

acted upon within sixty (60) days of the hearing, it shall be deemed abandoned. ;hn0; (Ord. 343 § 7, 1991)

3.08.080 - Manner of doing work.

The council may provide in the improvement resolution that the construction work may be done in whole or in part by the city, by contract, by another governmental agency, or by a combination thereof. To the extent required, contracts to perform improvements shall proceed in accordance with applicable public contract law.

(Ord. 343 § 8, 1991)

3.08.090 - Special hearing when low bid substantially exceeds engineer's estimate.

If the council finds, upon opening bids for the work of such improvement, that the lowest responsible bidder is fifteen (15) percent or more in excess of the engineer's estimate, it shall provide for holding a special meeting for the hearing of objections to the intent to proceed with the improvement on the basis of such bid, and shall direct the city recorder to publish one notice thereof in a newspaper of general circulation in the city. Notice shall state the purpose, date, time and place of the hearing. After the hearing, the council shall determine whether the bid shall be accepted or rejected.

(Ord. 343 § 9, 1991)

3.08.100 - Assessment ordinance.

When the council, after the aforesaid hearing or hearings, shall determine to proceed with the improvement, it shall pass an ordinance assessing the various lots, parcels, tracts of properties specially benefited thereby with their apportioned share of the cost of the improvement; provided, however, that the passage of such assessment ordinance may be delayed until the contract for the work is let, or the improvement is completed, and the total cost ~~therefor~~therefore is determined.

(Ord. 343 § 10, 1991)

3.08.110 - Notice of assessment.

- A. Within ten (10) days after the adoption of the assessment ordinance, the city recorder shall send a notice of assessment to the owner of each assessed property by first-class mail, and shall publish the notice of assessment once a week for two consecutive weeks in a newspaper of general circulation within the city. The first publication of notice shall not be later than twenty (20) days after the date of the assessment ordinance.
- B. The mailed and published notice of assessment shall include the names of the property owners, a description of the assessed property (by tax account number), the amount of the assessment, the date of the assessment ordinance, and the rate of interest to be charged on assessments paid in installments. The notice shall also state that the assessment may be paid in full, without interest, within ten (10) days after the first publication of notice, and that if the assessment is not paid in full within that time, interest will accrue from the eleventh day after the date of the first publication of notice, until paid. The notice shall also state that the property will be subject to foreclosure unless the owner either pays the assessment in full, or makes application to pay the assessment in installments, within ten (10) days from the date of the first publication of notice. The notice mailed to owners of assessed property shall include an application for paying the assessment in installments.

(Ord. 343 § 11, 1991)

to the validity of such assessment, deficit assessment or reassessment or any part thereof, the ~~council~~ may council may make a new assessment or reassessment in accordance with the provisions of ORS 223.405 et seq.

(Ord. 343 § 19, 1991)

Chapter 3.10 – ADVANCE FINANCING OF PUBLIC IMPROVEMENTS

3.10.010 – Definitions

The following are definitions for the purposes of this chapter and for the purposes of any advance financing agreement entered into pursuant to this chapter and for any actions taken as authorized pursuant to this chapter or otherwise:

“Advance finance agreement” means an agreement between a developer and the city, as authorized by the city council, which agreement provides for the installation of and payment for advance financed public improvements and which agreement contains improvement guarantees, provisions for reimbursement by the benefiting property owners who may eventually utilize such improvement, inspection guarantees, and the like, as determined in the best interest of the public by the city council.

“Advance financing” means a developer’s or the city’s payment for the installation of one or more public improvements installed pursuant to this chapter which benefiting property owners may utilize upon reimbursing a proportional share of the cost of such improvement.

“Advance financing resolution” means a resolution passed by the city council designating a public improvement to be an advance finance public improvement and containing provisions for financial reimbursement by benefiting property owners who eventually utilize the improvement and such other provisions as determined in the best interest of the public by the city council.

“Benefiting property” means the real property benefiting from an advance financed public improvement.

“City” means the city of Aurora.

“City council” means the city council of Aurora.

“Developer” means the city, another municipal corporation, an individual, a partnership, a joint venture, a corporation, a sub-divider, a partitioner of land or any other entity, without limitation, who will bear, under the terms of this chapter, the expense of construction, purchase, installation or other creation of a public improvement.

“Development” means that real property being developed by the developer and for which property the advance financing resolution is passed.

“Owner” means the fee holder of record of the legal title to the real property in question. Where such real property is being purchased under a recorded land sales contract, then such purchasers shall also be deemed owners.

“Public improvement” means the following:

1. The construction, reconstruction or upgrading of any water, sanitary, sewer or storm sewer system improvements;
2. The grading, graveling, paving or other surfacing of any street, or opening, laying out, widening, extending, altering, and changing the grade for construction of any street;
3. The construction or reconstruction of sidewalks.

3.10.020-Receipt of application.

The city council will receive application for advance financing from developers, which applications shall be submitted to the city recorder and shall be accompanied by a fee set by resolution by the city council. The fee will be applied against the cost of administrative analysis of the proposed advance financing project, for the cost of notifying the property owners, and for recording costs and the like. When the city is the developer, the city council shall by motion direct the city manager to submit the application without fee.

3.10.030-Utility analysis.

Upon receive of the advance financing application, the City Engineer and Public Works Superintendent shall make an analysis of the advance financing proposal and shall prepare a report to be submitted to the city council for review, discussion and public hearing. Such report shall include a map showing the location and front footage of the development and intervening property. The report shall also include the city’s estimate of the total cost of the advance financed public improvement.

3.10.040-Public hearing.

Within a reasonable time after the City Engineer and Public Works Superintendent has completed his analysis, an informational public hearing shall be held in which all parties and the general public shall be given the opportunity to express their views and ask questions pertaining to the proposed advance financed public improvement. Since advance financed public improvements do not give rise to assessments, the public hearing is for information purposes only, and is not subject to mandatory termination due to remonstrances. The city council has the sole discretion after the public hearing to decide whether or not an advance financing resolution shall be passed.

3.10.050-Notification.

Not less than ten nor more than thirty days prior to any public hearing being held pursuant to this chapter, the developer and all benefiting property owners shall be notified of such hearing and the purpose thereof. Such notification shall be accomplished by mail, notice shall be made on the date that the letter of notification is posted. Failure of any owner to be so notified shall not invalidate or otherwise affect any advance financing resolution or the city council’s action to approve or not approve the same.

3.10.060-Advance financing resolutions and agreements.

After the public hearing, held pursuant to section 3.10.040, if the city council desires to proceed with advance financed public improvements, it shall pass an advance financing resolution accordingly. The resolution shall designate the proposed improvement as an advance financed improvement and provide for advance finance reimbursement by benefiting property owners pursuant to this chapter. When the developer is other than the city, the advance financing resolution shall instruct the Mayor to enter into an agreement between the developer and the city pertaining to the advance financed improvement, and may, in such agreement, require such guarantee or guarantees as the city deems best to protect the public and benefiting property owners, and may make such other provisions as the city council determines necessary and proper.

3.10.070-Advance finance reimbursement.

A. Advance Financed Reimbursement Imposed. An advance financed reimbursement is imposed on all benefiting property owners at such time as the owners apply for connection to advance financed water, sanitary sewer and storm sewer, improvements or connect to and use advance financed street and sidewalk improvements.

B. Rates.

a. The benefiting property owners shall pay advance financed reimbursement calculated as follows:

b. The total actual cost of the advance financed public improvement, increased by nine percent annual simple interest, or such other percentage that the city council may, from time to time, set by resolution, multiplied by a percentage of front footage owned by the benefiting property owner of the total front footage of the advance financed public improvement, or by such other methodology as is approved by the city council. Future interest rate charges shall not apply ex post facto to previously executed reimbursement agreements.

c. Advance financing reimbursements for odd-shaped lots shall be individually established and consistent with the benefit received by the lot and the reimbursement required of other lots in the area. If inequities are created through the strict implementation of the above formulas, the city council may modify its impact on a case-by-case basis.

C. Collection. The advance financed reimbursement is immediately due and payable by the benefiting property owners upon their application for connection to an advance financed water, sanitary sewer or storm sewer system or their connection and use of advance financed street and sidewalk improvements. If connection is made without the above-mentioned permits, then the advance financed reimbursement is immediately due and payable upon the earliest date that any such permit was required, or in the case of advance financed and street and sidewalk improvements, when connection and use is commenced. No permit for connection shall be issued until the advance financed reimbursement is paid in full. Whenever the full and correct advance financed reimbursement has not been paid and collected for any reason, the City Recorder shall report to the city council the amount of the uncollected reimbursement, the description of the real property to which the reimbursement was due and the name or names of the

benefiting property owners. The city council, by motion, shall then set a public hearing and shall direct the City Recorder to give notice of that hearing to each of those benefiting property owners, together with a copy of the city recorder's report concerning the unpaid reimbursement, either in person or by certified mail. Upon public hearing, the city council may accept, reject or modify the City Recorder's report; and if it finds that any reimbursement is unpaid and uncollected, the city council, by motion, may direct the City Recorder to docket the unpaid and uncollected reimbursement in the city record of liens; and upon completion of the docketing, the city shall have a lien against the described land for reimbursements, interest and the city's actual cost of serving notice upon the benefiting property owners. The lien shall be enforced in the manner provided by Oregon Revised Statutes Chapter 223.

3.10.080-Disposition of advance financed reimbursements.

Developers who have an advance financed agreement with the city shall receive the advance financed reimbursements collected by the city pertaining to their advance financed public improvements. Such reimbursements shall be delivered to the developer for a period of twenty (20) years from and after the date the applicable advance financing agreement has been executed. Such payments will be made by the city within ninety days of receipt of the advance financed reimbursements. The city shall incur no liability for its failure to remit advance financed reimbursements pursuant to the requirements of this section.

3.10.090-Recording.

All advance financing resolutions shall be recorded by the city in the deed records of Marion County, Oregon. Such resolutions shall identify the legal description of the development and benefiting properties. Failure to make such recording shall not affect the legality of an advance financing resolution or agreement.

3.10.100-Public improvements.

Public improvements installed pursuant to advance financing agreement shall become and remain the sole property of the city pursuant to the advance financing agreement.

3.10.110-Multiple public improvements.

More than one public improvement may be the subject of an advance financing agreement or resolution.

3.10.120-Advance financed reimbursements on public improvements funded by the city.

In the event the city is the developer for the construction at its own expense of public improvements for which advance financing reimbursements are permissible pursuant to this chapter, the city hall, pursuant to the direction of the city council, authorize advance financing agreements which include terms at variance with the terms otherwise required by this chapter. The city council may authorize lower interest rates, may permit installment payments and may extend the time period during which advance financed reimbursements may be required.

- A. All words used in the present tense include the future tense.
- B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.
- C. All words used in the masculine gender include the feminine gender.
- D. The word "shall" is mandatory and the word "may" is permissive.
- E. The word "building" includes the word "structure."
- F. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- G. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary.
- H. The term "ordinance" shall be deemed to include the text, the accompanying zoning map and all amendments made hereafter to either.

(Ord. 462 § 1, 2011; Ord. 415 § 7.25.020, 2002)

16.04.030 - Meaning of specific words and terms.

As used in this title:

Abut/abutting and adjacent/adjoining or contiguous lots means two or more lots joined by a common boundary line or point. (See Illustration 1, Appendix A set out at the end of this title.)

Accept means to receive as complete and in compliance with all submittal requirements.

Access means the place, means or way by which pedestrians, bicycles and vehicles shall have safe, adequate and usable ingress and egress to a property or use.

Access, private means an access not in public ownership or control by means of deed, dedication or easement.

Accessory building means a building that meets the standards set out in AMC 16.13.040.

Accessory structure means a detached subordinate structure, the use of which is clearly incidental to that of the existing principal building and is located on the same lot with the principal building, but does not include dwelling or living quarters.

Accessory use means a use customarily incidental, appropriate and subordinate to the existing principal use and located on the same lot.

Acre means a measure of land containing forty-three thousand five hundred sixty (43,560) square feet.

Addition means a modification to an existing building or structure which increases the site coverage or building volume.

Adjacent means near or close; property located across the street from a site (see Illustration 1, Appendix A set out at the end of this title).

Adjoin. See "Abut."

Adult bookstore means an establishment having at least ten (10) percent of its merchandise, items, books, magazines, other publications, films or videotapes for sale, rent or viewing on the premises that are distinguished or characterized by their emphasis on matters depicting the sexual activities or anatomical areas.

Adult motion picture theater means an establishment used for the presentation of motion pictures or videotapes having as a dominant theme material distinguished or characterized by an emphasis on matter depicting sexual activities or anatomical areas.

Carport means a covered shelter for an automobile open on two or more sides. A carport shall not attach two single-family dwellings or create duplexes, or multifamily dwellings except when the carport contains common building structural parts designed to be an integral part of a continuous structure.

Certificate of appropriateness means the permit granted by the Aurora Historic Review Board to alter a designated landmark.

Church ~~see "Place of worship." means a structure or set of structures, the principal purpose which is for persons to regularly assemble for worship, and which has legally been recognized by the state of Oregon.~~

City means the city of Aurora, Oregon.

City Recorder means the person designated by the City Council to perform the duties of City Recorder for the city of Aurora, Oregon.

Commercial use means establishments or places engaged in the distribution and sale or rental of goods and the provision of services.

Commission means the Planning Commission of the city of Aurora, Oregon.

Community building means a publicly owned and operated facility used for meetings, recreation or education.

Complete means every item is included without omissions or deficiencies.

Complex means a structure or group of structures developed on one lot of record.

Comprehensive plan means the coordinated land use map and policy statement of the governing body of the city as acknowledged by the state of Oregon.

Conditional use means a use which may be approved, denied or approved with conditions by the approval authority following a public hearing, upon findings by the authority that the approval criteria have been met or will be met upon satisfaction of conditions of approval.

Conditional use permit means a permit issued by the city, following the procedures in Chapter 16.60, which states that the use meets all of the conditions placed on it by the commission and this title.

Contiguous. See "Abut/abutting."

Convenience store means one-story retail store containing less than two thousand five hundred (2,500) square feet of gross floor area, designed and stocked to sell primarily food, beverages, and other household supplies to customers purchasing only a relatively few items (in contrast to a "supermarket") for example, "7-11" and "Plaid Pantry" stores.

Council means the city council of Aurora, Oregon.

Courtyard means a landscaped area open and unobstructed to the sky, located at or above grade level on a lot, and bounded on three or more sides by walls of a building.

Coverage, building or lot means the percentage of the total lot area covered by buildings.

Cultural resources means buildings, structures, signs, sites, districts and objects of historic, architectural, archeological or aesthetic significance to the citizens of the city, to the state of Oregon or the nation.

Day care means care provided to not more than twelve (12) unrelated children or five unrelated adults in a residential dwelling certified by the state of Oregon during a period not to exceed twelve (12) hours in any twenty-four-hour day.

Day care facility means any facility that provides day care to children, including a child day care center, group day care home, home of a family day care provider, including those known under a descriptive name such as nursery school, preschool or kindergarten.

Days means calendar days, unless working days are specified, which shall mean Monday through Friday, exclusive of official city holidays.

Deck means a flat floored, roofless area adjoining a building and adapted especially for outdoor dining and living.

Declarant means the person who files a declaration as required under ORS 92.075 to subdivide or partition property.

Declaration means the instrument described in ORS 92.075 by which the subdivision or partition plat was created.

Dedication means the donation of property by its owner to the city for any public purpose (i.e., the construction or widening of a street).

Demolish means to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a designated structure or resource.

De novo means a new hearing, usually without consideration of any previous hearing testimony.

Density means the number of dwelling units allowed on a parcel of land, frequently expressed as the number of units per acre.

Density, gross means including all of the land within the boundaries of the lot in the computation of density.

Density, net means excluding from the computation those lands necessary for streets and underground utilities, as well as easements, floodways and steep slopes.

Designated landmark means any cultural resource that has special historical, cultural, aesthetic or architectural character, interest or value as part of the development, heritage or history of the city, the state of Oregon or the nation, and has been designated pursuant to this title.

Designated landmark site means a parcel on which a cultural resource is situated and any abutting parcel constituting part of the premises on which a cultural resource is situated and which has been designated a landmark site under the provisions of this title.

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, the division of parcels, mining, dredging, filling, grading, paving, excavation, or drilling operations that makes a material change in the use or appearance of a structure or land and including partitions and subdivisions as provided in Oregon Revised Statutes 92 and 227.215.

Development permit refers to any document or permit that authorizes an applicant to commence construction or development activities.

Development site means the lot or combination of lots upon which development occurs.

Drainage-way means undeveloped land inundated during a twenty-five-year storm with a peak flow of at least five cubic feet per second and conveyed, at least in part, by identifiable channels that either drain to the Aurora floodway directly or after flowing through other drainage ways, channels, creeks or floodplain.

Dwelling Types. (See Illustration 3, Appendix A set out at the end of this title).

1. *Accessory dwelling unit:* ~~a second dwelling unit created on lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home. An interior, attached, or detached residential structure with kitchen, bathroom, and living areas that is used in connection with or that is accessory to a primary single-family dwelling on the same lot.~~
2. *Single-family, detached:* one dwelling unit, structurally separated from any other dwelling on the same lot.
3. *Single-family, attached:* two dwelling units, each located on a separate lot, sharing a fire resistant common wall which follows the property line.

Flood, one hundred (100) year or base means a flood with a one-percent chance of occurrence in any given year. It is mapped by the Army Corps of Engineers and is used by the Federal Emergency Management Agency and the city for the purposes of regulating development within flood boundaries.

Floodplain means the combined area of the floodway and the flood fringe as defined herein (see Illustration 5, Appendix A set out at the end of this title).

Floodway means the minimum area necessary for the passage of floodwaters, which must be reserved to discharge the one hundred (100) year flood without increasing the water surface elevation more than one foot (see Illustration 5, Appendix A set out at the end of this title).

Floor area means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

Floor Area Ratio (FAR) means the total horizontal enclosed area of all the floors below the roof and within the outer surface of the wall of the primary building and other accessory enclosed structures, including finished basements, enclosed porches, mezzanines and stairwells, garages and floor area within a primary building that is occupied by accessory uses. Any areas with slope greater than twenty (20) percent or areas within the Flood Hazard Overlay may be excluded from FAR calculations.

Frontage means the side of a lot abutting a street; the length of the front lot line (see Illustration 7, Appendix A set out at the end of this title).

Front Lot Line. See "Lot line, front."

Garage, Private. "Private garage" means a building or portion of a building in which motor vehicles used by the tenant of the structure on the premises are stored or kept.

Garage, Public. "Public garage" means a structure that provides facilities for the repair of motor vehicles including body and fender repair, painting, rebuilding, reconditioning, upholstering, or other vehicle maintenance or repair.

Grade means the degree or rise of a sloping surface (see Illustration 6, Appendix A set out at the end of this title).

Grade, finish means the final elevation of the ground surface after development.

Grandfather Clause. See "Nonconforming use."

Gross acres means all of the land area included in the legal description of the property.

Guest house means an accessory building used for the purpose of providing temporary living accommodations and having no cooking facilities.

Hedge, sight-obscuring means an evergreen barrier grown for the purpose of obstructing vision which shall be at least two feet tall at the time of planting, and capable of obscuring at least eighty (80) percent of the view between two and six feet from the ground within five years of planting.

Height means the vertical distance of a structure measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the structure. Projections such as chimneys, spires, domes, elevator shaft housings, towers excluding television dish receivers, aeriels, flag poles and other similar objects not used for human occupancy, are not subject to the building height limitations of this title if located outside the airport overlay zone.

Historic district means the land area included in the Aurora Colony Historic District as designated on the National Register of Historic Places, and shown on the city zoning map as the historic zone.

Home occupation means a lawful income-producing activity conducted in a dwelling while maintaining the residential character; having no outward appearance of a business and no infringement on the rights of neighboring residents (see Chapter 16.46). Home occupation does not include activity

Flood, one hundred (100) year or base means a flood with a one-percent chance of occurrence in any given year. It is mapped by the Army Corps of Engineers and is used by the Federal Emergency Management Agency and the city for the purposes of regulating development within flood boundaries.

Floodplain means the combined area of the floodway and the flood fringe as defined herein (see Illustration 5, Appendix A set out at the end of this title).

Floodway means the minimum area necessary for the passage of floodwaters, which must be reserved to discharge the one hundred (100) year flood without increasing the water surface elevation more than one foot (see Illustration 5, Appendix A set out at the end of this title).

Floor area means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

Floor Area Ratio (FAR) means the total horizontal enclosed area of all the floors below the roof and within the outer surface of the wall of the primary building and other accessory enclosed structures, including any roofed space for off-street parking such as carports and garages, finished basements, enclosed porches, mezzanines and stairwells, and floor area within a primary building that is occupied by accessory uses. Any areas with slope greater than twenty (20) percent or areas within the Flood Hazard Overlay may be excluded from FAR calculations.

Frontage means the side of a lot abutting a street; the length of the front lot line (see Illustration 7, Appendix A set out at the end of this title).

Front Lot Line. See "Lot line, front."

Garage, Private. "Private garage" means a building or portion of a building in which motor vehicles used by the tenant of the structure on the premises are stored or kept.

Garage, Public. "Public garage" means a structure that provides facilities for the repair of motor vehicles including body and fender repair, painting, rebuilding, reconditioning, upholstering, or other vehicle maintenance or repair.

Grade means the degree or rise of a sloping surface (see Illustration 6, Appendix A set out at the end of this title).

Grade, finish means the final elevation of the ground surface after development.

Grandfather Clause. See "Nonconforming use."

Gross acres means all of the land area included in the legal description of the property.

Guest house means an accessory building used for the purpose of providing temporary living accommodations and having no cooking facilities.

Hedge, sight-obscuring means an evergreen barrier grown for the purpose of obstructing vision which shall be at least two feet tall at the time of planting, and capable of obscuring at least eighty (80) percent of the view between two and six feet from the ground within five years of planting.

Height means the vertical distance of a structure measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the structure. Projections such as chimneys, spires, domes, elevator shaft housings, towers excluding television dish receivers, aerials, flag poles and other similar objects not used for human occupancy, are not subject to the building height limitations of this title if located outside the airport overlay zone.

Historic district means the land area included in the Aurora Colony Historic District as designated on the National Register of Historic Places, and shown on the city zoning map as the historic zone.

Home occupation means a lawful income-producing activity conducted in a dwelling while maintaining the residential character; having no outward appearance of a business and no infringement

Park and recreation facility means any land set apart and devoted to the purposes of pleasure, recreation, ornament, light and air for the general public.

Parking space means an area within a private or public parking area, building or structure meeting the specific dimensional requirements and designated as parking for one vehicle.

Partitioning land means division of an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partitioning does not include divisions of land resulting from lien foreclosures nor the adjustment of a property line by the relocation of a common boundary when no new parcel is thereby created.

Permit means an official document or certificate, issued by the city or its designated official, authorizing performance of a specified activity.

Permitted use means a use which is allowed outright, but is subject to all applicable provisions of this title.

Person means an individual, corporation, governmental agency, official advisory committee of the city, business trust, estate, trust, partnership, association, two or more people having a joint or common interest or any other legal entity.

Place of worship means a church, synagogue, temple, mosque, chapel, meeting house, or other nonresidential place used for activities customarily associated with the practices of religious activity, including worship services, religion classes, weddings, funerals, meal programs, limited housing, and childcare, but not including private or parochial school education for prekindergarten through grade 12 or higher education.

Planning Director means the person designated by the City Council as responsible for planning activities for the city.

Plat includes a final subdivision plat, replat, or partition plat.

Partition Plat, final includes a final map and other writing containing all descriptions, locations, specifications, provisions and information concerning a partition.

Patio means an unenclosed, uncovered recreation area adjoining a building and adapted especially for outdoor dining and living.

Porch means a covered, enclosed or unenclosed, entrance to a vestibule or doorway.

Potential future flooding means condition that exists when a property elevation is at or below the established one hundred (100) year flood plain.

Preservation means the identification, study, protection, restoration, rehabilitation or enhancement of cultural resources.

Principal building means the building on a lot that serves the primary purpose for that lot and that is built for the support, shelter, protection or enclosure of any persons, animals or property of any kind. The principal building shall conform to the stated uses within the zoning district and all other restrictions of this title.

Professional office means the office of a member of a recognized profession maintained for the conduct of that profession.

Property line means the division line between two units of land.

Property line adjustment means the relocation of a common property line between two abutting properties which does not result in the creation of an additional lot, or the creation of a substandard lot.

Public support facilities include services, buildings, and structures necessary to support uses allowed outright in the underlying zone and operated by a governmental agency or public utility. Such facilities may include, but not be limited to, fire stations, libraries, electrical substations, water and sewer distribution facilities and storage, power lines and poles, phone booths, fire hydrants, as well as bus

Structural alteration. See "Alteration, structural."

Structure means that which is built or constructed, erected, or air-inflated, permanent or temporary; an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground. Among other things, structure includes buildings, walls, signs, billboards and poster panels.

Subdivide land means to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision Plat, final includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

Substantial means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the replacement value of the structure.

Unstable soil means soil types which pose severe limitations upon development due to potential flooding, structural instability, or inadequate sewage waste disposal, as defined by the U.S. Soil Conservation Service, and include Coquito silt loam (Cm), concord silt loam (Co), terrace escarpment (Te), Wapato silt clay loam (Wc) and Newberg fine sandy loam (Nu).

Urban growth boundary means an adopted line used as a planning guideline to designate the future urban area of the city and indicating areas into which city services will be extended upon annexation to the city.

Use means the primary purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

Variance means a grant of relief from the [dimensional](#) standards of this title when it can be shown that, due to unusual conditions related to a piece of property, strict application of the title would result in an unnecessary hardship. (See Chapter 16.64.)

Visual clearance area means a triangular area on a lot at the intersection of two streets or a street and an alley, driveway, other point of vehicular access or railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance of twenty (20) feet. The third side of the triangle is a line across the corner of the lot adjoining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The visual clearance area shall not contain visual obstructions.

Visual obstruction means any fence, hedge, tree, shrub, device, wall or structure between the elevations of three and one-half feet [forty-two (42) inches] and eight feet above the adjacent curb height or above the elevation of gutter line of street edge where there is no curb, as determined by the Planning Director, and so located at a street, drive or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles on such streets, drives or alleys.

Wetlands means uncultivated land often called swamp, marsh or bog, that exhibits all of the following characteristics:

1. The land supports hydrophilic vegetation. This occurs when more than fifty (50) percent of the dominant species from all strata are classified as wetland species;
2. The land has hydric soils. Hydric soils are soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile;
3. The land has wetland hydrology. Wetland hydrology is permanent or periodic inundation, or soil saturation for a significant period (at least one week) during the growing season.

Yard means an open space unobstructed from the ground upward except as otherwise provided in this title. (See Illustration 9, Appendix A set out at the end of this title.)

Chapter 16.10 - R-1 RESIDENTIAL LOW DENSITY ZONE

Sections:

16.10.010 - Purpose.

The R-1 zone is intended to provide minimum standards for residential use in areas of low population densities.

(Ord. 415 § 7.40.010, 2002)

16.10.020 - Permitted uses.

In the R-1 zone, only the following uses and their accessory uses are permitted outright. [Variances from listed permitted uses are prohibited.](#)

- A. Registered child care facility or certified group child care home defined by ORS 657A;
- B. Home occupation (Type I) subject to Chapter 16.46;
- C. Manufactured homes on individual lots subject to Section 16.36.030 and development standards for a single-family detached residential dwelling;
- D. Public support facilities;
- E. Residential care home;
- F. Single-family detached residential dwelling;
- G. Public park and recreation facility, provided that all buildings setbacks shall be a minimum of twenty-five (25) feet from any property line;
- H. Duplex or two-family dwelling, provided that it is not located within five hundred (500) feet of a lot line which lot contains another duplex and the lot or parcel contains a minimum of ten thousand (10,000) square feet;
- I. Accessory dwelling unit located in the rear or side yard, subject to Chapter 16.54;
- J. Municipally owned structures existing on or before July 1, 2001;
- K. Accessory buildings located in the rear or side yard, [subject to Chapter 16.13.](#)
- L. [—For lots larger than two \(2\) acres in the R-1 and R-2 zone, an agricultural bldg. up to 5,000 sf ft is allowed, except that it may not be used for livestock or storage of agricultural chemicals.](#)

(Ord. 455 § 2, 2010; Ord. 415 § 7.40.020, 2002)

16.10.030 - Conditional uses.

The following uses and their accessory uses may be permitted in the R-1 zone when authorized by the Planning Commission in accordance with the requirements of Chapter 16.60, other relevant sections of this title and any conditions imposed by the Planning Commission. [—Variances from listed conditional uses are prohibited.](#)

- A. [Place of worship](#) Church, provided that all building setbacks shall be a minimum of thirty (30) feet from any property line; [Where a place of worship is in a residential district, the housing permitted outright or permitted conditionally in the district is allowed in addition to a place of worship and in accordance with the development standards of the base zone.](#)

- B. Home occupation (Type II) subject to Chapter 16.46;
- C. Minor impact utilities;
- D. Schools limited to pre-kindergarten through eighth grade, provided that all building setbacks shall be a minimum of thirty (30) feet from any property line;
- E. Museum;
- F. Bed and breakfast establishments;
- G. Accessory dwelling unit located in the front yard, subject to Chapter 16.54;
- H. Accessory buildings located in the front yard, subject to Chapter 16.13.

(Ord. 455 § 3, 2010; Ord. 415 § 7.40.030, 2002)

16.10.040 - Development standards.

- A. The minimum lot area shall be seven thousand five hundred (7,500) square feet except the Planning Commission may approve the following:
 - 1. For residential subdivision proposals containing a minimum of two acres, minimum required lot area, width and depth may be reduced by up to ten (10) percent when:
 - a. The resulting density will not exceed 5.8 dwelling units per gross acre,
 - b. The average lot size for the subdivision is at least seven thousand five hundred (7,500) square feet with a minimum of fifty (50) percent of the lots meeting the minimum lot size of seven thousand five hundred (7,500) square feet, and
 - c. A deed restriction limiting use of all lots to single-family detached residences is recorded with the final plat. For subdivision proposals containing a mixture of single-family residential lots and lots intended for other uses, this analysis shall be based only on the sub-area containing single-family residential lots, which must comply with all the eligibility requirements of this subsection.
- B. The minimum lot width shall be seventy (70) feet, except where reduced under subsection (A)(1) of this section.
- C. The minimum lot depth shall be ninety (90) feet, except where reduced under subsection (A)(1) of this section.
- D. The minimum setback requirements are as follows:
 - 1. The front setback shall be a minimum of twenty (20) feet except no more than two adjacent buildings shall have the same front setback from the right-of-way. The front setbacks shall vary at least four feet in depth between adjacent lots. (See Illustration 13, Appendix A set out at the end of this title.)
 - a. Front setback may be reduced to fifteen (15) feet when the garage is located in the rear yard and access is provided from the front property line.
 - b. Front setback may be reduced to ten (10) feet when the garage is located in the rear yard and access is provided from a rear alley only. No front drive access shall be permitted.
 - 2. The side setbacks shall be a minimum of eight (8) feet. Any street side setback shall be a minimum of ten (10) feet.
 - 3. The rear setback shall be a minimum of ten (10) feet for single stories one or one and one-half story buildings, and twenty (20) feet for two or two and one-half story buildings.
 - 4. The setback for a garage door approach (the point where the vehicle accesses the garage) shall be a minimum of twenty (20) feet from its access drive.

- E. No building in an R-1 zoning district shall exceed two and one-half stories or thirty-five (35) feet in height. All principal and accessory buildings, including accessory dwelling units and accessory buildings, shall utilize at least two of the following design features to provide visual relief along the street frontage:
 - 1. Dormers;
 - 2. Recessed entries;
 - 3. Cupolas;
 - 4. Bay or bow windows;
 - 5. Gables;
 - 6. Covered porch entries;
 - 7. Pillars or posts;
 - 8. Eaves (minimum six inches projection); or
 - 9. Off-sets on building face or roof (minimum sixteen (16) inches).
- F. One principal building per lot or parcel.
- G. Impervious surfaces shall not cover more than fifty (50) percent of the lot or parcel.
- H. The Floor Area Ratio (FAR) for the property shall not exceed 0.40. Any areas with slope greater than twenty (20) percent or areas within the Flood Hazard Overlay may be excluded from FAR calculations.
- I. Parking requirements shall be in accordance with Chapter 16.42. Parking requirements for dwelling units, including manufactured homes, require the construction of a garage or carport. Manufactured dwellings located in manufactured dwelling parks are required to install either a garage or carport.
- I. Landscaping requirements shall be in accordance with Chapter 16.38.
- J. All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of the site including, but not limited to, structural façade, yard and landscaping that are immediately adjacent to and visible from Highway 99 or Ehlen Road.
- K. Additional requirements shall include any applicable section of this title.

(Ord. 455 § 4, 2010; Ord. 419 §§ 1, 2, 2002; Ord. 415 § 7.40.040, 2002)

Chapter 16.12 - R-2 RESIDENTIAL LOW/MODERATE DENSITY ZONE

Sections:

16.12.010 - Purpose.

The R-2 zone is intended to provide minimum standards for residential use in areas of moderate to high population concentrations.

(Ord. 415 § 7.50.010, 2002)

16.12.020 - Permitted uses.

In the R-2 zone, only the following uses and their accessory uses are permitted outright. Variances from listed permitted uses are prohibited.

- A. Registered child care facility or certified group child care home defined by ORS 657A;
- B. Home occupation (Type I) subject to Chapter 16.46;
- C. Manufactured home on individual lots subject to Section 16.36.030 and development standards for a single-family detached residential dwelling;
- D. Public support facility;
- E. Residential care home;
- F. Single-family detached residential dwelling;
- G. Single-family attached residential dwelling;
- H. Duplex;
- I. Triplex;
- J. Manufactured home parks located more than one hundred (100) feet from Highway 99 subject to Section 16.36.040 and Chapter 16.58;
- K. Municipal park and recreation facility;
- L. Accessory dwelling unit located in the rear or side yard subject to Chapter 16.54;
- M. Accessory buildings located in the rear or side yard, subject to Chapter 16.13.

(Ord. 474 § 1, 2014; Ord. 455 § 5, 2010; Ord. 415 § 7.50.020, 2002)

16.12.030 - Conditional uses.

The following uses and their accessory uses may be permitted in the R-2 zone when authorized by the Planning Commission in accordance with the requirements of Chapter 16.60, other relevant sections of this title and any conditions imposed by the Planning Commission:

- A. Place of worship~~Church~~, provided that all building setbacks shall be a minimum of twenty (20) feet from any property line.; Where a place of worship is in a residential district, the housing permitted outright or permitted conditionally in the district is allowed in addition to a place of worship and in accordance with the development standards of the base zone.
- B. Home occupation (Type II) subject to Chapter 16.46;
- C. Minor impact utilities;
- D. Schools limited to pre-kindergarten through eighth grade provided that all building setbacks shall be a minimum of twenty (20) feet from any property line;
- E. Museum;
- F. Bed and Breakfast establishment;
- G. Accessory dwelling units located in the front yard subject to Chapter 16.54;
- H. Accessory buildings located in the front yard, subject to Chapter 16.13.
- I. For lots larger than two (2) acres in the R-1 and R-2 zone, an agricultural bldg. up to 5,000 sf ft is allowed, except that it may not be used for livestock or storage of agricultural chemicals.

(Ord. 455 § 6, 2010; Ord. 415 § 7.50.030, 2002)

16.12.040 - Development standards.

- A. The minimum lot area for a single-family detached residence with municipal sewer service shall be five thousand (5,000) square feet except the Planning Commission may approve the following:
1. For residential subdivision proposals containing a minimum of two acres, lot area, width and depth may be reduced by up to ten (10) percent when:
 - a. The resulting density will not exceed 8.71 dwelling units per gross acre,
 - b. The average lot size for the subdivision is at least five thousand (5,000) square feet and a minimum of fifty (50) percent of lots must comply with the minimum lot size of five thousand (5,000) square feet, and
 - c. A deed restriction limiting use of all lots to single-family detached residences is recorded with the final plat. For subdivision proposals containing a mixture of single-family residential lots and lots intended for other uses, this analysis shall be based only on the sub-area containing single-family residential lots, which must comply with all the eligibility requirements of this subsection.
- B. The minimum lot area for single family attached residences shall be three thousand (3,000) square feet per dwelling unit.
- C. The minimum lot area for a manufactured home park shall be one acre.
- D. The minimum lot width for all uses except single-family attached shall be fifty (50) feet, except where reduced under subsection (A)(1) of this section. The minimum lot width for single-family attached shall be thirty-five (35) feet.
- E. The minimum lot depth shall be sixty-five (65) feet, except where reduced under subsection (A)(1) of this section.
- F. The minimum setback requirements are as follows,
1. The front setback shall be a minimum of fifteen (15) feet except no more than two adjacent buildings shall have the same front setback from the right-of-way. The setbacks shall vary at least four feet in depth between adjacent lots. (See Illustration 13, Appendix A set out at the end of this title.)
 - a. Front setback may be reduced to ten (10) feet when garage is located in rear yard with rear yard alley access only. No front drive access is permitted.
 2. Except for the attached side of a single-family attached dwelling unit, the side setbacks shall be a minimum of five feet. Any street side setback shall be a minimum of ten (10) feet;
 3. The rear setback shall be a minimum of ten (10) feet for one or one and one-half story buildings. ~~single-stories~~ and twenty (20) feet for two or two and one-half story buildings~~stories~~.
 4. The setback for the garage door approach (the point where the vehicle accesses the garage) shall be a minimum of twenty (20) feet from its access drive.
- G. No building in an R-2 zoning district shall exceed two and one-half stories or thirty-five (35) feet in height. All buildings, including accessory dwelling units and accessory buildings, shall utilize at least two of the following design features to provide visual relief along the street frontage:
1. Dormers;
 2. Recessed entries;
 3. Cupolas;
 4. Bay or bow windows;
 5. Gables;
 6. Covered porch entries;

7. Pillars or posts;
 8. Eaves (minimum six inches projection); or
 9. Off-sets on building face or roof (minimum sixteen (16) inches).
- H. One principal building per lot or parcel.
- I. Impervious surfaces shall not cover more than sixty (60) percent of the lot or parcel.
- J. The Floor Area Ratio (FAR) for the property shall not exceed 0.50. Any areas with slope greater than twenty (20) percent or areas within the Flood Hazard Overlay may be excluded from FAR calculations.
- J. Parking requirements shall be in accordance with Chapter 16.42. Parking requirements for residential units, including manufactured homes, require the construction of a garage or carport. Manufactured dwellings located in manufactured dwelling parks are required to install either a garage or carport.
- K. Landscaping requirements shall be in accordance with Chapter 16.38.
- L. All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of the site including, but not limited to, structural façade, yard and landscaping that are immediately adjacent to and visible from Highway 99 or Ehlen Road.
- M. Additional requirements shall include any applicable section of this title.

(Ord. 455 § 7, 2010; Ord. 419 §§ 3, 4, 2002; Ord. 415 § 7.50.040, 2002)

Chapter 16.13 - ACCESSORY ~~BUILDINGS~~ STRUCTURES

Sections:

16.13.010 - Purpose.

Accessory buildings are permitted in certain situations to:

- A. Allow for the more efficient use of yards
- B. Allow for additional storage space

(Ord. 455 § 8, 2010)

16.13.020 - Applicability and administration.

- A. Accessory buildings may be added to any single-family detached dwelling or manufactured home in any residential (R) zoning district subject to the standards of this chapter.
- B. ~~Approvals~~ Applications for accessory buildings shall be approved administratively pursuant to Chapter 16.78.
- C. ~~except for a~~ Accessory buildings of two hundred (200) square feet or less and/or shall not be subject to review, but shall be subject to the standards of 16.13.040, except where noted.
- D. A ~~accessory~~ buildings located in the historic residential overlay ~~which~~ shall require approval by the Historic Review Board pursuant to Chapters 17.16 and 17.24 prior to administrative approval.
- E. Accessory dwelling units shall be subject to the accessory dwelling unit standards of Chapter 16.54. Where conflict exists between the chapters of this title, the more restrictive standard applies.
- F. All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of the site including, but not limited to, structural façade, yard and landscaping, and accessory buildings that are immediately adjacent to and visible from Highway 99 or Ehlen Road.

(Ord. 455 § 8, 2010; Ord. 415 § 7.112.020, 2002)

16.13.030 - Application submittal requirements.

All applications for accessory buildings shall be made on forms provided by the city and shall be accompanied by:

- A. A site plan drawn to standard engineering scale showing the location of the accessory building, the entrance and exits from the site, and areas to be designated for parking;
- B. A completed building permit application, if applicable. Accessory buildings not subject to building permits requirements are still subject to other requirements of Chapter 16.13.

(Ord. 455 § 2, 2010)

16.13.040 - Approval standards.

- A. Standards for creating accessory buildings address the following purposes:
 - 1. Ensure that accessory buildings are compatible with the desired character and livability of Aurora's residential zones; and

2. Ensure that accessory building units are smaller in size than principal buildings.

B. Design standards Accessory buildings must meet the following standards:-

1. Number. ~~Only one accessory building exceeding two hundred (200) square feet is allowed per lot. No more than~~ Up to two accessory buildings two hundred (200) square feet or less are permitted per lot.
2. Size. The maximum square footage for an accessory building shall be five hundred (500) square feet in the R-2 zone and seven hundred (700) square feet in the R-1 zone, except the maximum square footage for an accessory building on a lot or parcel greater than fifteen thousand (15,000) square feet shall be one thousand (1,000) square feet. Accessory buildings size may be interpolated between seven hundred fifty (750) square feet and one thousand (1,000) square feet when lot size is between seventy-five hundred (7,500) and fifteen thousand (15,000) square feet.
3. Height. Maximum height for an accessory building shall be eighteen (18) feet or seventy-five (75) percent of the height of the principal building, whichever is greater. ~~Accessory dwelling units constructed above accessory buildings shall not exceed the height of the principal structure. Accessory buildings two hundred (200) square feet or less shall not exceed a height of ten (10) feet as measured from the finished floor level, to the average height of the roof surface.~~
2. ~~The maximum square footage for an accessory building shall be five hundred (500) square feet in the R-2 zone and seven hundred (700) square feet in the R-1 zone, except the maximum square footage for an accessory building on a lot or parcel greater than fifteen thousand (15,000) square feet shall be one thousand (1,000) square feet. Accessory buildings size may be interpolated between seven hundred fifty (750) square feet and one thousand (1,000) square feet when lot size is between seventy-five hundred (7,500) and fifteen thousand (15,000) square feet.~~
3. ~~Only one accessory building exceeding two hundred (200) square feet is allowed per lot. No more than two accessory buildings two hundred (200) square feet or less permitted.~~
4. Design. Accessory buildings greater than two hundred (200) square feet shall utilize at least two of the following design features to provide visual relief along the street frontage:
 - a. Dormers;
 - b. Recessed entries;
 - c. Cupolas;
 - d. Bay or bow windows;
 - e. Gables;
 - f. Covered porch entries;
 - g. Pillars or posts;
 - h. Eaves (minimum six inches projection); or
 - i. Off-sets on building face or roof (minimum sixteen (16) inches).

C. ~~Accessory buildings must meet the following standards:~~

54. ~~Accessory buildings two hundred (200) square feet or less shall not exceed a height of ten (10) feet as measured from the finished floor level, to the average height of the roof surface.~~ Setbacks. All setback requirements applicable to the base residential zone shall apply to accessory buildings, except for accessory buildings two hundred (200) square feet or less may be setback five feet from rear or side lot lines.
62. Separation. A five-foot minimum separation is required between a principal building and each accessory building.

73. Exterior finish. Accessory buildings greater than two hundred (200) square feet must have exterior finish material that is the same as or a visual match in type, size and placement of, the exterior finish material of the ~~existing principal dwelling unit or manufactured home,~~ except all garages and carport are required to match the finish material of the primary structure. A garage or carport constructed of like materials consistent with the predominant construction of immediately surrounded dwellings and sided, roofed and finished to match the exterior of the dwelling or manufactured structure is required regardless of square footage.
84. Roof pitch. Accessory buildings greater than two hundred (200) square feet shall have a minimum nominal roof pitch of at least three feet in height for each twelve (12) feet in width, as measured from the ridge line.
95. Breezeways. Structures connected to the principal building by a breezeway are accessory buildings unless the breezeway is enclosed and contains architectural elements such as windows, doors, trim, and roof lines compatible with the principal building. Breezeways shall be subject to building code requirements.
- ~~6. Off Street Parking. A garage or carport constructed of like materials consistent with the predominate construction of immediately surrounded dwellings and sided, roofed and finished to match the exterior of the dwelling or manufactured structure is required regardless of square footage.~~
- ~~D. All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of the site including, but not limited to, structural façade, yard and landscaping, and accessory buildings that are immediately adjacent to and visible from Highway 99 or Ehlen Road.~~

(Ord. 474 § 1, 2014; Ord. 462 § 1, 2011; Ord. 455 § 8, 2010)

Chapter 16.14 - C COMMERCIAL ZONE

Sections:

16.14.010 - Purpose.

The commercial zone (C) is intended to provide areas for retail and service commercial uses.

(Ord. 415 § 7.60.050, 2002)

16.14.020 - Permitted uses.

In the commercial zone, except as specifically stated in Section 16.14.050 activities shall be conducted within an enclosed building or structure and are subject to site development review, Chapter 16.58. Only the following uses and their accessory uses are permitted outright. [Variances from listed permitted uses are prohibited.](#)

1. Auction house, auditorium, exhibit hall, community building, club, lodge hall, fraternal organization or place of worship church;
2. Bed and breakfast inn, hotel or motel;
3. Bicycle sales or repair;
4. Cultural exhibits and library services;
5. Day care facility licensed by state;
6. Dwelling units located above or below the ground floor of the commercial structure and from which the property is addressed;
7. Eating and drinking establishments;
8. Financial, insurance and real estate offices;
9. General retail and convenience sales, except adult bookstores;
10. Indoor and outdoor recreation and entertainment facilities, except adult entertainment or adult motion picture theaters;
11. Laundry or dry cleaning establishments;
12. Medical or dental services including labs;
13. Mini storage, with or without a caretaker dwelling;
14. Minor impact utilities;
15. Motor vehicle, farm implement, boat or trailer rental, sales or services including body repairs when repairs are conducted wholly within an enclosed structure;
16. Mortuary, funeral home, crematorium or taxidermy;
17. Nurseries, greenhouses, and landscaping supplies not requiring outside storage for items other than plant materials including wholesale or retail, excluding uses related to medical or recreational marijuana.
18. Parking structure or lot or storage garage;
19. Printing or publishing plant;
20. Professional and administrative offices;
21. Public safety and support facilities;

22. Public transportation passenger terminal or taxi stand;
23. Repair services for household and personal items, excluding motorized vehicles;
24. Sales, grooming and veterinary offices or animal hospitals without outside pens or noise beyond property line;
25. Schools;
26. Service station, retail vehicle fuel sales or car wash when not located adjacent to a residential zone;
27. One single-family residence, provided it is an accessory structure and cannot be sold separately;
28. Studios, including art, photography, dance, and music.

(Ord. 487 § 2, 2017, Ord. 415 § 7.60.050, 2002)

16.14.030 - Conditional uses.

The following uses and their accessory uses may be permitted when authorized by the Planning Commission in accordance with the requirements of Chapter 16.60, other relevant sections of this title and any conditions imposed by the Planning Commission:

- A. Adult bookstore, adult entertainment or adult motion picture theaters, provided no sales area or activity is ever visible from the building exterior, all building setbacks shall be a minimum of thirty-five (35) feet from any property line and shall be screened and buffered in accordance with Section 16.38.040. In addition, location shall be at least one thousand five hundred (1,500) feet, measured in a straight line, from any of the following:
 1. Residential district,
 2. Public or private nursery, preschool, elementary, junior, middle or high school,
 3. Day care facility, nursery school, convalescent home, home for the aged, resident care facility or hospital,
 4. Public library,
 5. Community recreation,
 6. Place of worship~~Church~~,
 7. Historic district or historic structure;
- B. Home occupations (Type II) subject to Chapter 16.46;
- C. Major impact utilities, including telecommunications facilities subject to Chapter 16.50, provided that a ten-foot perimeter setback containing both externally visible landscaping meeting buffering standards and solid screening surrounds the property;
- D. Retail or wholesale business with not more than fifty (50) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly associated with the retail business conducted on the premises; (Ord. 478, 2015)
- E. On lots that do not abut a residential zone, retail or wholesale business with not more than seventy-five (75) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly associated with the retail business conducted on the premises; (Ord. 478, 2015)
- F. Wholesaling, storage and distribution. (Ord. 415 § 7.60.050, 2002)
- G. Medical Marijuana Dispensaries (MMD) and commercial marijuana retail stores, subject to the following standards:

1. Buffers which shall only be measured at the initial land use application and not subsequent annual renewals:
 - a. Elementary, middle or high school, public or private: one thousand (1,000) feet.
 - b. Day care: one thousand (1,000) feet.
 - c. Other marijuana businesses: one thousand (1,000) feet.
 - d. May not be adjacent to a residential zone, a public park, or a place of worship~~church~~.
2. The use must be located within a permanent, enclosed structure.
3. The use may not be allowed as a home occupation.
4. Applicant and all employees must pass a criminal background check.
5. The term of a conditional use approval shall not exceed one year - upon which time an annual review under AMC 16.60.060 shall be required.
6. Waste materials containing any amount of marijuana or by products must be locked in a secure container on-site.
7. Hours of operation are limited to 10:00 a.m. to 5:00 p.m.
8. Drives through windows are prohibited.

(Ord. 487 § 2, 2017; Ord. 479 § 2, 2015; Ord. 478 § 1, 2015)

16.14.040 - Development standards.

- A. There is no minimum size for lots or parcels served by municipal sewer. Minimum lot sizes for lots or parcels without municipal sewer shall be as determined by the county sanitarian.
- B. There is no minimum lot width or depth.
- C. Unless otherwise specified, the minimum setback requirements are as follows:
 1. There is no minimum front yard setback except as required for buffering of off-street parking in accordance with Section 16.38.050;
 2. On corner lots and the rear of through lots the minimum setback for the side facing the street shall be ten (10) feet;
 3. No side or rear yard setback shall be required except twenty (20) feet screened and buffered in accordance with Chapter 16.38 shall be required where abutting a residential zoning district;
- D. No building shall exceed forty-five (45) feet in height. Within one hundred (100) feet of a residential zone, no building shall exceed thirty-five (35) feet in height. All buildings greater than thirty-five (35) feet in height are subject to Chapter 16.24.
- E. Parking shall be in accordance with Chapter 16.42.
- F. Landscaping shall be in accordance with Chapter 16.38.
- G. Doors and windows may not be covered with security grates.
- H. All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of the site including, but not limited to, structural façade, yard and landscaping that are immediately adjacent to and visible from Highway 99 or Ehlen Road.
- I. Additional requirements shall include any applicable section of this title. (Ord. 415 § 7.60.050, 2002)

- J. Additions and/or accessory structures not located in the rear yard shall be consistent in appearance with the other structures on the property with regard to color, setbacks, architectural style, and overall proportions, unless fully screened with a minimum six-foot fence or landscaping.

(Ord. 482, 2016; Ord. 479 § 2, 2015)

16.14.050 - Open inventory display.

- A. All business, service, repair, processing, storage or merchandise displays shall be conducted wholly within an enclosed building except for the following:
1. Off-street parking or loading;
 2. Drive-through windows;
 3. Display, for resale purposes, of large on road vehicles which could not be reasonably displayed wholly within a building; specifically automobiles, boats, logging equipment, farm machinery, heavy machinery and trucks. Such displays shall be limited to a maximum of five vehicles which shall be movable at all times and cannot be deemed as discarded or dismantled. All vehicles displayed for sale must be located on a paved surface;
 4. Displays for sale purposes of small merchandise in relation to the fronting business shall be removed to the interior of the business after business hours;
 5. Display, for sale purposes in relation to fronting business, of live trees, shrubs and other plants, flowers or produce; and
 6. Outdoor seating in relation to a permitted eating or drinking establishment subject to [Section] 16.34.060(D).
- B. All open inventory displays shall be maintained, kept clean, and be situated in conformance with all applicable city ordinances.

(Ord. 464, 2011; Ord. 415 § 7.60.050, 2002)

Chapter 16.16 - I INDUSTRIAL ZONE

Sections:

16.16.010 - Purpose.

The land designated as industrial is the only area capable of accommodating anticipated economic development activities that are non-retail in nature. With its excellent transportation access, this area provides the opportunity for land-intensive commercial business, such as lumber yards or equipment sales and service, as well as manufacturing.

(Ord. 484 § 2(Exh. A), 2016; Ord. 415 § 7.65.010, 2002)

16.16.020 - Permitted uses.

In the I zone, all uses are subject to site development review, Chapter 16.58. Only the following uses and their accessory uses are permitted. [Variances from listed permitted uses are prohibited.](#)

- A. Agricultural supplies;
- B. Nurseries, greenhouses, and landscaping supplies requiring outside storage including wholesale or retail;

- E. Recycle stations, provided that a ten-foot perimeter setback containing both externally visible landscaping meeting buffering standards and solid screening surrounds the property, all operations are conducted entirely within buildings, and all building setbacks shall be a minimum of thirty (30) feet from any property line. (Ord. 415 § 7.65.030, 2002)
- F. Marijuana grow site and/or marijuana processing site subject to the following standards:
 - 1. Buffers which shall only be measured at the initial land use application and not subsequent annual renewals:
 - a. Elementary, middle, or high school, public or private: one thousand (1,000) feet.
 - b. Day Care: one thousand (1,000) feet.
 - c. Other properties that contain a marijuana business: one thousand (1,000) feet.
 - d. May not be adjacent to a residential zone, a public park, or a place of worship.
 - 2. The use must be located within a permanent, enclosed structure.
 - 3. The use may not be allowed as a home occupation.
 - 4. Applicant and all employees must pass a criminal background check.
 - 5. The term of a conditional use approval shall not exceed one year - upon which time an annual review under AMC 16.60.060 shall be required.
 - 6. Waste materials containing any amount of marijuana or by products must be locked in a secure container on-site.
 - 7. Drive through windows are prohibited.

(Ord. 487 § 2, 2017; Ord. 484 § 2(Exh. A), 2016; Ord. 480, 2016)

16.16.040 - Development standards.

- A. There is no minimum size for lots or parcels served by municipal sewer. Minimum sizes for lots or parcels without municipal sewer shall be as determined by the county sanitarian.
- B. There is no minimum lot width or depth.
- C. Unless otherwise specified, the minimum setback requirements are as follows:
 - 1. There is no minimum front yard setback except as required for buffering of off street parking in accordance with Section 16.38.050.
 - 2. On corner lots, the minimum setback for the side facing the street shall be ten (10) feet.
 - 3. No additional side or rear yard setback shall be required except fifty (50) feet screened and buffered in accordance with Chapter 16.38 shall be required where abutting a residential zoning district.
- D. No building shall exceed fifty (50) feet in height. Within one hundred (100) feet of a residential zone, no building shall exceed thirty-five (35) feet in height. All buildings greater than thirty-five (35) feet in height are subject to Chapter 16.24.
- E. Landscaping shall be in accordance with Chapter 16.38. All outside storage areas require buffering and screening as defined in Chapter 16.38.
- F. Parking shall be in accordance with Chapter 16.42.
- G. All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of the site including, but not