit, set by City Council as part of the policy and guidelines; fee shall be refundable if permit is not approved, and clean-up/damage deposit shall be refundable to the extent it is not required for clean-up/damage repair expenses; operator shall be responsible for actual expense exceeding deposit.
4. Any permit issued by City Recorder may be for less than thirty (30) working days, but in no case shall any operator be allowed to operate a total of more than thirty (30) working days per calendar year.
5. Failure to meet the conditions of the permit or creating a nuisance may be cause for the City to cancel the permit. The permit may be cancelled by providing written notice to the permit holder. The decision to cancel the permit may be appealed to the City Council by filing a written appeal with the City Recorder within three days of the written cancellation notice.

**17.28.100 Off-street parking requirements.**

Side and rear yards, where approved may be used for parking or access for parking or loading. All structures must meet the parking requirements in Chapter 17.44.

**17.28.101 Sanitation regulations.**

Before any structure or building to be used by humans, is occupied, restroom facilities shall be connected to the City sanitary sewer system.

**17.28.102 Water regulations.**

Before any dwelling, or other building to be used by humans, is occupied, it shall be connected to the established, Deschutes Valley Water District water supply system.

**17.28.103 Fences and walls.**

A solid wall or fence of not less than three feet and no more than six feet in height may be required along a property line that is the zone boundary abutting a residential district. Need for the fence or wall will be determined during site plan approval process as provided in Chapter 17.48.

**17.28.110 Foundation requirements.**

- A. Buildings Exceeding One Hundred Twenty (120) Square Feet in Floor Area. Every building exceeding one hundred twenty (120) square feet in floor area shall be placed upon a concrete slab or permanent and continuous excavated and backfilled foundation of block or concrete construction, constructed in accordance with the current Uniform Building Code of Oregon, and enclosed at the perimeter with no more than twelve (12) inches of the slab or foundation exposed above grade. (Not applicable to decks or patios.)
- B. Time Limit to Complete Foundation, Etc. The required concrete slab or permanent foundation shall be complete prior to the issuance of the required occupancy permit.

**17.28.120 Landscaping requirements.**

See section 17.40.140.

(Ord. 242, 2007)

**INDUSTRIAL (M-1) ZONE**

**Sections:**

17.32.005	Purpose.
17.32.010	Occupancy permit required.
17.32.020	Permitted uses.
17.32.030	Conditional uses.
17.32.040	Lot requirements.
17.32.050	Development Setbacks.
17.32.060	Height restrictions.
17.32.070	Lot coverage.
17.32.080	Water regulations.
17.32.090	Fences and walls.
17.32.100	Access.
17.32.110	Sanitation regulations.
17.32.120	Parking regulations.
17.32.125	Limitations of use.

**17.32.005 Purpose**

To provide for light industrial uses such as light manufacturing, research, transportation facilities and similar uses that have a limited impact on surrounding properties and are compatible with clean non-polluting industries and to provide for heavier industrial uses by conditional use.

**17.32.010 Occupancy permit required.**

Before any building designed or intended for use by humans may be used, an occupancy permit issued by an approved and authorized building inspector is required and must be furnished to the city recorder by owner.

**17.32.020 Permitted uses.**

- A. Site plan approval as provided in Chapter 17.48 is required.
- B. Light industrial uses listed in Table 17.32.020A are permitted in the M-1 zone.

**Table 17.32.020.A**  
**Land Use Types Permitted in the Industrial (M-1) Zone**

- 1. Industrial:**
  - a. Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods)
  - b. Research facilities
  - c. Warehousing and distribution
  - d. Mini-warehouse and storage
  - e. Similar uses
- 2. Commercial:**
  - a. Automobile-oriented uses (vehicle repair, sales, rental, storage, service; and drive-up, drive-in, and drive-through facilities)
  - b. Medical and dental offices, clinics and laboratories
  - c. Outdoor commercial uses (e.g., outdoor storage and sales)
  - d. 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)
  - e. Repair services
  - f. Retail trade and services, not exceeding 60,000 square feet of floor area per building
  - g. Wholesale trade and services, not exceeding 60,000 square feet of floor area per building
  - h. Uses similar to those listed above
- 3. Civic and Semi-Public Uses:**
  - a. Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities.
  - b. Utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)
  - c. Special district facilities (e.g., irrigation district, and similar facilities)
  - d. Uses similar to those listed above.
- 4. Accessory Uses and Structures**
- 5. Wireless communication equipment**
- 6. Business Parks (CU)**

Land uses with (CU) shall require a Conditional Use Permit in accordance with Chapter 17.56.



### **17.32.030 Conditional uses.**

- A. Site plan approval as provided in Chapter 17.48 is required.
- B. Conditional uses require approval as provided in Chapter 17.56. Any physical change in an approval conditional use shall require approval of an amended conditional use permit in accordance with the procedures set forth in Chapter 17.56. All conditional uses shall require continuing compliance with terms of conditional use and approved site plan.
- C. Conditional uses not listed in Table 17.32.020A may be allowed, except for the following:
  - 1. Explosives manufacture or storage.
  - 2. Garbage, offal, or dead animal reduction or dumping.
  - 3. Any use which has been declared a nuisance by statute or ordinance, or by any court of competent jurisdiction, or which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise.

### **17.32.040 Lot requirements.**

Lot requirements for the Industrial (M-1) Zone will be determined by spatial requirements for that use, associated landscaped areas and parking requirements.

### **17.32.050 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 fifteen (15) feet, except that additional setback yards may be required to provide for planned widening of an adjacent street.
- B. Rear Yard Setbacks. The minimum rear yard setback shall be ten (10) feet, except that buildings shall be setback from the residential Zone by a minimum of twenty (20) feet.
- C. Side Yard Setbacks. The minimum side-yard setbacks shall be ten (10) feet, except that buildings shall be setback from the Residential Zone by a minimum of fifteen (15) feet.

#### D. Other Yard Requirements.

1. Buffering. A twenty (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 17.40.140 may require buffering other situations, as well.
2. Neighborhood Access. Construction of pathway(s) and fence breaks in setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts.
3. Building and Fire Codes. All developments shall meet applicable fire and building code standards, which may require setbacks different from those lines above (e.g., combustible materials, etc.).

#### **17.32.060 Height restrictions.**

Maximum building or structure height shall be twenty-two (22) feet for flat roofs or mansard roofs or other structures, and thirty (30) feet for gable, hip or gambrel roofs, as "height of building or structure" is defined in Section 17.04.040, when measured from the average grade of the industrial lot of parcel of land. The planning commission shall review each industrial development proposal during the site plan approval process as provided in Chapter 17.48 and may increase or decrease the requirement as deemed necessary.

#### **17.32.070 Lot Coverage.**

The maximum allowable lot coverage in the Light Industrial District is seventy-five (75) percent. The maximum allowable 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.

#### **17.32.080 Water regulations.**

Before any dwelling, or other building to be used by humans, is occupied, it shall be connected to the established, local water supply system.

#### **17.32.090 Fences and walls.**

Security fencing may be required to protect the health, safety and general welfare.

**17.32.100 Access.**

Vehicular and pedestrian access to a lot or parcel shall be from a dedicated and improved public street other than an alley.

**17.32.110 Sanitation regulations.**

Before any industrial use building or structure is occupied, restroom facilities shall be connected to the city sanitary sewer system. No liquid residue or by-product from any industrial use may be discharged into the city sanitary sewer system without Level IV processing by the industry doing the discharging and properly certified by party (ies) approved by the city.

**17.32.120 Parking regulations.**

As a general rule, on parking space for each one thousand (1,000) square feet of retail or wholesale floor area, plus one parking space for each one hundred fifty (150) square feet of office and public use floor area, shall be required.

**17.32.125 Limitations on use.**

- A. All uses must meet local, state and federal environmental standards relating to noise, smoke, odor, water, sewage, air emissions, dust and hazardous waste.
- B. Materials shall be stored and grounds maintained in a manner that will not attract insects or rodents or otherwise create a health hazard. All materials stored outdoors shall be screened from view of adjacent properties and the public.
- C. All parking or loading shall be accommodated on the premises and entirely off all public streets.
- D. The City may require pretreatment of any waste generated by the use.

(Ord. 242, 2007)

**OPEN SPACE/PUBLIC FACILITIES (O/S0 ZONE)****Sections:**

<b>17.36.001</b>	<b>Purpose.</b>
<b>17.36.005</b>	<b>Occupancy Permit Required.</b>
<b>17.36.010</b>	<b>Permitted uses.</b>
<b>17.36.020</b>	<b>Conditional uses.</b>
<b>17.36.030</b>	<b>Yards, Minimum Building Setbacks.</b>
<b>17.36.040</b>	<b>Height restrictions.</b>
<b>17.36.050</b>	<b>Open Space and Building Coverage.</b>
<b>17.36.060</b>	<b>Water regulations.</b>
<b>17.36.070</b>	<b>Fences and walls.</b>
<b>17.36.080</b>	<b>Access.</b>
<b>17.36.090</b>	<b>Sanitation regulations.</b>
<b>17.36.100</b>	<b>Parking regulations.</b>
<b>17.36.110</b>	<b>Foundation requirements.</b>

**17.36.001 Purpose.**

The purpose of the O/S zone is to provide for open space area of natural, scenic or historical significance, to provide areas for recreational use, and to provide public facility uses such as public schools, wastewater treatment facilities, well sites, and Public Works facilities.

**17.36.005 Occupancy permit required.**

Before any building designed or intended for use by humans may be used, an occupancy permit issued by an approved and authorized building inspector is required and must be furnished to the City by owner.

**17.36.010 Permitted uses.**

The O/S zone allows open space, recreation, school, and other public uses. The uses listed in table 17.36.010A are permitted in the Open Space (O/S) Zone. Only uses that are specifically listed in Table 17.36.010A and uses that are approved as "similar" to those in Table 17.36.010A, may be permitted. The uses identified with a "CU" in Table 17.36.010A require Conditional Use Permit approved prior to development or a change in use, in accordance with Chapter 17.56. All uses shall require site plan approval as provided in Chapter 17.48. Any physical changes to an approved site plan shall require approval of an amended site plan.

<b>Table 17.36.010A</b> <b>Land Uses and Building Types Permitted in the Open Space (O/S) Zone</b>	
<p><b><i>Permitted Uses</i></b></p> <ol style="list-style-type: none"> <li>1. Community Building</li> <li>2. Concession stand providing food, beer and/or wine.</li> <li>3. Museum</li> <li>4. Public buildings, structures and/or yards, excluding correctional facilities.</li> <li>5. Public park, playground, swimming pool, skateboard park, or similar recreation facilities intended for use by the public.</li> <li>6. Public play fields, sports complexes and similar recreational facilities without night lighting for play fields.</li> <li>7. Public reservoirs, well sites, pump stations, and similar utility buildings or structures. Sewage treatment facilities.</li> <li>8. Public or private schools.</li> <li>9. Public trails, natural areas, open space, future park sites, and similar public or special district owned minimal improvements.</li> <li>10. Public college or university.</li> </ol>	<ol style="list-style-type: none"> <li>11. Accessory uses and buildings customarily used to support a permitted use or an approved conditional use. (CU)</li> <li>12. Minor repairs and maintenance to any permitted or conditional use.</li> <li>13. Parking lots and parking areas to serve a permitted or conditional use.</li> <li>14. Public utility maintenance facilities and operation yards with outdoor storage of materials and supplies.</li> <li>15. Public ball fields, sports complexes, and similar outdoor recreational areas that have night lighting and/or amplified sound systems. (CU)</li> <li>16. Permanent outdoor facilities for performance of music, theater, and similar community events that have night lighting and/or amplified sound systems. (CU)</li> </ol>
<p><b><i>Conditional Uses (CU) are subject to approval as provided in Chapter 17.56</i></b></p>	

**17.36.020 Conditional uses.**

A. Conditional uses require approval as provided in Chapter 17.56. Any physical change in an approved conditional use shall require approval of an amended conditional use permit in accordance with the procedures set forth in Chapter 17.56. All conditional uses shall require continuing compliance with terms of conditional use and approved site plan, if any.

B. Conditional uses which may be allowed are:

1. Necessary traffic directional or similar public service signs that exceed four square feet.
2. Illuminated public service signs.

**17.36.030 Yards, Minimum Building Setbacks.**

No building shall be located closer than forty (40) feet from a right-of-way or from any side or rear property line. The setback requirement may be decreased to a minimum of zero (0) feet at the discretion of the Council if it finds that a lesser setback would not adversely impact surrounding properties and would promote orderly development.

**17.36.040 Height Restrictions.**

Maximum building or structure height shall be twenty two (22) feet for plat roofs or mansard roofs or other structures, and thirty (30) feet for gable, hip or gambrel roofs, as "height of building or structure" is defined in Section 17.04.040, when measured from the average grade of the industrial lot or parcel of land.

**17.36.050 Open Space and Building Coverage.**

No requirements, except as provided in Section 17.36.030.

**17.36.060 Water regulations.**

Before any dwelling, or other building to be used by humans, is occupied, it shall be connected to the established, Deschutes Valley Water supply system.

**17.36.070 Fences and walls.**

Security fencing or retaining walls may be required, as determined during the site plan review process as provided in Chapter 17.48, to protect the health, safety and general welfare.

**17.36.080 Access.**

Vehicular and pedestrian access shall be from a dedicated and improved public street other than an alley.

**17.36.090 Sanitation regulations.**

Before any building or structure is occupied, it shall be connected to the City sanitary sewer system.

**17.36.100 Parking regulations.**

One parking space for each on thousand (1,000) square feet of public use open space area, plus one parking space for each one hundred fifty (150) square feet of office and public use floor area shall be required. The Planning Commission shall review each open space/public facilities proposal, during the site plan review process as provided in Chapter 17.48 and may increase or decrease the requirements as permitted by Chapter 17.48.

**17.36.110 Foundation requirements.**

- A. Buildings Exceeding One Hundred Twenty (120) Square Feet in Floor Area. Every building exceeding one hundred twenty (120) square feet in floor area shall be placed upon a concrete slab or permanent and continuous excavated and back filled foundation of block or concrete construction, constructed in accordance with the current Uniform Building Code of Oregon, and enclosed at the perimeter with no more than twelve (12) inches of the slab or foundation exposed above grade. (Not applicable to decks or patios.)
- B. Time Limit to Complete Foundation, Etc. The required concrete slab or permanent foundation shall be completed prior to the issuance of the final permit inspection, use or the date of the written notice by the City to the owner of record at the address shown on the tax assessor's records, if required, whichever is later.

(Ord. 242, 2007)

**SUPPLEMENTAL DESIGN AND USE REGULATIONS**

**Sections:**

17.40.010	Maintenance of Minimum Requirements of this Chapter.
17.40.020	General Provisions.
17.40.030	General Provisions Regarding Accessory Use.
17.40.040	Regulate Fences, Walls and Plants(ings) for Safety.
17.40.050	Vision Clearance.
17.40.060	Sign Regulations.
17.40.070	Historic Structure Preservation.
17.40.080	Access and Circulation.
17.40.090	Moving Buildings.
17.40.100	Satellite Receiving Antenna.
17.40.110	Minimum Standards for the Construction or Alteration of Service Stations.
17.40.120	Service Station Abandonment.
17.40.130	Manufactured Dwelling Park Design and Improvement Standards.
17.40.140	Landscaping Requirements.
17.40.150	Home Occupations.
17.40.160	Temporary Use Permits.

**17.40.010 Maintenance of Minimum Requirements of this Chapter.**

No lot of parcel area, yard, or other undeveloped area existing on or after the effective date of the ordinance codified in this Chapter shall be reduced below the minimum required for it by this Chapter, and no lot or parcel area, yard or other open space which is required by this Chapter for use shall be used as the required lot or parcel area, yard, or other open space for another use.

**17.40.020 General Provisions.**

- A. Must Conform to Laws. All building, structures, utilities, lots and tracts shall conform to this Chapter, and to applicable provisions of the current Uniform Building Code of Oregon, any other applicable codes of the City of Metolius, of Jefferson County, of the State of Oregon, and of the United States of America.
- B. Occupancy Permit Required. Before any building designed or intended for use by humans may be used, an occupancy permit issued by an approved and authorized building inspector is required, and a copy shall be furnished to the City Recorder.
- C. Manufactured Homes. Every manufactured home shall comply with the provisions of Chapter 17.16.170(B) or (C), as applicable.



- D. Other Buildings. Buildings other than manufactured homes in manufactured home parks that exceed one hundred twenty (120) square feet in floor area shall be placed upon a concrete slab or permanent and continuous excavated and back-filled foundation of block or concrete construction, constructed in accordance with the current Uniform Building Code of Oregon, and enclosed at the perimeter with no more than twelve (12) inches of the slab or foundation exposed above grade. (Not applicable to decks or patios.)
- E. Garage or Carport Required. Every detached and attached single-family and duplex dwelling shall have a garage or carport of a minimum size of ten (10) feet by twenty (20) feet with exterior materials matching the residence building.
- F. No Bare Metal Siding or Roofing Allowed. No building or other structure in residential or industrial zones shall have bare metal siding or roofing. Baked enamel. Vinyl or painted surfaces shall be required.
- G. Clean-Up Requirements and Time Limit for Completion. Within ten (10) working days after a building or other structure is completed and put into use:
1. Construction Materials, Debris, Etc. All scrap lumber, trash, debris, and other materials and equipment used in completing the dwelling or other structure or facilities shall have been removed from the premises.
  2. Holes, Underground Structures and Utilities, Excavations, Etc. All holes, under-ground structures and utilities, excavations, etc., shall be filled to the rough grade level as indicated in the building permit.

#### **17.40.030 General Provision Regarding Accessory Use.**

An accessory use shall comply with the requirements for a principal use except that additional standards for accessory uses may be required by this Chapter.

#### **17.40.040 Regulate Fences, Walls and Plants(ings) for Safety.**

##### **A. Fence Regulations.**

1. Workmanship and Materials. All fences must be constructed in a workmanlike manner of attractive and properly finished materials. Fences will be maintained in such a manner that will not be offensive or obnoxious to the neighborhood.
2. Maximum Height or Special Permit Requirements. Fences located on or along any property line shall not exceed a vertical height of six feet above existing natural grade at time of erection and/or construction, except as permitted by variance procedures outlined in Chapter 17.52. Fences within front yards, including along side lot lines, within front yard setbacks, shall not exceed a vertical height of four (4) feet above existing natural grade.

3. Clear Vision at Corners Required. Any fence located within the triangular area described in Section 17.40.050 of this section shall be of open type construction and not exceed 36 inches in height, to permit clear vision across said triangular area.
4. Use of Barbed Wire Requires Special Permit. Fences shall not utilize barbed wire in any way or fashion except as permitted by special permit.
  - a. The special permit for barbed wire may be granted by the City Council upon approval of the application made by the property owner citing, as reason, the necessity for use of barbed wire in providing "security" for the affected property, and then only when evidence submitted by the property owner clearly supports the need cited in the application.
  - b. Permitted barbed wire shall be added to the top of another fence of at least six feet in height above the existing natural grade.
  - c. And, provided such addition of barbed wire would not, solely in the opinion of the City Council, infringe the public safety and welfare or the individual rights of any adjacent property owner.
  - d. Special permits required by this section shall be revocable by the City Council on ten (10) working days' notice, mailed to the property owner at his last address on record in City files, and such notice may require removal within the number of days specified by such notice.
5. Electric Fences Restricted. Fences charged with electricity shall not be allowed except under the following circumstances.
  - a. When located on private property a minimum of three feet inside a property line bounded by another fence or hedge, or more than fifty-four (54) inches above the existing natural grade on the inside of another fence;
  - b. When powered by a commercially manufactured charger approved by the Underwriters Laboratories, and rated and operated at no more than two and one-half watts, one hundred ten (110) volts, and when said charger is located inside a building or other structure, and is fused as specified by the manufacturer and local electrical code; or
  - c. When powered by a commercially manufactured charger rated and operated at no more than manufacturer's specifications when attached to a single six or twelve (12) volt battery, and when said charger and battery are located inside a building or other structure and is fused as specified by the manufacturer and local electrical code.

- d. The charged wire shall be smooth and free of all barbs or other sharp ends, and signs advising and warning the public that an electrically charged fence is in use shall be prominently displayed at the property lines.

**B. Plants, Shrubs, Trees, Hedges, and any Other Vegetation.**

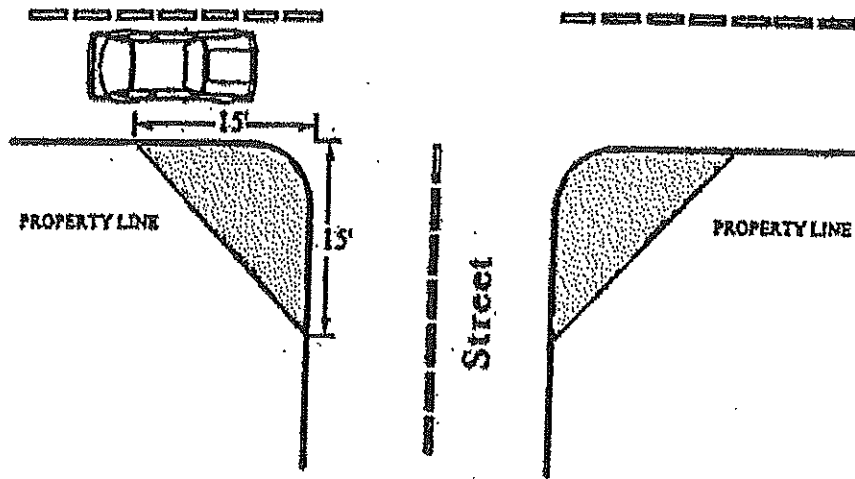
1. Clear Vision Requirements. Plants, shrubs, hedges. And any other vegetation having their location within, or any part hanging over the triangular area described in Section 17.40.050 of this section shall not be allowed to exceed thirty (30) inches in height above the existing natural grade, unless such planting shall permit a clear and mostly unobstructed view from the top of the thirty (30) inches maximum height to a vertical height of eight feet or more above the existing natural grade.
2. Other Restrictions. Plants, shrubs, trees, hedges, and any other vegetation having their location outside, and not in any way hanging over the triangular area described in Section 17.40.050 of this section, shall be unrestricted except when they, in fact, infringe the public safety and welfare, as supported by formal complaint, investigation, and subsequent citation authorized by the City Council.

**17.40.050 Vision Clearance.**

- A. Clear Vision Area Described. The triangular area referred to in subsections A and B of this section shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street for a distance of not less than fifteen (15) feet (or where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured) and the third side of which forms a complete triangle across the corner of the lot joining the nonintersecting ends of the other two sides.

(Vision Clearance Areas shown on next page)

*Figure 17.40.050 – Vision Clearance Areas*



- B. Corner properties in the Main Street Commercial Zone. Structures or buildings located on corner properties in areas zoned for main street commercial use may be located within thirty (30) feet of a property line adjacent to a public or private street or driveway, provided there is a clear vision area from ground level to a minimum vertical height of eight feet over the triangular area illustrated in Figure 17.40.050.
- C. Sight Obstructions Forbidden. Nothing in this Chapter shall be deemed to permit a sight obstruction within any required yard area at a street intersection, which interferes with the view of operations of motor vehicles on the streets to such an extent as to constitute a hazard to drivers, pedestrians, or bicycles.
  1. Authority to Order Removal or Modification. If the City finds a sight obstruction within any required yard area at a street intersection, which interferes with the view of operations of motor vehicles on the streets to such an extent as to constitute a hazard to drivers, pedestrians, or bicyclists, the City shall have the authority to order in writing the removal or specific modification of any such obstruction within ten (10) working days.
    - a. The order shall be effective upon delivery of the notice to remove or modify the obstruction.

- b. Said notices shall be in writing and may be given by certified letter, receipt requested, addressed to the owner at the address indicated in the records of the Jefferson County tax assessor.
  - c. The ten (10) day period shall run from the date of delivery of such notice.
2. Appeal of Order to Remove or Modify. Such decision by the City may be appealed in writing to the City Council as provided in Section 17.08.030.
- D. Failure to Remove or Modify. It is unlawful for any owner of such real property, within which such obstruction has been found, to fail to remove or modify the obstruction within ten (10) working days after receiving the notice to remove or modify; or, if appealed, within ten (10) working days after the final decision of the City Council ordering removal or modification. The penalty for failure to comply with an order shall be a fine and/or lien on the subject property for the purpose of abating the violation. The City Attorney or Police Chief, as designated by City Council, shall be responsible for enforcing the provisions of this code.

#### **17.40.060 Sign Regulations.**

- A. Residential (R-1), Mobile Home Residential (R-2), Multiple-Family Residential (R-3), and Open Space/Public Facilities (O/S) Zones. Signs erected in all zones except commercial and industrial shall meet the following standards:
1. Size. Maximum size shall be four square feet except that in the Open Space/Public Facilities Zone a larger size may be allowed as a conditional use and a larger identification sign as permitted in subsection A3 may be allowed as a conditional use.
  2. Illumination. None allowed, except that in the Open Space/Public Facilities Zone an illustrated sign may be allowed as a conditional use and an illuminated identification sign as permitted in subsection A3 may be allowed as a conditional use.
  3. Identification Signs. A subdivision planned unit development, or mobile home park may, as a conditional use, have one identification sign at its entrance. The sign can only be used to identify the subdivision, planned unit development, or mobile home park. The sign must be permanently mounted, cannot exceed 32 square feet, and the top of the sign cannot be more than six feet above ground level. The sign must be made of quality materials, approved by the Council, that will withstand weathering. The homeowners' association or property owner must enter into an agreement with, and acceptable to, the City for the maintenance of the sign. At the discretion of the council and provided there are no adverse impacts to surrounding residents, property owners, of vehicle traffic, the sign may be illuminated.

- B. Commercial (C-1) and Industrial (M-1) Zones. Signs over four square feet to be erected in the commercial and industrial zones shall be reviewed by the Planning Commission, and shall meet the following standards:
1. Size. The total area of a combination of signs shall not exceed one hundred fifty (150) square feet.
    - a. Freestanding. Fifty (50) square feet, placed not to exceed twenty (20) square feet above adjacent street grade.
    - b. Flush-Mounted to Structure or Building. One hundred (100) square feet, placed not to exceed the height of the structure or building.
  2. Illumination Types Prohibited. Signs prohibited: any flashing, moving, animated blinking or rotating sign whose illumination changes with time, or which is designed in a manner to simulate motion; time and temperature signs excluded.
  3. Sign Location Restrictions. No sign shall project more than two feet into a required yard or public right-of-way nor, when projecting more than four inches into said right-of-way, be placed less than ten (10) feet above ground level of such right-of-way.
  4. Exempted Signs. Necessary traffic directional or similar public service signs are excluded from these provisions. (Ord. 194 § 4.6, 1995), (Ord. 244 § 17.04.060, 2008)
- C. Open Space/Public Facilities Zone. Signs that exceed the standards in Section A of this Chapter shall require conditional use approval as provided in Chapter 17.56.
1. Any physical change in a approved conditional use shall require approval of an amended conditional use permit in accordance with the procedures set forth in Chapter 17.56. All conditional uses shall require continuing compliance with terms of conditional use and approved site plan, if any.
  2. Conditional uses that may be allowed are:
    - a. Necessary traffic directional or similar public service signs that exceed four square feet.
    - b. Illuminated public service signs.

### 17.40.070 Historic Structure Preservation.

A. Application for Demolition or Major Exterior Alterations. No historic site, structure, or object, as designated by the comprehensive plan, may be demolished, nor may major exterior alterations be made thereto, without an application and procedure complying with this Chapter. Upon receiving an application for demolition or major exterior alterations involving an historic area, site, structure or object, the Planning Commission, in a public meeting, shall review the application to determine its conformance with the historic preservation criteria of this Chapter.

B. Demolition or Exterior Modification Procedure.

1. Review Requirements. If it is determined the land use action will result in the demolition or exterior modification of any historical building, the Planning Commission shall review the application, taking into account the following:

- a. State of repair of the building.
- b. The reasonableness of the cost of restoration or repair.
- c. The purpose of preserving such designated historical building and site.
- d. The character of the neighborhood.
- e. All other factors the Planning Commission feels are appropriate.

2. Action Available to Planning Commission. Following the Planning Commission review, the Planning Commission may recommend approval, approval with conditions or denial of the permit for land use action, or delay action for sixty (60) working days to allow cognizant agencies or other cognizant parties to explore alternatives. If no suitable alternatives are available, the permit may be issued. The Planning Commission, upon finding significant progress is being made toward preserving the structure, may extend the delay for an additional thirty (30) working days, as deemed necessary by the Planning Commission.

C. Major Exterior Alteration Procedure.

1. Exterior Alteration Requirements. Exterior alterations shall be in accordance with the following:

- a. Upon receipt of an application for a major exterior alteration of an historic structure listed in the comprehensive plan, the Planning Commission, in a public meeting, shall review the proposed alteration to determine if the resource's historical significance will be altered. This review shall be based on the criteria for determining historical significance contained in the Comprehensive Plan.

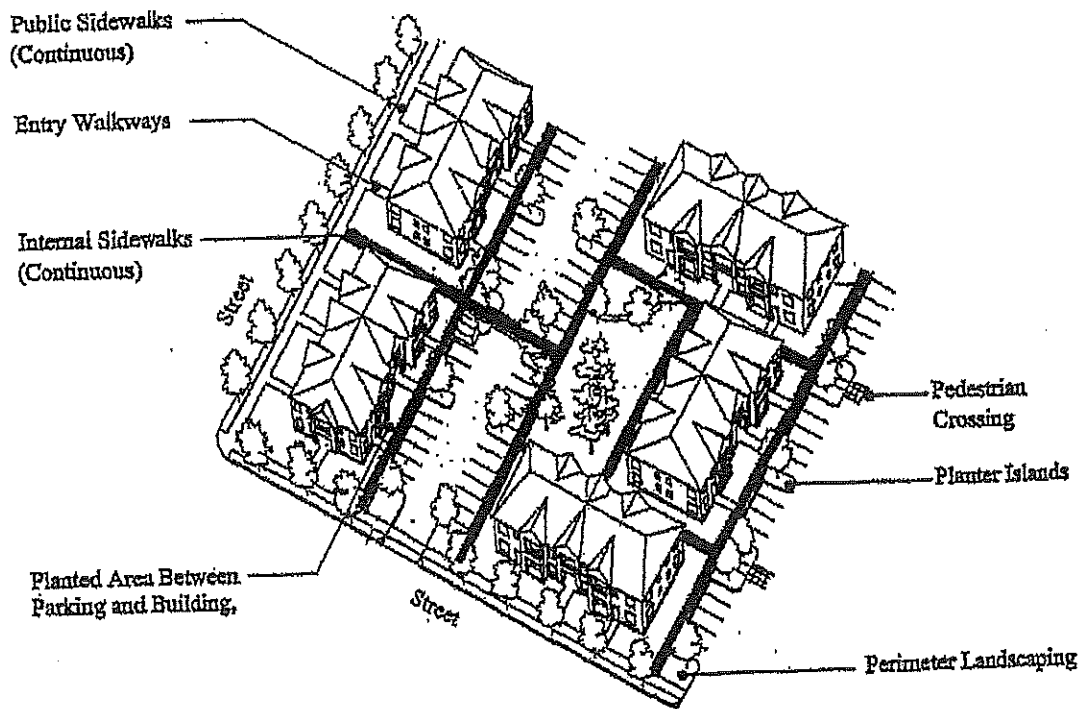
- b. Major exterior alterations, as defined by this section, include any change or alteration of a facade, texture, design, materials, fixtures or other treatment.
  - c. All applications for major exterior alteration shall be accompanied by plans and specifications of the proposed alteration. The Planning Commission may request additional sketches and other information deemed necessary to make an informed decision.
  - d. In order to recommend approval of the application, the Planning Commission shall find the alteration harmonious and compatible with the resource with respect to style, scale, texture and construction materials, and/or find the alterations will enhance the historical value of the resource. Conditions may be attached to the approval if the Planning Commission deems it necessary to achieve the above objectives. The Planning Commission shall disapprove the request if the proposal would reduce the resource's value or historic significance.
2. Conditions Which May be Attached are Limited. Conditions attached to a permit for major exterior alteration of an historic structure shall be limited to permit requirements addressing architectural design, surface texture, materials, fixtures or other facade or surface treatments which are deemed inconsistent with the integrity of the historic values being preserved.
3. Requirements Restricted. The Planning Commission shall not make any recommendations of requirement except for the purpose of preventing developments out of character with the historic aspects of the resource.
- D. Maintenance or Repair. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change of design, or the construction, or alteration of such feature which the building inspectors certify is required by the public safety because of unsafe conditions.

#### **17.40.080 Access and Circulation.**

All developments shall comply with the vehicle access and circulation standards contained in Chapter 16, Section 12. Additionally, all of the following standards for pedestrian access and circulation shall be met:



Figure 17.40.080A – Pedestrian Pathway System (Multifamily Development Example)

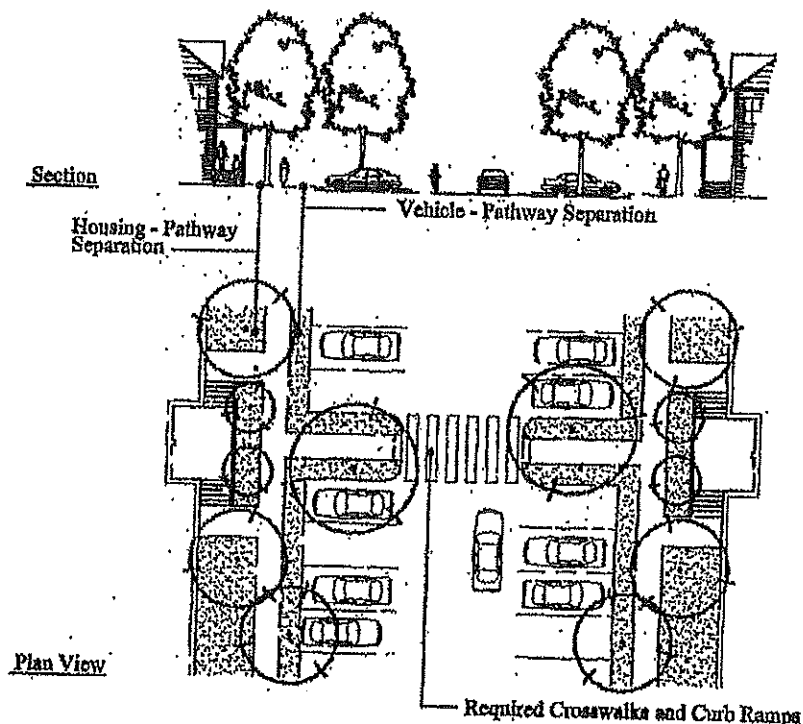


A. Pedestrian Access and Circulation. To ensure safe, direct and convenient pedestrian circulation, all developments, except single family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections 1-3, below:

1. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Chapter 16.
2. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
  - a. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

- b. Safe and Convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
  - c. For commercial, industrial, mixed use, public, and institutional buildings, the “primary entrance” is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
  - d. For residential buildings the “primary entrance” in the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway, which serves as a common entrance for more than one dwelling.
3. Connections within Development. Pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.

Figure 17.40.080B – Pathway Standards (Typical)



B. Design and Construction. Pathways shall conform to all the standards in 1-5:

1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
2. Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground floor, except at building entrances. Separation is measured as measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Section 17.40.140. No pathway/building separation is required for commercial, industrial, public, or institutional uses.
3. Crosswalks. Where pathways cross a parking area, driveway, or street, they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application.
4. Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry paves, or other durable surface, at least 5 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 10 feet wide.
5. Accessible Routes. Pathways shall comply with the federal Americans with Disabilities Act, which requires accessible routes of travel.

**17.40.090 Moving Buildings.**

- A. Move Must Conform to Laws. No building or structure shall be moved from, within or into the City without conforming to this Chapter, to the building code, and to other applicable codes of the City of Metolius, Jefferson County, State of Oregon, and the United States of America.
- B. Moving Permit Required. Prior to moving the building or structure, a moving permit shall be obtained from the City.
- C. Additional Requirements.
  1. Within Ninety (90) Days. Within ninety (90) days after a building has been moved onto a lot within the City.
    - a. The building shall have been placed upon its foundation in accordance with the building code.

- b. All sanitation facilities shall have been completed to the satisfaction of the City.
  - c. The building shall have been so remodeled and redesigned as to meet requirements of the building code.
  - d. All scrap lumber, trash, debris, and other materials including timbers and equipment for the moving of said building shall have been removed from the premises.
  - e. All holes, underground structures and excavations shall be filled to the rough grade level as indicated in the building permit.
2. Building Occupancy Prohibited. No building shall be occupied until all the above requirements have been met.
3. While Moving is in Progress. While moving is in progress, the owner of said building shall at all times protect the same from damage and protect passersby and citizens of the City from injury due to condition of the building or property to or from which the building was moved.
4. Leaving Building on Streets Restricted. No building shall be left on the streets of the City after sunset unless the owner thereof, with written authorization by the City, shall provide warning lights (or flares) and a night watchman for protection of the citizens using said street.
5. Clean-Up Requirements. Within ten (10) working days after a building is moved:
- a. The lot from which the building was moved shall be cleared of all debris including pipe, concrete, scrap lumber, and other materials that may cause a health hazard or nuisance or constitute a danger.
  - b. The lot to which the building is moved shall be cleared of all debris including pipe, concrete, scrap lumber, and other materials that may cause a health hazard or nuisance or constitute a danger.
  - c. All basements, abandoned septic tanks and wells shall be filled with earth, except that upon written application made to the Planning Commission, the City Council may give permission for useful basements or other structures to remain, provided the same are fenced or left open only for such period of time as the Council may allow.

### 17.40.100 Satellite Receiving Antenna.

#### A. Placement.

1. Must be Screened from View. Satellite receiving antennae having a diameter or largest linear dimension of three feet, or more shall be placed in such a manner as to be screened from view from the public right-of-way, excepting alleys, by a building, sight-obscuring fence, dense landscape buffer or any combination thereof.
2. Height Restricted. No satellite receiving antennae may be placed at a height in excess of the building height of the applicable zone.

- B. Placement in Zoning Districts with No Yard/Setback Area. The placement standards may be adjusted through the variance process when a finding can be made that placement in compliance is not possible because of lack of yard/setback area.

### 17.40.110 Minimum Standards for the Construction or Alteration of Service Stations.

Any service station (i.e., gas station or gas station/convenience store) that is constructed or undergoes major alteration after the effective date of the ordinance codified in this Chapter shall conform to the following standards:

- A. Location. No portion of any service station shall hereafter be constructed within one thousand five hundred (1,500) feet of any part of a building housing another service station, except where such other service station is abandoned and subject to removal under Section 17.40.120.

- B. Minimum Lot Size. The minimum lot size for a service station site shall be ten thousand (10,000) square feet on a corner lot and twelve thousand (12,000) square feet on any other lot.

#### C. Minimum Street Frontages.

1. The minimum street frontage of a corner lot shall be one hundred (100) feet.
2. The minimum street frontage on other than a corner lot shall be one hundred twenty (120) feet.

- D. Minimum Lot Depth. The minimum lot depth shall be one hundred (100) feet.

- E. Minimum Setbacks. The service station and any attached or freestanding canopies on the service station property shall be set back not less than ten (10) feet from any property line.

F. Minimum Screening Requirements.

1. When property used for a service station abuts property used for residential purposes, there shall be placed along the boundary between the residential property and the service station a solid wall or fence six feet high or as an alternative, an evergreen hedge at least four feet high and capable of attaining a height of six feet.
2. Any area used for the storage of trash or other waste shall be screened by a solid wall or fence that prevents the objects for being visible from any public street or sidewalk.

G. Landscaping. As a general guideline, there shall be landscaping on at least ten (10) percent of the service station lot. Landscaping shall require review and approval during the site plan approval process as provided in Chapter 17.48 and may be increased or decreased as the site plan committee deems necessary.

H. Lighting.

1. Lighting shall be of such illumination, direction, color and intensity as not to create a nuisance on adjacent property or to create a traffic hazard.
2. Wiring for the business and its sign and outdoor light fixtures shall be underground.

I. Permitted Activities. A service station's principal use shall be the retail dispensing of motor vehicle fuels and lubricants, and may engage in the following activities, which shall be incidental to its principal use:

1. The sale and installation of motor vehicle accessories.
2. Motor vehicle repairs.
3. Sale of food, beverages, and convenience items.
4. Any other sale, service or activity customarily provided by service stations.

**17.40.120 Service Station Abandonment.**

- A. When Abandonment Occurs. Whenever a service station is not in use as a service station for a continuous period of twelve (12) months, all structures and facilities above and below the ground located on the lot which were connected with the operation of the service station shall be removed, unless said structures are converted to another use as allowed by the underlying zone.
- B. Minimum Operation to Avoid Abandonment. Operation for at least ninety (90) consecutive working days shall be required to interrupt a continuous twelve (12) month period.

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- C. Abandoned Service Stations Declared a Nuisance. All service stations which are not in use as a service station for a continuous period of twelve (12) months are declared to be nuisance and subject to abatement and penalty as provided in this Chapter and other applicable ordinances of the City.
- D. Fixing Responsibility for Compliance with Ordinance. It shall be the responsibility of the owner of the improvements to comply with all provisions of this Chapter. In the event that the owner of said real property fails to comply, the City may remove the improvements and make the costs of said removal a lien against the property.
- E. Inspections. The City shall make periodic inspections of the service station, and when a service has been found not to be in use as a service station for a period of twelve (12) consecutive months, the following persons shall be notified of the requirements to be met under this Chapter:
1. The owner of record of the real property.
  2. The oil company(ies) that last supplied petroleum products to the station.
  3. The last operator of the station.
- F. Notice and Abatement. The following shall be satisfactory notice under this section:
1. Notice Shall be Posted in the Property. A notice shall be prominently posted on the premises where the station is located.
  2. Copy of Notice Shall be Mailed. At the time of posting, the City Recorder shall cause a copy of the notice to be forwarded by registration or certified mail, postage prepaid, to the persons identified in subsection E of this section.
  3. Content of Notices. The notice shall direct the owner or person in charge of the station to comply with the directives of this Chapter. The notices shall contain:
    - a. A description of the real property, by street address or otherwise, on which the service station is located.
    - b. A description of the removal work necessary to comply with this Chapter.
    - c. A direction to comply with the requirements contained in said notice within thirty (30) working days from the date of notice.
    - d. A statement that failure to perform as required by this Chapter may result in penalty and/or abatement as provided in Section 17.08.090, or in court prosecution, and that unless the required work is done, the City may cause the work to be done and the cost thereof shall be a lien against the property.
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- e. A statement that the owner or other person in charge of the property may appeal the directives contained in the notice by notifying the City Recorder in writing within ten (10) working days from the date of the notice.
- 4. City Record Keeping. Upon completion of the posting and mailing, the person posting and mailing the notice shall execute and file a certificate stating the date and place of mailing and posting.
- 5. Posted Notice Sufficient. An error in the name or address of the owner or person in charge of the property, or the use of a name other than that of the owner or such other person, shall not make the notice void, and in such a case, the posted notice shall be sufficient.
- 6. Appeal. An order of the City may be appealed within fifteen (15) working days after date of the notice required by this section.
  - a. Written notice of the appeal shall be filed with the City Recorder.
  - b. If the appeal is not filed within the fifteen (15) day period, the decision shall be final.
  - c. If a timely appeal is filed, the City Council shall receive the decision and findings and shall conduct a public hearing on the appeal as provided in Section 17.08.050.
  - d. The appellant shall be granted a hearing before the City Council as provided in Section 17.08.050, and action taken by the City Council after the hearing shall be final.

**17.40.130 Manufactured Dwelling Park Design and Improvement Standards.**

Manufactured dwelling parks shall require Site Plan Review approval and shall comply with the provisions of Chapter 17.16.170.

**17.40.140 Landscaping Requirements.**

- A. Developed Site Area. For purposes of this section, “developed site area” means the square footage of the area indicated on the site plan minus the ground floor area of the building (s), including accessory structures. At a minimum, the area indicated on the site plan shall include the area required for parking, ingress and egress, setback areas, and other areas that may be required as a condition of site plan approval, which are part of the ownership.
- B. Standards for Landscaping Materials. Where landscaping is required, the materials used are subject to the following provisions:
  - 1. Allowable Materials. Landscaping shall include some combination of the following materials, where appropriate, to achieve the intended or required purpose of the landscaping (e.g., screening, etc.):



- a. Trees, shrubs, ground cover, vines, flowers or grass lawns.
  - b. Natural features, such as rock or stone outcrops.
  - c. Structural features including fountains, pools, artwork, walls and fences.
2. Excluded Materials. Landscaping proposed to satisfy the requirements of this Chapter in locations abutting existing public or private under or above-ground electrical lines, cables parking and turnaround areas, drainage improvements, or adjacent structures, foundations or landscape materials, shall not include plant materials which have root structures or branching habits which in their mature state may damage or interfere with the normal use of public facilities and utilities.
- C. Minimum Area Requirement-New Construction. Landscaping shall be provided as follows:
1. Industrial Uses. Five (5) percent of the developed site area.
  2. Commercial Use Types. Ten (10) percent of the developed site area.
  3. Open Space/public use. Ten (10) percent of the developed site area.
  4. Residential, Manufactured Dwelling Parks and Multifamily Uses. Twenty (20) percent of the developed site area.
- D. Minimum Area Requirements – Additions. Additions to existing structures that require landscaping, and which represent greater than fifty (50) percent of the floor area of the primary structure, shall provide landscaping as follows:
1. Industrial Uses. Five (5) percent of the addition's total square footage;
  2. Commercial Use Types. Ten (10) percent of the addition's total square footage;
  3. Open Space/public facilities. Ten (10) percent of the addition's total square footage;
  4. Manufactured Dwelling Parks, Residential Uses. Ten (10) percent of the addition's total square footage.
- E. Street Trees.
1. Plantings. Street trees shall be planted in planter strips on all streets in accordance with the City of Metolius Public Works Standards and in Chapter 16. Planting of unimproved or substandard existing streets shall be deferred until the construction of sidewalks.
  2. Growth Characteristics. Trees shall be selected based on Ordinance 236, 2006. The following should guide tree selection:

- a. Provide a broad canopy where shade is desired.
  - b. Use low-growing trees for spaces under utility wires.
  - c. Select trees that can be “limbed-up” where vision clearance is a concern.
  - d. Use narrow or “columnar” trees where awnings or other buildings features limit growth, or where greater visibility is desired between buildings and the street.
3. Caliper Size. The minimum caliper size at planting shall be two (2) inches, based on the American Association of Nurserymen Standards.
  4. Spacing and Location. If a planter strip is provided, street trees shall be planted within the planting strip. If a planter strip is not provided, trees shall be planted behind the sidewalk or in sidewalk tree wells. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with clear vision requirements, existing trees, retaining walls, utilities and similar physical barriers.
  5. Soil Preparation, Planting and Care. The developer shall be responsible for planning street trees, including soil preparation, ground cover material, skating, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting.
  6. Assurance. The City shall require the developer to provide a performance and maintenance bond in an amount determined by the City Engineer, to ensure the planting of the tree(s) and care and any necessary tree replacement during the first two years after planting.
- F. Installation. Required landscaping shall be installed prior to occupancy. Extensions of time may be granted by the City if good faith efforts are being made to complete the required work and the developer provides a bond to the City to cover the cost of required landscaping.
  - G. Maintenance. All required planting shall be maintained in good condition by the adjacent property owner, and in any case where a required planting has not survived, shall be replaced as soon as is practical with new plant materials similar to those which died.

#### **17.40.150 Home Occupations.**

When allowed under Conditional Use Permit and Business Licenses, home occupation shall be subject to the following standards:

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A. Appearance of Residence:

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

B. Storage:

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

C. Employees:

1. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one 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.
2. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.
3. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

- D. Advertising and Signs: Signs shall comply with the provisions of Section 17.40.060. In no case shall a sign exceed the Residential District standard of four (4) square feet per side (e.g., two (2) feet by (2) feet). Signs mounted onto vehicles (except magnet-type signs) shall not be permitted.
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E. Vehicles, Parking and Traffic:

1. One commercially licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a side that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
2. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 6 p.m. to 8 a.m.
3. There shall be no more than one client or customer's vehicle at any one time and no more than eight per day at the home occupation site.

F. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8 a.m. to 6 p.m. only, subject Sections A and B, above.

G. Prohibited Home Occupation Uses:

1. Any activity that produces radio or TV interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line is prohibited.
2. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business are allowed subject to A-F, above.
3. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:
  - a. Ambulance service.
  - b. Animal hospital, veterinary services, kennels or animal boarding.
  - c. Auto and other vehicle repair, including auto painting.
  - d. Sale, repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.
4. Any activity for which the structure does not meet Uniform Building Code requirements (e.g., welding).

- H. Enforcement: The City Police Officer or designee may visit and inspect the site of home occupations in accordance with this Chapter periodically to insure compliance with all application regulations, during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with the provisions of Section 18.08.090.

#### **17.40.160 Temporary Use Permits.**

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. Two types of temporary uses require permit approval using the Site Plan Approval procedure in Chapter 17.48:

- A. Seasonal and Special Events. These types of uses occur only once in a calendar year and for no longer a period than 30 days. The planning Commission shall recommend approval, approval with conditions or denial of a temporary use permit based on findings that all of the following criteria are satisfied:

1. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval).
2. The applicant has proof of the property-owner's permission to place the use on his/her property.
3. No parking will be utilized by customers and employees of the temporary use that is needed by the property owner to meet their minimum parking requirement under Chapter 17.44.
4. The use provides adequate vision clearance, as required by this Chapter, and shall not obstruct pedestrian access on public streets.
5. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by this Chapter.
6. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use.
7. The use is adequately served by sewer and water, if applicable. (The applicant shall be responsible for obtaining any related permits.)

- B. Temporary Sales Office or Model Home. The Planning Commission shall recommend approval, approval with conditions or denial of an application for the use of any real property within the City as temporary sales office for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, but for no other purpose, based on the following criteria:

1. Temporary sales office:
  - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold.
  - b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.
  - c. The sales office shall be removed no later than 60 days after closing in the sale of the last lot or house within the subdivision.
2. Model house:
  - a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated.
  - b. The model house shall be designed as a permanent structure that meets all relevant requirements of this code and other applicable laws.
- C. Temporary Building. The Planning Commission shall recommend approval, approval with conditions or denial of an application for a temporary trailer or prefabricated building for use on any real commercial or industrial property within the City as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, based on following criteria:
  1. The temporary trailer or building shall be located within the boundaries of the parcel of land on which it is located.
  2. The primary use on the property to be used for a temporary trailer is already developed.
  3. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by this Chapter.
  4. There is adequate parking for the customers or users of the temporary use as required by Chapter 17.44.
  5. The use will not result in vehicular congestion on streets.
  6. The use will pose no hazard to pedestrians in the area of the use.

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7. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use.
  8. The building complies with applicable building codes.
  9. The use can be adequately served by sewer and water, if applicable. ( The applicant shall be responsible for obtaining any related permits.)

The length of time that the temporary building will be used shall not exceed twelve (12) months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit.

(Ord. 242, 2007)

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## OFF-STREET PARKING SPACES AND LOADING FACILITIES

### Sections:

- 17.44.010 Compliance with title.
- 17.44.020 Required off-street parking spaces.
- 17.44.030 Parking facilities for the physically disabled.
- 17.44.040 Required loading facilities.
- 17.44.050 Parking design standards.
- 17.44.060 Parking lot construction.
- 17.44.070 Parking uses not identified in the Table of Off-Street Parking Requirements.
- 17.44.080 Designated improvements standards for parking lots of four or more spaces.
- 17.44.090 Off-street loading requirements.
- 17.44.100 Bicycle Parking Requirements.

### 17.44.010 Compliance with title.

No parking or lading area, or parking spaces provided for the purpose of complying with the provisions of this title shall hereafter be eliminated, reduced, or converted in any manner below the requirements established in this title, unless equivalent facilities are provided elsewhere in conformity with the provisions of this section.

- A. Eligibility of Street Parking Spaces. Parking spaces in a public street including an alley, shall not be eligible as fulfilling any part of the parking requirements.
- B. Computation Rule for More than One Use in a Structure. In the event that several uses occupy a single structure or parcel of land, the total requirements of off-street parking shall be the sum on the requirements of the several uses computed separately.
- C. Shared Parking Facilities. Required parking facilities of two or more uses, structures or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that it can be shown by the owners or operators that the need for the facilities does not materially overlap (e.g., uses primarily of a daytime vs. nighttime nature), and provided that such right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing such joint use.
- D. Computation Rule for Fractions. If after calculating the number of required off-street parking spaces, a quotient is obtained containing a fraction of one-half or more, an additional space shall be required; if such fraction is less than one-half it may be disregarded.
- E. Computation Rule Based on Number of Employees. When the parking requirement is based on the number of employees, the number of spaces shall be based on the number of working persons typically engaged in the specified activity on the lot during the largest shift of the peak season.



- F. Computation Rule Based on Number of Seats. When the parking requirement is based on the number of students, the number of spaces shall be based on the entire occupant load of the structure regardless of the number of students in attendance.
- G. Computation Based on Number of Students. When the parking requirement is based on the number of students, the number of spaces shall be based on the entire occupant load of the structure regardless of the number of students in attendance.
- H. Non-specified Number if Parking Spaces. When a required number of parking spaces is not specified for a particular use or facility, the planning department shall recommend a number of parking spaces or loading berths based on a determination of the traffic generation of the activity, the amount of frequency of loading operations thereof, the time of operation of the activity, their location, and such other factors as affect the need for off-street parking or loading. Any such determination shall be subject to appeal pursuant to the appeal procedures as defined in Section 17.08.030.

#### **17.44.020 Required off-street parking spaces.**

Off-street parking with adequate provision for safe ingress and egress shall be provided for the various uses defined in this title. Standards for number of required parking spaces are presented in the Table 17.44.020A – Off-Street Parking Requirements, set out at the end of this Chapter. The table is part of the land development code and all references to this code include it.

#### **17.44.030 Parking facilities for the physically disabled.**

Public accommodations or facilities, including but not limited to: auditoriums, theaters, restaurants, hotels, motels, stadiums, shopping centers and office buildings, shall provide parking spaces for the physically disabled in accordance with the Uniform Building Code and American Disabilities Act.

#### **17.44.040 Required loading facilities.**

The following provisions shall apply to all loading facilities:

- A. The minimum area required for loading spaces shall be not less than two hundred fifty (250) square feet each, where the gross floor area of all buildings on a lot or parcel of land is not more than twenty thousand (20,000) square feet.
- B. The minimum area required for loading spaces shall not be less than five hundred (500) square feet each, where the gross floor area of all buildings on a lot or parcel of land is more than twenty thousand (20,000) square feet; however, less than fifty thousand (50,000) square feet.
- C. The minimum area required for loading spaces shall be not less than seven hundred fifty (750) square feet each, where the gross floor area of all buildings on a lot or parcel of land exceeds fifty thousand (50,000) square feet.

- D. The minimum required loading area shall not be less than ten (10) feet in width and twenty-five (25) feet in length and shall have an unobstructed height of not less than fourteen (14) feet.
- E. The required loading area shall be easily accessible from a street, highway or area.

**17.44.050 Parking design standards.**

Off-street parking with adequate provision for safe ingress and egress shall be provided for the various uses defined in this title. Standards for number of required parking spaces are presented in the table 17.44.020A – Off-Street Parking Requirements, set out at the end of this Chapter. The table is part of this title and all references to this title include it.

- A. Aisle Dimensions. The aisle dimensions for angle parking are to be based upon the angle and width of the parking space, as set forth in the following chart. The use of a wider parking space enables a reduction of the aisle width, as shown.

Minimum Parking Space and Aisle Dimensions						
Angle (A)	Type	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Standard	N/A	23'	12'	24'	9'
30°	Standard	10'	20'	12'	24'	16'
45°	Standard	10'	14'	12'	24'	20'
60°	Standard	10'	11'6"	20'	24'	22'
90°	Standard	10'	10'	28'	28'	22'

1. Tier means two rows of parking spaces plus an aisle. Tier width may not add to aisle width plus two times the space to curb distance in the chart above, because additional tier width may be required for safety precautions.
2. Space dimensions for parallel parking are to be nine feet by twenty-three (23) feet.

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B. Parking Area Access.

1. Driveways serving residential uses shall have a minimum width of not less than twelve (12) feet when serving four or less dwelling units, and a driveway width of not less than sixteen (16) feet when serving five or more dwelling units, or in lieu thereof, two separate driveways each no less than nine feet in width.
2. Driveways serving other than residential uses shall have a minimum width of fifteen (15) feet to accommodate one-way traffic, and a minimum width of twenty-five (25) feet to accommodate two-way traffic.
3. Parking areas for four or more vehicles shall be designed to prevent cars from backing out into a public street, public or private pedestrian walk, or public alley, in order to leave the area or to maneuver out of the parking space. Parking lots shall be designed and improved so as to prevent ingress and egress at any point other than designated entrance or exit drives.
4. Access driveways to parking areas containing four or more spaces shall be located and designed as follows:
  - a. Parking area entrance and exit driveways shall be located a minimum of fifty (50) feet from the nearest street intersection, as measured from the centerline of the driveway to the nearest travel lane of the intersecting street.
  - b. Entrance and exit driveways crossing the street property line of a single site shall be limited to two along the frontage of any single street. The centerline of driveways on the same property is to be separated by a minimum of thirty (30) feet.

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C. Parking Area Location. The location of off-street parking and loading facilities shall be in accordance with the following provisions:

1. Required parking facilities for residential uses as provided herein shall be located on the same lot or parcel of land as the use the parking facilities are intended to serve. Such facilities shall be conveniently accessible and located at a place where the erection of garages or carports is permitted.
  2. Required parking facilities for uses other than residential shall be located as follows:
    - a. On the same lot or parcel of land as the use such parking or loading facilities are intended to serve; except that for industrial uses, required parking shall not be located in a required front or side yard abutting a public street, unless the structure is provided with adequate setbacks and landscaping.
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- b. On a lot or parcel of land held under the same or joint ownership, provided such parking or loading facilities shall be located on the same lot or parcel of land as the uses served.
  - c. On a lot of parcel of land within five hundred (500) feet of the use or uses served.
  - d. Required loading facilities shall be located on the same lot or parcel of land as the uses served.
  - e. Binding agreements between land uses for mutual use of parking facilities during nonconflicting hours may be recognized by the city in lieu of the standards in this chapter.
- D. Drop-Off Points Required. When located outside the central business zone, parking areas for public assembly facilities shall include a designated on-site location for dropping off passengers at an entrance to the facility in advance of parking the vehicle. Drop-off areas are to consist of vehicle turnout lanes located outside of normal travel lanes. Drop-off points are to be provided for:
- 1. Hotels and motels.
  - 2. Schools with fifty (50) or more students.
  - 3. Churches with a capacity of one hundred (100) or more.
  - 4. Restaurants with a capacity of fifty (50) or more customers.
  - 5. Public transportation terminals.
  - 6. Places of public assembly.
  - 7. Public buildings.
  - 8. Offices larger than five thousand (5,000) feet.

**17.44.060 Parking lot construction.**

All parking areas containing three or more off-street parking spaces shall be designed as follows, except as otherwise provided by this section:

- A. Surfacing. All parking areas shall be surfaced with an asphalt, concrete or chip seal surface in conformance with city standards. Where concrete or asphalt is required, brick or other masonry paving units may be substituted including vertically oriented concrete block.
- B. Lining and Marking. Parking spaces in paved parking areas shall be marked with paint striping, a minimum of four inches in width. Parking spaces in other types of lots may be identified by wheel stop barriers.

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C. Wheel Stops. Wheel stops or continuous concrete or asphalt curbing shall be required in all parking lots to define the perimeter of the parking arm and to protect landscaping from vehicle encroachment. Wheel stops shall be constructed as follows.

1. Wheel stops shall be constructed of durable material not less than six inches in height. Wheel stops shall be securely installed and maintained as a safeguard against damage to adjoining vehicles, machinery or abutting property.

2. Wheel stops or other vehicle barriers less than two feet in height shall be located no closer than three feet to any property lines.

D. Vertical Clearance. Covered parking spaces shall have a vertical clearance of at least seven feet six inches above the parking lot surface for all uses except residential.

E. Slope. The finished grade of a parking lot shall not exceed a five percent slope.

F. Landscaping. A minimum of five percent of the interior of all parking lots with twenty (20) or more spaces shall be landscaped, in addition to any perimeter landscaping required by subsection (G)(2) of this section. The total aggregate area of landscaping need not exceed the minimum requirements in Section 17.40.140.

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G. Screening.

1. Parking lots which abut a residential zone shall be visually screened by a landscaping strip with a minimum height of five feet, or a six-foot-high solid fence or wall located on the parking lot side of the property.

2. Parking lots abutting a public street shall be separated from the street right-of-way by a landscaping strip with a minimum width of four feet.

H. Storm water. All drainage resulting from the improvements shall be collected on-site in such a manner that it can be discharged in an approved storm water collection system without flowing across any public sidewalk or street.

**17.44.070 Parking uses not identified in the Table of Off-Street Parking Requirements.**

For any use not listed in the Table of Off-Street Parking Requirements, set out at the end of this chapter, the required off-street parking shall be recommended by the planning commission. In recommending the off-street parking requirements of any unlisted use, the planning commission shall first make a finding that all of the following conditions exist:

A. That field investigations disclose that the subject use and its operations are compatible with one of more uses under which parking area is designated.

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B. That the proposed parking area requirements will adequately serve the intended use and be located in such a manner to protect the public health, peace, safety and general welfare.

**17.44.080 Designated improvement standards for parking lots of four or more spaces.**

- A. Each paved space must be marked by striping.
- B. Traffic flow arrows and signs may be required.
- C. No parking space shall back onto a street without site plan approval.
- D. Adequate drainage shall be specified at the time of site plan review.
- E. Bumper guards or steel stops may be required near buildings, fences or sidewalks during site plan review.
- F. Driveway locations shall be approved by the City or the State Highway Division.
- G. Artificial lighting may be required but where installed shall not cast a direct light on residences.

**17.44.090 Off-street loading requirements.**

At the time a use is erected or enlarged, or an existing building use changed, off-street loading areas may be required.

- A. Merchandise. Any use receiving a majority of its goods by truck shall provide an off-street loading/unloading area which will not impede traffic flow or parking availability.
- B. Passengers. A lane or driveway must be provided out of the flow of traffic for loading and unloading passengers to any site designated to accommodate more than one hundred (100) people at one time.

**17.44.100 Bicycle Parking Requirements.**

All uses which are subject to Site Plan Review shall provide bicycle parking, in conformance with the following standards, which are evaluated during Site Design Review:

- A. Number of Bicycle Parking Spaces. A minimum of two (2) bicycle parking spaces per use is required for all uses with greater than ten (10) vehicle parking spaces. The following additional standards apply to specific types of development:
  - 1. Multi-Family Residence. Every residential use of four (4) or more dwelling units provides at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances, in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.
  - 2. Parking Lots. All public and commercial parking lots and parking structures shall provide a minimum of one bicycle parking space for every ten (10) motor vehicle parking spaces.

3. Schools. Elementary and middle schools, both private and public, shall provide one bicycle parking space for every ten (10) students and employees. High schools provide one bicycle parking space for every (5) students and employees. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
4. Colleges and trade schools shall provide one bicycle parking space for every ten (10) motor vehicle spaces plus one space for every dormitory unit. Fifty percent of the bicycle parking spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
5. Main Street Commercial Zone. Within the Main Street zone, bicycle parking for customers shall be provided along the street at a rate of at least one space per use. Individual uses may provide their own parking, or spaces may be clustered to serve up to six (6) bicycles. Bicycle parking spaces should be located in front of the stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building, or under an eave, overhang, or similar structure) should be provided at a rate of one space per ten (10) employees, with a minimum of one space per store.
- B. Exemptions. This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than ten (10) vehicle parking spaces.
- C. Location and Design. Bicycle parking should be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, streetlights, planters and other pedestrian amenities.
- D. Options for Storage. Bicycle parking should be visible for cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
- E. Visibility and Security. Bicycle parking requirements for long-term and employee parking can be met providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
- F. Lighting. Bicycle parking should be at least as well-lit as vehicle parking for security.
- G. Reserved Areas. Areas set aside for bicycle parking should be clearly marked and reserved for bicycle parking only.
- H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards of Section 17.40.050.

**TABLE 17.44.020.A – TABLE OF OFF-STREET PARKING REQUIREMENTS**

**Table 17.44.020.A – Table of Off-Street Parking Requirements**

When using the “minimum standard option”, the number of required off-street vehicle parking spaces shall be determined in accordance with the following standards:

**Residential Uses**

**Single family detached housing.** 2 parking spaces, one of which may be a garage, shall be provided for each detached single-family dwelling or manufactured home on an individual lot.

**Two-and three-family housing.** 2 spaces per dwelling unit.

**Multi-family and single family attached housing.**

- a. Studio units or 1-bedroom units less than 500 sq. ft.—1 space/unit. One of which may be a garage.
- b. 1-bedroom units 500 sq. ft. or larger—2 spaces/unit. One of which may be a garage.
- c. 2-bedroom units—2 spaces/unit. One of which may be a garage.
- d. 3-bedroom or greater units—2.00 spaces/unit. One of which may be a garage.
- e. Retirement complexes for seniors 55-years or greater—Two spaces per unit.

**Rooming and boarding houses, dormitories.** One space for each guest room.

**Manufactured home parks.** 2 parking spaces, one of which may be a garage, shall be provided for each detached single-family dwelling or manufactured home on an individual lot.

**Commercial Uses**

**Auto, boat or trailer sales, retail and similar bulk retail uses.** One space per 1,000 square feet of the first 10,000 square feet of gross land area; plus, one space per 5,000 square feet for the excess over 10,000 square feet of gross land area; and one space per two employees.

**Business, general retail, personal services. General-** one space per 350 square feet of gross floor area.

**Furniture and appliances** – one space per 750 square feet of gross floor area.

**Chapels and mortuaries.** One space per four fixed seats in the main chapel.

**Hotels and motels.** One space for each guest room, plus one space for the manager.

**Offices. Medical and Dental Offices** – one space per 350 square feet of gross floor area.;

**General Offices** – one space per 450 square feet of gross floor area.

**Restaurants, bars, ice cream parlors and similar uses.** One space per four seats or one space per 100 sq. ft. of gross leasable floor area, whichever is less.

**Theaters, auditoriums, stadiums, gymnasiums, similar uses.** One space per four seats.



TABLE OF OFF-STREET PARKING REQUIREMENTS (continued)

Table 17.44.020.A – Table of Off-Street Parking Requirements (continued)
<p><b><u>Industrial Uses</u></b>  <b>Industrial uses, except warehousing.</b> One space per employee on the largest shift plus one space per company vehicle.  <b>Warehousing.</b> One space per employee plus one space per company vehicle.  <b>Public utilities (gas, water, telephone, etc.) not including business offices.</b> One space per employee on the largest shift, plus one space per company vehicle; a minimum of two spaces is required.</p> <p><b><u>Public and Institutional Uses.</u></b>  <b>Childcare centers having 13 or more children.</b> One space per employee; a minimum of two spaces is required.  <b>Churches and similar places of worship.</b> One space per four seats.  <b>Golf courses, except miniature.</b> Eight spaces per hole, plus additional spaces for auxiliary uses set forth in this section. Miniature golf courses – four spaces per hole.  <b>Hospitals.</b> Two spaces per patient bed.  <b>Nursing and convalescent homes.</b> One space per three patient beds.  <b>Rest homes, homes for the aged, or assisted living.</b> One space per two patient beds or one space per apartment unit.  <b>Schools, elementary and junior high.</b> Two spaces per classroom, or the requirements for public assembly areas as set forth herein whichever is greater.  <b>High schools.</b> Two spaces per classroom, plus one space per 10 students the school is designed to accommodate, or the requirements for public assembly as set forth herein, whichever is greater.  <b>Colleges, universities and trade schools.</b> Two spaces per classroom, plus one space per five students the school is designed to accommodate, plus requirements for on-campus student housing.</p> <p><b><u>Unspecified Uses.</u></b>  Where a use is not specifically listed in this table, parking requirements shall be determined by finding that a use is similar to those listed in terms of parking needs.</p>

(Ord. 242, 2007)

**SITE PLAN APPROVAL****Sections:**

<b>17.48.010</b>	<b>Purpose.</b>
<b>17.48.020</b>	<b>Applicability and Public Hearing Requirement.</b>
<b>17.48.030</b>	<b>Notice of Intent to Construct Shall be First Action Required.</b>
<b>17.48.040</b>	<b>Site Plan Committee.</b>
<b>17.48.050</b>	<b>Procedures.</b>
<b>17.48.060</b>	<b>Appeal.</b>
<b>17.48.070</b>	<b>Revisions to an Approved Site Plan.</b>
<b>17.48.080</b>	<b>Time Limit for Compliance and Procedure to Extent Time Limit.</b>

**17.48.010 Purpose.**

The purpose of site plan approval is to determine compliance with the objectives of this title, implement the Metolius Comprehensive Plan and preserve the public health, safety and general welfare.

**17.48.020 Applicability and Public Hearing Requirement.**

All developments except for single family detached housing, (including conditional uses involving construction or alteration of any building or structure), shall be subject to Site Plan Review. [ covered in 17.48.040 below]. A public hearing before the planning commission pursuant to Section 17.08.050 shall be required for all site plan approvals.

**17.48.030 Notice of Intent to Construct Shall be First Action Required.**

Owner of a property shall file with the City a Notice of Intent to Construct before any structure, including any fence, shall be constructed, demolished, altered, erected, or moved onto any property. Notice of Intent forms shall be available from the City Recorder. When required, a Notice of Intent to Construct shall precede issuance of site plan approval (pursuant to Section 17.08.020), which shall precede issuance of any building permit (pursuant to Section 17.08.020), and shall precede any construction, demolition, erection, or moving onto any property, of any building or structure.

**17.48.040 Site Plan Committee.**

- A. Site plan committee. The Planning Commission and the City Recorder are, as a site plan committee, to carry out the duties set forth in this section. The City Recorder shall review all site plan applications for completeness. Upon finding an application is complete, per Section 17.48.050, City Recorder shall provide the application and staff report to the Planning Commission.
- B. Authority. This committee shall recommend to the Council to approve, disapprove, or to approve with conditions the site plan for all proposed new buildings or structures in those circumstances where site plan approval is required.

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- C. Committee Governed by Purposes and Objectives. In the review of plans, the site plan committee shall be governed by the purposes and objectives of this section as set forth in Sections 17.48.010 and 17.48.020.
  - D. Recommendation Referred to City Council. The recommendation of the site plan committee shall then be brought before the City Council, along with a complete record of the meeting and applicable city regulations, at the next regular City Council meeting following after appeal period has expired on said decision.
  - E. City Council Actions Available. The City Council shall review the recommendation of the site plan committee, on the record, without hearing further evidence. It shall either affirm the recommendation of the site plan committee, at which time the decision shall be final, or shall set the matter for hearing de novo before the City Council, after which the City Council shall affirm, reverse or modify the recommendation of the site plan committee.

#### **17.48.050 Procedures.**

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- A. Site Plan Requirements. The site plan shall be drawn to scale and shall indicate the following:
    - 1. Actual shape, dimensions and area of the parcel.
    - 2. Locations and details of all buildings and structures, including fences, both existing and proposed.
    - 3. Location, layout and details of all off-street parking and loading facilities.
    - 4. Locations and details of all points of entry and exit for motor vehicles and pedestrians, and internal circulation pattern(s).
    - 5. Location of all walls and fences and indication of their height(s) and materials of their construction.
    - 6. Location and details of proposed exterior lighting standards and devices.
    - 7. Locations, sizes and details of proposed exterior signs and outdoor advertising.
    - 8. Location and details of proposed landscaping, lawns, trees, shrubs, etc.
    - 9. Locations and details of proposed grading and slopes where they affect relationship of the buildings and drainage.
    - 10. Indications of the heights of proposed buildings and structures.
    - 11. Indication of the proposed use(s) of existing and proposed buildings.
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12. Any other architectural or engineering data which may be required to allow necessary findings that the provisions of this title are complied with.
  13. Location and details of proposed sidewalks, walkways, patios, courtyards and/or decks.
  14. Location and details of proposed storm drainage system, including but not limited to, drainage and grading plan, existing topography and elevations. Construction grading or other manmade physical changes shall not be allowed to increase runoff which may affect downstream property or properties. Additional runoff must be contained within on-site systems or an approved drainage system.
  15. Location and details of existing utilities (i.e., electric, gas, television, telephone, water, etc.).
  16. Location and details of existing and proposed sanitary sewer system or location and details of septic tank(s) and drain field(s).
  17. Location and details of proposed water supply, showing size of main(s), water flow(s) and size of water line(s).
  18. Location and details of existing and, if any, proposed fire hydrants with size and flow data.
  19. Location and details of existing and proposed public improvements.
  20. Where an attachment of a minor addition (i.e., less than a 50 percent increase in floor space) to an existing building or structure is proposed, the site plan shall indicate the relationship of said proposal to the existing development but need not include other data required in subsections (A)(1)—(19) of this section, unless they are affected by the proposed minor addition.
  21. Specify and describe intended use(s) of the structure(s) (i.e., residential, assembly, educational, manufacturing, processing, storage and type of contents, etc.).
- B. Site Plan Committee Action and Time Limit. Within sixty (60) working days after the submission of a complete site plan, the site plan committee shall recommend approval, approval with conditions, or disapproval of the site plan. Failure of Council to render a final decision (including all appeals) within 120 calendar days after submission of a complete site plan shall be deemed approval of the plan as submitted.
- C. Approval Criteria. In order to recommend approval of the site plan, the site plan committee shall find that:

1. All provisions of this title are complied with, and
2. All building, structures and facilities, access points, parking and loading facilities, landscaping, signs, lighting and walls or fences, are so arranged that traffic congestion is avoided, and pedestrian and vehicular safety and welfare are protected, and
3. Adverse effect on surrounding property will be minimized, and
4. All provisions of the Public Works Standards and Specifications are complied with, and
5. All provisions of Title 16 of the Metolius Municipal Code are complied with.

**17.48.060 Appeal.**

The applicant or any interested party may appeal a recommendation of the Planning Commission to the City Council, in accordance with the procedures of Section 17.08.030.

**17.48.070 Revisions to an Approved Site Plan.**

Revisions made by the applicant to an approved site plan may be made pursuant to the procedures set forth in Chapter 17.60.

**17.49.080 Time Limit for Compliance and Procedure to Extend Time Limit.**

Site plan approval shall be valid for eighteen (18) months, or any lesser time as may be approved by the City Council to allow completion as approved. An applicant may apply to the City Council, through the Planning Commission, for extensions to allow completion of the site plan requirements, which, if granted, shall each be subject to the maximum time limitations of this section unless a lesser time limit is set for the extension.

(Ord. 242, 2007)

## EXPECTATIONS AND VARIANCES

### Sections:

- 17.52.010 Nonconforming Uses.
- 17.52.020 General Expectations to Yard Requirements.
- 17.52.030 General Expectations to Building Height Limitations.
- 17.52.040 Projections into Yard Setbacks.
- 17.52.050 Authorization to Grant and Deny Variances.

### 17.52.010 Nonconforming Uses.

- A. Continuing, Altering or Enlarging a Nonconforming Use. A nonconforming use of structure may be continued, altered or enlarged only as provided in this Chapter.
  - 1. Expansion of a Nonconforming Use. The expansion of a nonconforming use to a portion of a structure that already was arranged or designed for the nonconforming use at the time of passage of the ordinance codified in this chapter is not an enlargement or expansion of a nonconforming use.
  - 2. Altering or Enlarging a Nonconforming Use. A nonconforming structure that conforms with respect to use may be altered or enlarged if the alteration or enlargement does not cause the structure to deviate further from the standards of this chapter.
  - 3. When Alteration or Expansion not Allowed. The alteration or expansion of a nonconforming use is not allowed unless the finished structure and lot of parcel meet the standards of the zone in which the structure would be allowed as a permitted or conditional use.
  - 4. Site Plan Approval Required. Site plan approval as provided in Chapter 17.48 is required prior to the alteration, enlargement, expansion, construction or reconstruction of any nonconforming use.
- B. If Nonconforming Use Discontinued for One Year. If a nonconforming use is discontinued for a period of one year:
  - 1. Further Nonconforming Use Requires Approval. Further use of the property shall conform to this chapter except where application for an extension of time is received by the city during the first year after the nonconforming use is discontinued and is subsequently reviewed by the Planning Commission and approved by the City Council.
  - 2. Approval Requires Extenuating Circumstances. Approval may be granted only when the City Council finds that extenuating circumstances exist.

C. In Nonconforming Use Replaced by Another Use. If a nonconforming use is replaced by another use, the new use shall conform to this chapter.

D. If Nonconforming Structure Destroyed. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause:

1. The structure may be replaced in compliance with the requirements for building permits shall meet all development standards of the zone in which the structure would be permitted outright or as a conditional use.
2. The replacement may continue the same nonconforming use, only if replaced and occupied in conformance with the Uniform Building Code and other applicable life and safety regulations, within one year of the structure being destroyed.
3. If the replacement structure shall be to continue a nonconforming use as a residence then the replacement structure shall contain a minimum of one thousand (1,000) square feet of living area per single family (exclusive of facilities for parking), and provision shall be made to provide off-street parking for a minimum of two vehicles per single family, one of which shall be a garage or carport.
4. Site plan approval as provided in Chapter 17.48. is required prior to the replacement of the destroyed structure.

E. Subsequent Owner's Rights. The rights granted under this chapter to continue, alter or enlarge a nonconforming use run with the land, and to the extent such right exists, may be utilized by any subsequent owner of the property.

#### **17.52.020 General Exceptions to Yard Requirements.**

Exceptions to yard requirements may be authorized for a lot or parcel in any zone, except a corner lot. All exceptions shall be requested in the site review application.

#### **17.52.030 General Exceptions to Building Height Limitations.**

Vertical projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, antennas, flagpoles, and similar objects not used for human occupancy cannot exceed twenty (20) feet greater than allowed building height in the zone without site plan approval.

#### **17.52.040 Projections into Yard Setbacks.**

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues, and the cover or roof over decks or patios shall not project more than twenty-four (24) inches into a required yard.

#### **17.52.050 Authorization to Grant and Deny Variances.**

- A. When Planning Commission May Recommend Variances. The Planning Commission may recommend a variance from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific lot, strict application of the chapter would cause an undue or unnecessary hardship or if, in the sole discretion of the City, the variance would allow for use of the property in a manner more compatible with the surrounding properties.
- B. When Variance Prohibited. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.
- C. Planning Commission May Attach Conditions. In recommending a variance, the planning commission may attach conditions that it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this chapter.
- D. Circumstances for Granting a Variance. A variance may be granted only in the event that all the following circumstances exist:
  - 1. Exceptional or Extraordinary Circumstances Required. Exceptional or extraordinary circumstances shall apply to the property which do not apply generally to other properties in the same zone or vicinity, and which result from lot size or shape, topography or other circumstances over which the owner of the property has had no control.
  - 2. Variance Necessary for Preservation of a Property Right. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
  - 3. Variance Would Not Be Detrimental or Conflict.
  - 4. Variance Requested is Minimum Variance. The variance requested in the minimum variance that would alleviate the hardship.
- E. Procedure for Taking Action on a Variance Application. The procedure for taking action on an application for a variance shall be as follows:
  - 1. Only an Owner May Initiate a Variance Request. A property owner may initiate a request for variance by filing an application with the City Recorder, using forms prescribed pursuant to Section 17.08.040.
  - 2. Public Hearing Required. Before the Planning Commission may act on a variance application, it shall hold a public hearing thereon, following procedure established in Section 17.08.060.



3. Decision of Planning Commission to City Council. The decision of the Planning Commission shall then be brought before the City Council, along with a complete record of the hearing, at the next regular Council meeting after the appeal period has expired following said decision.

F. Review on the Record and Decision by City Council.

1. City Council Reviews Without Hearing Further Evidence. The City Council shall review the decision of the Planning Commission on the record without hearing further evidence.
2. Actions Available to the City Council. The City Council shall:
  - a. Either affirm the decision of the Planning Commission, at which time the decision shall be final, or
  - b. Shall set the matter for a hearing de novo before the City Council, after which the Council shall affirm, reverse or modify the decision of the Planning Commission.

G. Written Notice of Decision, to Applicant, Required Within Time Limit. Within ten (10) working days after a decision has been rendered with reference to a variance application, the City Recorder shall provide the applicant with written notice of the decision of the City Council.

H. Time Limit on a Permit for a Variance. Authorization of a variance shall be void after one year unless sustained construction has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one year, on written request of the property owner, to complete the variance requirements.

(Ord. 242, 2007)

**CONDITIONAL USES****Sections:**

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| <b>17.56.010</b> | <b>Purpose.</b>  |
| <b>17.56.015</b> | <b>Site Plan Approval Required.</b>                                  |
| <b>17.56.020</b> | <b>Authorized to grant or deny conditional uses.</b>                 |
| <b>17.56.030</b> | <b>Procedure for taking action on a conditional use application.</b> |
| <b>17.56.040</b> | <b>Time limit on a permit for a conditional use.</b>                 |

**17.56.010 Purpose.**

There are certain uses that, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. The zoning districts identify these as "Conditional Uses". The purpose of this chapter is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met.

**17.56.015 Site Plan Approval Required.**

All Conditional Uses shall require Site Plan Approval per Section 17.48.

**17.56.020 Authorization to grant or deny conditional uses.**

- A. How Conditional Use May Be Permitted, Enlarged, Altered. Conditional uses listed in this chapter may be permitted, enlarged, or otherwise altered upon authorization by the City Council in accordance with the standards and conditions in this chapter.
- B. Additional Conditions May Be Imposed. In permitting a conditional use. Or the modification of a conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this chapter, any additional conditions the Planning Commission considers necessary to protect the best interests of the surrounding property or the city as a whole.
- C. Standards for Granting Conditional Use. Standards for granting conditional uses:
  1. Proposal Shall be Consistent. The proposal shall be consistent with the comprehensive plan and the objectives of this chapter and other applicable policies of the city.
  2. Have Minimal Adverse Impact. Taking into account location, size, design and operating characteristics, the proposed use shall have a minimal adverse impact on the:
    - a. Livability.
    - b. Value.

- c. Appointment development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.
3. Location and Design Shall Be Attractive. The location and design of the site and structures for the proposed use shall be as attractive as the nature of the use and its setting warrants.
4. Use Shall Preserve Assets of Interest. The proposed use shall preserve assets of particular interest to the community.
5. Applicant Intent, Capability, Purpose and Motivation. The applicant shall have a bona fide intent and capability to develop and use the land as proposed, and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.
6. Conditional Use Permit Amendments. Any physical change in an approved conditional use shall require approval of an amended conditional use permit in accordance with the procedures set forth in this chapter. All conditional uses shall require continuing compliance with the terms of the approved conditional use and approved site plan, if any.

D. Additional Conditions May Be Imposed.

1. Planning Commission or City Council May Impose Additional Conditions. In permitting a new conditional use, or the alteration of an existing conditional use, the Planning Commission or City Council may impose, in addition to those standards and requirements expressly specified by this chapter, additional conditions which the city considers necessary to protect the best interests of the surrounding area or the city as a whole.
2. Conditions May Include. These conditions may include, but are not limited to, the following:
  - a. Increasing the required lot size or yard dimension.
  - b. Limiting the height, size or location of building or structure.
  - c. Controlling the location and number of vehicle access points.
  - d. Increase the street width.
  - e. Increasing the number of required off-street parking spaces.
  - f. Limiting the number, size, location and lighting of signs.
  - g. Requiring diking, grading, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.

- h. Designating sites for open space.
  - i. Designating specific hours of operation.
  - j. Requiring a site plan to be filed and approved as provided in Chapter 17.48.
- E. Changes in Use Shall Conform to This Chapter. In the case of a use existing prior to the effective date of the ordinance codified in this chapter and classified in this chapter as a conditional use, any change in the use or in lot area, or an alteration of structure, shall conform with the requirements for conditional use.
- F. Temporary Conditional Uses.
- 1. Conditions Necessary for Temporary Conditional Use. In the case where a property owner proposes that a conditional use be allowed for a specific period of time, and where the proponent demonstrates that the proposed use will not change the character or nature of the property nor make any permanent improvements thereon, or where the proponent demonstrates to the City that the proponent will utilize only temporary structures and/or temporary buildings, or structures or buildings that already conform to the provisions of the zone for which the use is intended, the City may issue a temporary conditional use permit.
  - 2. City May Waive, Defer or Modify Provisions of This Chapter. In permitting the temporary conditional use, the City may waive, defer or modify any provision of this chapter when the Planning Commission determines that the provision would impose an undue hardship or unnecessary restriction upon the proponent of the temporary conditional use, taking into consideration the best interests and development policies of the City.
  - 3. This Chapter Governs. Except as specifically authorized under subsection (F)(2) of this section, the City shall issue the temporary conditional use permit only according to the provisions of this chapter.
- G. Revisions in an Approved Conditional Use.
- 1. Changes in Approved Conditional Use. Any change in an approved conditional use shall be made pursuant to the procedures set forth in this section for conditional use approval.
  - 2. Failure to Comply Unlawful. Where required conditional use has been approved, it is unlawful for any person to cause or permit any construction, reconstruction, improvement, erection or moving in of buildings, storage sheds, fences, decks, or other structures, or to cause or permit any change in use to take place in any manner except in complete and strict compliance with the approved conditional use.
  - 3. Exception. If the change is solely a change in use to a permitted use in the zone where the property is located, the change shall not be unlawful.

**17.56.030 Procedure for Taking Action on a Conditional Use Application.**

The procedure for taking action on a conditional use application shall be as follows:

- A. Owner May Institute Request for Conditional Use. A property owner may initiate a request for a conditional use by filing an application with the City Recorder.
- B. Public Hearing Required. Before the Planning Commission may act on a conditional use application, it shall hold a public hearing thereon, following procedures establishes in Section 17.08.060.
- C. Recommendation of Planning Commission to City Council. The recommendation of the Planning Commission shall then be brought before the City Council, along with a complete record of the hearing, at the next regular council meeting.
- D. Review on the Record and Decision by City Council.
  1. City Council Review Without Hearing Further Evidence. The City Council shall review the recommendation of the Planning Commission on the record without hearing further evidence.
  2. Actions Available to the City Council. The City Council shall:
    - a. Either affirm the recommendation of the Planning Commission, at which time the decision of the City Council shall be final, or
    - b. Shall set the matter for a hearing de novo before the City Council, after which the Council shall affirm, reverse or modify the recommendation of the Planning Commission.
- E. Written Notice of Decision, to Applicant, Required Within Time Limit. Within ten (10) working days after a decision has been rendered with reference to a conditional use application, the City Recorder shall provide the applicant with written notice of the decision of the City Council.

**17.56.040 Time Limit on a Permit for a Conditional Use.**

- A. Authorization Good for Limited Time Only. Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction has taken place; substantial construction shall be solely determined by the Planning Commission.
- B. Conditions Under Which City Council May Grant Extension. However, the City Council may extend authorization for an additional period not to exceed one year, on written request by the property owner, to allow additional time to complete the requirements necessary to meet the conditional use provisions approved by the City Council.
- C. Revoking a Conditional Use Permit. The Conditional Use Permit may be revoked by the City Council for violation of any conditions of approval or violation of any ordinances of the City. Reconsideration of the revocation of a conditional use permit is to the City Council. Any reconsideration request must be in writing and filed with the City Recorder within three days after notice of the revocation of the conditional use permit.

(Ord. 242, 2007)

## AMENDMENTS TO APPROVED PLANS AND CONDITIONS OF APPROVAL

### Sections:

17.60.010	Purpose.
17.60.020	Applicability.
17.60.030	Major Modifications.
17.60.040	Minor Modifications.

#### 17.60.010 Purpose.

The decision of this Chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land use development and the need to conserve City resources.

#### 17.60.020 Applicability.

- A. This Chapter applies to all development applications approved through the provisions of Chapter 16 and Chapter 17, including:
1. Site Plan Approvals.
  2. Subdivisions, Partitions, and Lot Line Adjustments.
  3. Conditional Use Permits.
  4. Master Planned Developments.
  5. Conditions of approval on any of the above application types.
- B. This Chapter does not apply to land use district changes, text amendments, temporary use permits, variances, or other permits. For amendments to zoning map and text, see Chapter 17.64.

#### 17.60.030 Major Modifications.

- A. Major Modification Defined. The City Recorder shall determine that a major modification(s) is required if one or more of the changes listed below are proposed:
1. A change in land use.
  2. An increase in the number of dwelling units.
  3. A change in the type and/or location of access ways, drives or parking areas that affect off-site traffic.

4. An increase in the floor area proposed for non-residential use by more than 10 percent.
5. A reduction of more than 10 percent of the area reserved for common open space and/or usable open space.
6. A reduction to specified setback requirements by more than 10 percent, or to a degree that the minimum setback standards of the land use district cannot be met.
7. Changes similar to any of those listed in 1-6, which are likely to have an adverse impact on adjoining properties.

B. Major Modification Request. An applicant may request a major modification as follows:

1. Upon the City Recorder determining that the proposed modification is a major modification, the applicant shall submit an application for the major modification.
2. The modification request shall be subject to the same review procedure and approval criteria used for the initial project approval, however, the review shall be limited in scope to the modification request. For example, a request to modify a parking lot shall require site plan review only for the proposed parking lot and any changes to associated pathways, lighting and landscaping. Notice shall be provided in accordance with the applicable review procedure.

#### **17.60.040 Minor Modifications.**

A. Minor Modification Defined. Any modification to a land use decision or approved development plan which is not within the description of a major modification is provided in Section 17.60.030, above, shall be considered a minor modification. Minor partitions are governed by Chapter 16.08.040.

B. Minor Modification Request. An application for approval of a minor modification is reviewed by the Planning Commission as a Limited Land Use Decision (e.g., decision made in a public meeting with 14-day prior notice to adjacent property owners within 100 feet of the subject property). A minor modification shall be approved, approved with conditions, or denied by the City Council based on written findings on the following criteria:

1. The proposed development is in compliance with all applicable requirements of Chapter 16 and 17 of the Development Code, and
2. The modification is not a major modification as defined in Section 17.60.030, above.

(Ord. 242, 2007)



## AMENDMENTS TO THE ZONING MAP AND TEXT

### Sections:

17.64.010	Purpose.
17.64.020	Legislative Amendments.
17.64.030	Quasi-Judicial Amendments.
17.64.040	Conditions of Approval.
17.64.050	Record of Amendments.

#### 17.64.010 Purpose.

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the land use district map. These will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.

#### 17.64.020 Legislative Amendments.

Legislative amendments are policy decisions made by City Council. They are reviewed in a public hearing. Notice of the hearing shall be provided to affected property owners (e.g., those whose property value could be impacted negatively, and those who have requested in writing their desire to receive notification), Jefferson County, and any other affected governmental jurisdictions in conformance with the City Council hearing notification procedures. The Oregon Department of Land Conservation and Development shall be notified in writing of proposed legislative amendments at least 45 days prior to the first hearing at which testimony will be accepted.

#### 17.64.030 Quasi-Judicial Amendments.

A. Quasi-Judicial Amendments. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision. Quasi-judicial map amendments shall follow the procedures outlined below:

1. The Planning Commission shall review and recommend zoning map changes which do not involve comprehensive plan map amendments. A public hearing is required with 20-day prior written notice to adjacent property owners within 100 feet of the subject property(ies).
2. Following notice and public hearing in accordance with Chapter 17.08.050 the Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment. The City Council shall decide both applications.
3. Following notice and public hearing in accordance with Chapter 17.08.050, the Planning Commission shall make a recommendation to the City Council on zone change

application that also involve a comprehensive plan map amendment. The City Council shall decide both applications.

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or deny an application for a quasi-judicial map amendment shall be based on all of the following criteria:

1. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval.
2. Demonstration of compliance with all applicable standards and criteria of this Code, and other applicable implementing ordinances.
3. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application.

**17.64.040 Conditions of Approval.**

A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approved or denied.

**17.64.050 Record of Amendments.**

The City Recorder shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.

(Ord. 242, 2007)