

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; and/or the unusual and rapid accumulation of runoff of surface waters from any source.

Food Insurance Rate Map (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Lowest floor means the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure allows the entry and exit of flood waters.

New construction means structures for which the start of construction commenced on or after the adoption date of the ordinance codified in this chapter.

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

Structure means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

Substantial improvement means any allowed repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(Ord. 415 § 7.70.020, 2002)

16.18.030 - Permitted uses.

Within the area subject to the hazards of one hundred (100) year periodic stream flooding, no existing structure shall be enlarged or structurally altered, nor shall the use be changed unless the change conforms with the allowed uses of this zone. The following use (and not others) are permitted uses. [Variances from listed permitted uses are prohibited.](#)

- A. Parks or recreation facility, including but not limited to, trails, pathways, picnic shelters and restrooms with municipal sewer service;

11. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
12. When base flood elevation data has not been provided on the FIRM Maps, the applicant shall obtain and provide any base flood elevation and floodway data available from federal, state, or other sources.

(Ord. 415 § 7.70.080, 2002)

16.18.090 - Storage, placement or stockpiling buoyant or hazardous materials in flood hazard areas.

- A. The transportation of buoyant or hazardous materials from rising floodwaters contributes to the community's flood hazard. Accordingly, a permit must be obtained from the Planning Commission prior to storage, placement or stockpiling in a flood hazard zone. The application shall be processed according to Chapter 16.76.
- B. In determining whether or not a permit will be granted to store, place or stockpile buoyant or hazardous materials in a flood hazard area, the Planning Commission shall consider the following:
 1. The nature of the materials (e.g., buoyancy, toxicity, flammability);
 2. The danger that materials may be swept onto other properties or structures with resulting injury or damage;
 3. The necessity of locating the materials on the particular site, especially in terms of public benefit;
 4. The ability of emergency vehicles to reach the site in times of flooding;
 5. The availability of alternative locations which are less susceptible to flooding;
 6. The applicant's plan for hazard mitigation.
- C. The placement, storage or stockpiling of buoyant or hazardous materials in a floodway is prohibited unless it is associated with a short-term public works project. The Planning Commission must consider the flood potential and establish a time in which the materials must be removed.

(Ord. 415 § 7.70.090, 2002)

Chapter 16.20 - HR HISTORIC RESIDENTIAL OVERLAY

Sections:

16.20.010 - Purpose.

The purpose of the historic residential overlay is to implement the City of Aurora Design Guidelines for Historic District Properties and preserve the development patterns occurring in the historic Aurora Colony.

(Ord. 415 § 7.72.010, 2002)

16.20.020 - Permitted uses.

In the historic residential overlay, 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. Residential care home;
- D. Single-family detached residential dwelling;
- E. Public support facilities;
- F. Accessory dwelling units in the rear or side yard subject to Chapter 16.54;
- G. Accessory structures in the rear or side yard.

(Ord. 415 § 7.72.020, 2002)

16.20.030 - Conditional uses.

The following uses and their accessory uses may be permitted in the historic residential overlay 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 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.

(Ord. 415 § 7.72.030, 2002)

16.20.040 - Development standards.

- A. The minimum lot area shall be ten thousand (10,000) square feet with municipal sewer service. Minimum lot area without municipal sewer shall be as determined by the county sanitarian.
- B. The minimum lot width shall not be less than fifty (50) feet.
- C. The minimum setback requirements are as follows:
 1. The front setback shall be a minimum of fifteen (15) feet except the front setback may be reduced to a minimum of ten (10) feet when the garage is located in the rear yard or the garage is located in the side yard of a corner lot.
 2. The side setbacks shall be a minimum of five (5) 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, except the minimum rear setback for an accessory building, other than an accessory dwelling unit, shall be five (5) feet.
 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 any public street right-of-way.
- D. No building in the historic residential overlay shall exceed two and one-half stories or thirty-five (35) feet in height.

- E. Maximum height for an accessory structure shall be eighteen (18) feet or seventy-five (75) percent of the height of the primary structure, whichever is greater. Maximum square footage for an accessory structure shall be seven hundred (700) square feet, except the maximum square footage for an accessory structure on a lot or parcel greater than twenty thousand (20,000) square feet shall be one thousand (1,000) square feet.
- F. One principal building per lot.
- G. Impervious surfaces shall not cover more than fifty (50) percent of the lot or parcel.
- H. Parking requirements shall be in accordance with Chapter 16.42.
- I. Landscaping requirements shall be in accordance with Chapter 16.38.
- J. All properties, uses and structures in the historic residential overlay are subject to the requirements of Title 17, Historic Preservation, and any applicable section of this title.

(Ord. 415 § 7.72.040, 2002)

Chapter 16.22 - HC HISTORIC COMMERCIAL OVERLAY

Sections:

16.22.010 - Purpose.

The purpose of the historic commercial overlay is to implement the City of Aurora Design Review Guidelines for Historic District Properties while providing for a concentrated, central commercial, office and retail goods and services area with opportunities for employment and business and professional services in close proximity to residential services.

(Ord. 415 § 7.74.010, 2002)

16.22.020 - Permitted uses.

In the historic commercial zone, activities shall be conducted within an enclosed structure or building and are subject to Chapter 16.58 and Title 17 as applicable. Only the following uses and their accessory uses are permitted outright. - [Variances from listed permitted uses are prohibited.](#)

- A. Auditorium, exhibit hall, community building, club, lodge hall, fraternal organization or place of worship;
- B. Bed and breakfast inn, hotel or motel;
- C. Bicycle sales or repair;
- D. Community recreation facilities;
- E. Cultural exhibits and library services;
- F. Day care facility licensed by state;
- G. Dwelling units located above or below the ground floor of the commercial structure and from which the property is addressed;
- H. Eating and drinking establishments;
- I. Financial, insurance and real estate offices;
- J. General retail and convenience sales, except adult bookstores;
- K. Medical or dental services including labs;

- A. There is no minimum lot size for lots served by municipal sewer. Minimum lot sizes for lots without municipal sewer shall be as determined by the county sanitarian.
- B. There is no minimum lot depth.
- C. Minimum lot width shall be fifty (50) feet.
- D. No front setbacks shall be permitted, except as necessary to maintain visual clearance areas at unsignalized intersections. No rear or side setbacks are required except where an eight (8) feet setback shall be required where abutting a residential zoning district.
- E. No building shall exceed thirty-five (35) feet in height.
- F. Parking shall be in accordance with Chapter 16.42 except as specifically exempted by Chapter 16.28, and should be located to the rear of the building. The Planning Commission may approve parking to the side of the building where parking to the rear is not feasible.
- G. Signs shall be in accordance with the requirements of Chapter 16.44, and the City of Aurora Design Guidelines for Historic District Properties.
- H. Landscaping shall be in accordance with the requirements of the City of Aurora Design Review Guidelines for Historic District Properties, Chapter 16.38, and the Aurora Downtown Improvement Plan.
- I. All properties, uses and structures in the historic commercial overlay shall be subject to the requirements of Title 17, Historic Preservation, and any applicable section of this title. (Ord. 415 § 7.74.040, 2002)
- J. Open Inventory display.
 - 1. All business, service, repair, storage or merchandise displays shall be conducted wholly within an enclosed building except the following:
 - a. Off-street parking or loading;
 - b. Displays for sale purposes of small merchandise in relation to the fronting business shall not exceed more than 10 percent of the dimensional measurement (height x width) of the primary facade of the applicable business. shall be removed to the interior of the business after business hours;
 - c. Display, for sale purposes, in relation to fronting business, of live trees, shrubs and other plants, flowers, or produce; and
 - d. Outdoor seating in relation to a permitted eating or drinking establishment subject to [Section] 16.34.060(D) and Historic Review Board review and approval.
- K. 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)

Runway protection zone extends from the primary surface to a point where the approach surface is fifty (50) feet above the runway end elevation.

Transitional zones extend one foot upward for each seven feet outward (7:1) beginning on each side of the primary surface which point is the same elevation as the runway surface, and from the sides of each approach surfaces, thence extending upward to a height of one hundred fifty (150) feet above the airport elevation (horizontal surface).

Utility runway means a runway that is constructed and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight or less.

(Ord. 415 § 7.76.020, 2002)

16.24.030 - Application of airport overlay.

In any zoning district where airport overlay designation is combined with a primary district, the following regulations shall apply. If any conflict in regulation or procedure occurs with the primary zoning district, the provisions of the airport overlay shall govern.

- A. Notice shall be provided to the Department of Aviation when the property or a portion thereof that is being developed is located within five thousand (5,000) feet of the sides or the ends of a runway except where the following criteria are satisfied:
 - 1. All proposed structures are thirty-five (35) feet or less in height;
 - 2. The proposal does not involve industrial uses, mining or similar uses that emit smoke, dust or steam;
 - 3. The proposal does not involve sanitary landfills or water impoundments individually or cumulatively one quarter acre or greater in size; and
 - 4. The proposal does not involve radio, radio telephone, television or similar transmission facilities or above ground electrical transmission lines.
- B. For limited land use decisions, notice shall be provided in accordance with Chapter 16.78.
- C. For quasi-judicial decisions, notice shall be provided in accordance with Chapter 16.76.
- D. For legislative decisions, notice shall be provided in accordance with Chapter 16.74.

(Ord. 415 § 7.76.030, 2002)

16.24.040 - Permitted uses within the airport approach surface.

The following uses are permitted. [Variances from listed permitted uses are prohibited.](#)

- A. Agriculture, excluding the commercial raising of animals that would be adversely impacted by aircraft passing overhead;
- B. Landscape nursery, cemetery, or recreation areas, which do not include buildings or structures;
- C. Roadways, parking areas, and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, or result in glare, or in any way impair visibility in the vicinity of the landing approach;
- D. Pipeline;
- E. Underground utility wires.

(Ord. 415 § 7.76.040, 2002)

- D. Whenever there is a conflict in height limitations prescribed by this code or another pertinent ordinance, the lowest height limitation fixed shall govern, provided the height or other limitations and restrictions here imposed shall not apply to such structures or uses customarily employed for aeronautical purposes.
- E. No glare-producing materials shall be used on the exterior of any structure located within the airport approach surface.
- F. No structure or building shall be allowed within the runway protection zone.

(Ord. 415 § 7.76.070, 2002)

~~Chapter 16.26—UAR URBAN AREA RESERVE OVERLAY~~

~~Sections:~~

~~16.26.010—Purpose:~~

~~The purpose of the urban area reserve overlay is to serve as a holding category as urban growth takes place elsewhere in the planning area, and to be preserved as long as possible as useful open space until needed for orderly growth.~~

(Ord. 415 § 7.80.010, 2002)

~~16.26.020—Permitted uses:~~

~~Within the urban area reserve overlay, the following uses are permitted outright:~~

- ~~A.—Farm uses;~~
- ~~B.—Single-family dwellings.~~

(Ord. 415 § 7.80.020, 2002)

~~16.26.030—Conditional uses:~~

~~The following conditional uses may be permitted subject to conditional use permit, following a hearing and in accordance with the provisions of Chapter 16.60:~~

- ~~A.—Commercial riding stable;~~
- ~~B.—Day care center facilities;~~
- ~~C.—Place of worship Churches;~~
- ~~D.—Community buildings, government buildings, lodge, and fraternal organization except those carried on as a business for profit;~~
- ~~E.—Public, parochial, and private schools, but not including business, dancing, trade, technical or similar schools;~~
- ~~F.—Parks and recreation facilities, fire stations, libraries, museums; but not including storage or repair yards, warehouses, or similar uses;~~
- ~~G.—Recreation facility, public or private; but not including such intensive commercial recreation uses as a race track or amusement park;~~
- ~~H.—Major impact utility.~~

~~(Ord. 415 § 7.80.030, 2002)~~

~~16.26.040—Development standards.~~

- ~~A.—Lot Area. Each lot shall have a minimum of ten (10) acres.~~
- ~~B.—Lot Width. Each lot shall have a minimum average width of three hundred (300) feet.~~
- ~~C.—Front Yard. No structure shall be closer than fifty (50) feet to a designated collector or arterial and twenty (20) feet from a local street right of way as adopted on the comprehensive plan or official map.~~
- ~~D.—Side Yards. There shall be a minimum side yard of twenty (20) feet, unless the side yard abuts a designated collector or arterial then the side yard shall be a minimum of fifty (50) feet.~~
- ~~E.—Rear Yard. There shall be a minimum rear yard width of fifty (50) feet, unless the rear yard abuts a designated collector or arterial then the side yard width shall be a minimum of fifty (50) feet.~~
- ~~F.—Frontage. Every lot shall have a minimum width at the street right of way of fifty (50) feet, except on cul-de-sacs, the minimum width at the street right of way shall be a minimum of thirty (30) feet.~~
- ~~G.—Signs shall conform to the requirements of Chapter 16.44.~~

~~(Ord. 415 § 7.80.040, 2002)~~

Chapter 16.28 - PD PARKING DISTRICT OVERLAY

Sections:

16.28.010 - Purpose.

The purpose of the parking district overlay is to preserve the historic character of the commercial core and implement the recommendations of the Aurora downtown improvement plan. The parking district overlay shall apply to properties located in the historic commercial overlay.

~~(Ord. 415 § 7.82.010, 2002)~~

16.28.020 - Provisions.

The same spatial requirements in Chapter 16.42, shall apply in the parking district overlay, except that:

- A. On-street parking shall be counted to meet the required off-street space requirement. Such on-street parking shall be located adjacent to the subject property, or adjacent to a contiguous property under the same ownership, as long as all the property is in the parking district.
- B. Required off-street parking spaces may be located on other parcels within the parking district not further then seven hundred fifty (750) feet from the building, or use they are intended to serve, measured in a straight line from the building. Any proposal to provide off-street parking spaces under this subsection is subject to the approval of the Planning Commission and shall be in accordance with the Aurora Downtown Improvement Plan.
- C. If the developer or building owner so elects, he or she may pay a fee in lieu of providing parking, as designated by City Council. Provided, however, the developer or building owner must provide a minimum of fifty (50) percent of the required parking spaces.
- D. Where the city has used in-lieu parking fees received under this section for parking improvements or otherwise constructed city-owned parking improvements, including, but not

| Classification | Pavement Width (ft) | Sidewalks Width (ft) | Planting Strips (ft) | Bikeway Width (ft) | Parking | ROW (ft) (2) |
|---------------------------------------|---------------------|----------------------|----------------------|--------------------|----------------|-----------------|
| <u>Legacy Street</u> | <u>24</u> | <u>None</u> | <u>None</u> | <u>None</u> | <u>2 sides</u> | <u>44</u> |
| Local Residential (3)(4) | 32 | 5 | 5 | None | 2 sides | 54 |
| Collector (4) | 36 | 6 | 7.5 | None (4) | 2 sides (4) | 65 |
| Minor Arterial (County) (4)(6)(7) | 36 | 6 | 8 | 6 | None | 68 |
| Principal Arterial (County) (7)(8) | 50 | 6 | 9.5 | 6 | None | 84 |
| Principal Arterial (State) (9) | 48—50 | 8 | 6 | 6 | None | 84 |
| Alleys | 16 | None | None | None | None | 16 |

Notes:

(1) Street Design Standards for roadways within the National Historic District are subject to Historic Review Board approval on a case-by-case basis.

(2) Additional right-of-way and roadway improvements may be required at major intersections to provide for turn lanes and for corner radii.

(3) Planter strips are required unless approved otherwise by the City. Planting strips should be at least four feet wide to accommodate tree plantings. In commercially zoned areas, the City may require wider sidewalks which encroach into the planting strip area.

(4) Collectors serving residential areas and historic commercial areas can accommodate on-street parking and shared use of road space by bicyclists and motor vehicles. These shared roadways will be designated with "sharrows." "Sharrows" are markings painted directly onto the road to promote the awareness that the road is a shared traffic lane to be used by both motorists and bicyclists. Collector Streets which serve primarily a mix of commercial and industrial properties will have bike lanes in lieu of on-street parking.

(5) On an interim basis, two, six- to eight-foot protected shoulders may be installed adjacent to two, twelve-foot travel lanes, on a case-by-case basis as approved by the County.

(6) City standards are advisory to Marion County on Marion County-owned roadways.

- K. Unless otherwise approved by the City Engineer, the City Local Street typical asphalt design section shall, at minimum, consist of four inches of Level 2, one-half-inch dense asphalt concrete pavement, over ten (10) inches of one-inch compacted crushed rock, over prepared subgrade. The City Collector Street typical asphalt design section shall, at minimum consist of five inches of Level 2, one-half-inch dense asphalt concrete pavement over twelve (12) inches of one-inch compacted crushed rock, over prepared subgrade. County and State street minimum typical asphalt design sections shall be as required by Marion County or ODOT. Grades shall not exceed six percent on arterials, ten (10) percent on collector streets, or twelve (12) percent on other streets. Unless otherwise approved by the City Engineer, new City Local and Collector Streets shall have a typical two percent normal cross slope. Center line radii of curves shall not be less than three hundred (300) feet on major arterials, two hundred (200) feet on secondary arterials, or one hundred (100) feet on other streets and shall be to an even ten (10) feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide building sites, the Planning Commission may accept steeper grades and sharper curves. In no case shall a grade exceed sixteen (16) percent. In flat areas, allowance shall be made for finished street grades having a minimum longitudinal slope of at least one-half of one percent.
- L. Wherever the proposed land division or development contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way.
- M. Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval, or another equitable means of cost distribution shall be determined by the City Engineer and approved by the Planning Commission.
- N. Where a land division or development abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential development design shall provide adequate protection for residential properties, and to afford separation of through and local traffic.
- O. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a radius of not less than twelve (12) feet.
- P. Concrete vertical curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards in the City's public works design standards as required by the Aurora transportation system plan. Driveways shall be asphalt or concrete, not less than four inches deep or two inches of asphalt on four inches of three-fourths-inch minus compacted crushed rock, or other hard durable and dustless surfaces such as cobblestone, unit masonry, scored and colored concrete, grass-Crete, or combinations of the above. Driveway width shall be twelve (12) feet minimum and twenty-four (24) feet maximum for two-car garages and up to thirty-six (36) feet for three-car garages, ~~unless otherwise approved by the City.~~
- Q. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be established or re-established, protected and recorded.
- R. The developer shall install all street signs, relative to traffic control and street names, as specified by the Public Works Director for any development. The cost of signs shall be the responsibility of the developer.
- S. The location of traffic signals shall be noted on approved street plans, and where a proposed street intersection will result in an immediate need for a traffic signal, a city-approved signal shall be installed. The cost shall be included as a condition of development.

2. Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical.

D. Sidewalk Seating and Displays.

1. Definitions.

Accessible route means a sidewalk at least four feet in width which has seven feet of vertical clearance.

Adjacent sidewalk means that portion of a public sidewalk between the curb line and the property line demarcated by extending the side building lines of the premises until they intersect the curb.

Clearances as referenced in this section are measured horizontally from the outside edge of the sidewalk seating and/or display delineation to any obstruction on the ground greater than one-half inch in height, or to an adjacent projection such as tree limbs, tree wells, banners, signs, bike racks, lamp posts or any other fixtures. Accessible routes clearance shall be no less than four feet in width and no less than seven feet in height for the entire length of the accessible route. Radiuses along an accessible route shall be no less than four feet in width.

Liability insurance as reference in this section requires a signed statement that the permittee shall hold harmless the city, its officers and employees, and shall indemnify the city, its officers and employees for any claims for damages to property or injury to persons which may occur in connection with an activity carried on under the terms of the permit. Permittee shall furnish and maintain such public liability, liquor liability, food products liability, and property damages insurance as will protect permittee and city from all claims for damage to property or bodily injury, including death, which may arise from operations under the permit or in connection therein. Such insurance shall provide coverage or not less than the amount of municipal tort liability under the Oregon Tort Claims Act. The permittee shall name the City of Aurora as an additional insured by attaching an endorsement to the certificate of insurance (provided by the city). Such insurance shall be without prejudice to coverage otherwise existing therein, and shall name as additional insured by city, its officers, and employees, and shall further provide that the policy shall not terminate or be canceled prior to expiration of the permit without thirty (30) days' written notice to the city.

2. Permitted Uses. All business, service, repair, storage of merchandise displays shall be conducted wholly within the property line of the subject parcel except the following:

- a. Displays for sale purposes of small merchandise in relation to the fronting business shall not exceed more than 10 percent of the dimensional measurement (height x width) of the primary facade of the applicable business. All open inventory display shall be removed to the interior of the business after business hours;
- b. Displays, for sale purposes in relation to the fronting business, of live trees, shrubs and other plants, flowers, or produce; and
- c. Outdoor seating in relation to a permitted eating or drinking establishment subject to the criteria below.

3. Application submission requirements:

- a. Required information may be combined on one map. Site plan(s) shall include the following information, as appropriate:
 - (1) Evidence of Liability Insurance;
 - (2) A vicinity map showing the proposed site and surrounding properties;
 - (3) The site size and its dimensions;
 - (4) The location and dimension of all proposed:
 - i. Entrances and exits on the site;

Chapter 16.46 - HOME OCCUPATIONS

Sections:

16.46.010 - Purpose.

It is the purpose of this chapter to permit residents an opportunity to use their homes to engage in small-scale business ventures which could not be sustained if it were necessary to lease commercial quarters and to establish approval criteria and standards to ensure that home occupations are conducted as lawful uses which are subordinate to the residential use of the property and are conducted in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties and residents. (Ord. 415 § 7.104.010, 2002)

16.46.020 - Applicability and exemptions.

- A. Home Occupations are allowed in all residential districts, subject to the provisions of this chapter.
~~No person shall carry on a home occupation, or permit such use to occur on property which that person owns or is in lawful control of, contrary to the provisions of this chapter.~~
- B. Exemptions from the provisions of this chapter are:
1. Garage sales (limited to twelve (12) days per year);
 2. For-profit production of produce or other food products grown on the premises. This may include temporary or seasonal sale of produce or other food products grown on the premises;
 3. Hobbies which do not result in payment to those engaged in such activity;
 4. Proven nonconforming home occupations as per Section 16.46.030.

~~C.~~ 16.46.025 – Home Occupation Standards

1. No person shall carry on a home occupation, or permit such use to occur on property which that person owns or is in lawful control of, contrary to the provisions of this chapter.
2. Home Occupations shall only be conducted under a valid city business license.
3. The Home Occupation applicant must reside full time at the address of the home occupation.
4. No employees, workers, or subcontractors shall visit the premises for any reason.

A. Type I Home Occupations. ~~A Type I home occupation shall exhibit no evidence that a business is being conducted from the premises. A Type I home occupation shall not permit:~~

1. Evidence that a business is being conducted from the premises.
2. Exterior signs which identify the property as a business location;
3. Clients or customers to visit the premises for any reason;
4. Exterior storage of materials.

B. Type II Home Occupations. ~~Property on which a Type II home occupation is located may show evidence that a business is being conducted from the premises. The following is allowed for Type II home occupations:~~

1. Evidence that a business is being conducted from the premises.
2. For properties located outside the historic commercial and historic residential overlays, one non-illuminated sign, not exceeding one hundred forty-four (144) square inches, which shall be

attached to the residence or accessory structure or placed in a window. All signs on properties located in the historic commercial or historic residential overlays require approval by the Historic Review Board pursuant to Chapter 17.20.

32. No more than five daily customers or clients. Customers and clients may not visit the business between the hours of 10:00 p.m. and 8:00 a.m. and shall not generate excessive traffic or monopolize on-street parking;
43. Storage of materials, goods and equipment which is screened entirely from view by a solid fence. Storage shall not exceed five percent of the total lot area and shall not occur within the front yard or the required side yard setback. Any storage of materials, goods, and equipment shall be reviewed and approved by the city and the fire department.

(Ord. 415 § 7.104.020, 2002)

16.46.030 - Nonconforming uses.

- A. Ongoing home occupations may be granted nonconforming status, provided that they were:
 1. Permitted under county authority prior to annexation to the city and have been in continuous operation since initial approval;
 2. Permitted under city authority prior to the date of adoption of the ordinance codified in this title and have since been in continuous operation.
- B. A nonconforming situation is further governed by Chapter 16.62. Such use may continue until the use is expanded or altered so as to increase the level of noncompliance with the present code. The burden of proving a home occupation's nonconforming status rests with the property owner or tenant.
- C. Home occupations without city or county approval which cannot prove nonconforming status shall be considered in violation of this chapter and shall cease until the appropriate approvals have been granted.

(Ord. 415 § 7.104.030, 2002)

16.46.040 - General approval criteria and standards.

All home occupations shall observe the following criteria:

- A. There shall be no outside volunteers or employees to be engaged in the business activity other than the persons principally residing on the premises.
- B. There shall be no more than three deliveries per week to the residence by suppliers.
- C. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line resulting from the operation. Home occupations shall observe the provisions of Chapter 16.32.
- D. The home occupation shall be operated entirely within the dwelling unit or a conforming accessory structure. The total area which may be used in the accessory building for material product storage and the business activity shall not exceed seven hundred (700) square feet. Otherwise, the home occupation and associated storage of materials and products shall not occupy more than twenty-five (25) percent of the combined residence and accessory structure gross floor area. The indoor storage of materials or products shall not exceed the limitations imposed by the provisions of the building, fire, health, and housing codes.

5. Ensure that there is only one accessory dwelling unit per lot.
- B. The design standards for accessory dwelling units are stated in this section. If not addressed in this section, the base zone development standards apply.
 - C. An accessory dwelling unit may only be created through the following methods:
 1. Converting existing living area, attic, basement or garage;
 2. Adding floor area;
 3. Constructing a detached accessory dwelling unit on a site with an existing single-family detached dwelling or manufactured home; or
 4. Constructing a new single-family detached dwelling or siting a new manufactured home with an internal or detached accessory dwelling unit.
 - D. Only one entrance to a residence may be located on the front façade of the single-family dwelling or manufactured home facing the street, unless the single-family dwelling or manufactured home contained additional front doors entrances before the conversion accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.
 - E. The size of the accessory dwelling unit may be no more than fifty (50) percent of the living area of the principal building or one thousand (1,000) square feet, whichever is less.
 - F. Accessory dwelling units created through the addition of floor area must meet the following:
 1. The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the existing single-family detached dwelling or manufactured home.
 2. The roof pitch must be the same as the predominant roof pitch of the existing single-family detached dwelling or manufactured home.
 3. Trim on edges of elements on the addition must be the same in type size and location as the trim used on the rest of the existing single-family detached dwelling or manufactured home.
 4. Windows must match those in the existing single-family detached dwelling or manufactured home in proportion (relationship of width to height) and orientation (horizontal or vertical).
 - G. Detached accessory dwelling units must meet the following:
 1. The accessory dwelling unit must be setback at least six feet behind the front building line of the detached single-family dwelling or manufactured home.
 2. The maximum height for a detached accessory dwelling unit shall not exceed the height of the principal structure. Accessory dwelling units constructed over an accessory building such as a garage or work space shall not exceed the height of the principal structure.
 3. The accessory dwelling unit shall be set a minimum of five feet from the principal structure.
 4. The exterior finish and trim material must ~~match the be visually compatible in~~ type, size and placement of, the exterior finish material of the single-family detached dwelling or manufactured home.
 5. The roof pitch must be the same as the predominant roof pitch of the single-family detached dwelling or manufactured home.
 6. Windows must match those in the single-family detached dwelling or manufactured home in proportion (relationship of width to height) and orientation (horizontal or vertical).
 - H. All parking must meet the requirements of Chapter 16.42, for single-family residences, except as follows:

1. No additional parking space is required for the accessory dwelling unit if it is created on a site with an existing single-family dwelling or manufactured home and, the roadway surface on at least one abutting street is at least eighteen (18) feet wide.
 2. One additional parking space is required for the accessory dwelling unit when:
 - a. None of the abutting street roadway surfaces are at least eighteen (18) feet wide;
 - b. When the accessory dwelling unit is created at the same time as the single-family detached dwelling is constructed or the manufactured home is sited. (Ord. 415 § 7.112.040, 2002)
- I. All setback requirements applicable to the base residential zone shall apply to accessory dwelling units.
 - J. Either the principal residence or the accessory dwelling unit must be occupied by the owners of the property. Accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the principal building. The owners shall sign an affidavit affirming that the owners will occupy the principal building or the accessory dwelling unit as their principal residence for at least six months every year. The owners shall sign a covenant agreeing to the conditions of this section that shall be recorded with the Marion County Clerk's office. The form of the affidavit and covenant shall be specified by the City.
 - K. There may be only one accessory dwelling unit per lot.
 - L. Accessory dwelling units shall not be separated in ownership from the underlying property on which it and the main house to which it is accessory are located. Attached accessory dwelling units shall not be separated in ownership from the main house to which it is accessory.

(Ord. 455 § 11, 2010)

Chapter 16.56 - GATEWAY PROPERTY DEVELOPMENT STANDARDS

Sections:

16.56.010 - Purpose.

The City seeks to maintain a sense of place that is clearly apparent and consciously embraced. The gateway property development standards are designed to encourage development that provides visitors and residents with a sense of arrival and to enhance the City's national historic designation while being a good, healthy and economically viable place to live and work.

(Ord. 415 § 7.114.010, 2002)

16.56.020 - Applicability.

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 this chapter shall be interpreted to mean structures and property within a maximum of one hundred (100) feet or the first tier of buildings, whichever is greater, from the closest right-of-way line of Highway 99E or Ehlen Road.

(Ord. 462 § 1, 2011)

16.56.030 - Administration and approval process.

10. Properties located in the historic commercial or historic residential overlay comply with the requirements set forth in Title 17 of the Aurora Municipal Code.

11. All applicable local, county, state, and federal licensing is maintained in good standing.

- B. In reviewing an application for a conditional use, the commission shall consider the most appropriate use of the land and the general welfare of the people residing or working in the neighborhood. In addition to the general requirements of this title, the commission may impose any other reasonable conditions deemed necessary. Such conditions may include, but are not limited to:
1. Limiting the manner in which the use is to be conducted, including restrictions on the hours of operation;
 2. Establishing additional setbacks or open areas;
 3. Designating the size, number, location and nature of vehicle access points;
 4. Limiting or otherwise designating the number, size, location, height and lighting of signs;
 5. Requiring fences, sight-obscuring hedges or other screening and landscaping to protect adjacent properties;
 6. Protecting and preserving existing soils, vegetation, wildlife habitat or other natural resources.

(Ord. 415 § 7.130.040, 2002)

16.60.050 - Major modification to approved plans or existing development.

- A. The Planning Director shall determine that a major modification(s) will result if one or more of the following changes are proposed:
1. An increase of ten (10) percent or more in dwelling unit density, or lot coverage for residential development;
 2. A change that requires additional on-site parking in accordance with Chapter 16.42;
 3. A change in the use as defined by the Uniform Building Code;
 4. An increase in the height of the building(s) by more than twenty (20) percent or an increase to more than thirty-five (35) feet in height for zones where heights greater than thirty-five (35) feet may be permitted;
 5. A change in the type and location of access ways and parking areas where off-site traffic would be affected;
 6. An increase in vehicular traffic to and from the site expected to exceed twenty (20) vehicles per day;
 7. A reduction of project amenities where specified in the approved site plan including open space, recreational facilities, screening, and/or landscaping provisions;
 8. A modification to the conditions imposed at the time of conditional use approval which are not the subject of subdivisions (1) through (9) of this subsection.
- B. When a proposed modification to the site development plan is determined to be a major modification, the applicant shall submit a modified conditional use application and receive Planning Commission approval prior to any issuance of building permits.
- C. Modified site development review applications shall be noticed and processed in accordance with Chapter 16.76.

(Ord. 415 § 7.130.050, 2002)

2. Location and extent to which grading will take place indicating contour lines, slope ratios, and slope stabilization proposals;
 3. The location of drainage patterns and drainage courses;
- H. The location of any floodplain areas (one hundred (100) year floodplain and floodway);
- I. The location of any slopes in excess of twelve (12) percent and any areas subject to slumping, earth slides or movement;
- J. The location of any areas having a high seasonal water table within twenty-four (24) inches of the surface for three or more weeks of the year, and the location of any wetlands;
- K. The location of any areas having a severe soil erosion potential as defined by the soil conservation service, the location of any areas having severe weak foundation soils; and the method for mitigating any adverse impacts on wetlands;
- L. A landscaping plan including:
1. Location and height of fences, buffers and screening;
 2. Location of terraces, decks, shelters, play areas, and common open spaces where applicable;
 3. Location, type and size of plant materials; and
 4. Soil conditions, and erosion control measures that will be used.

(Ord. 415 § 7.130.080, 2002)

16.60.090 - Revocation of a conditional use permit.

A conditional use permit may carry to future property owners/operators of the approved conditional use if the approval standards and conditions continue to be met. The commission, on its own motion following a public hearing conducted pursuant to Chapter 16.76, may revoke any conditional use permit for one of the following reasons:

- A. Noncompliance with the conditions placed upon it;
- B. The approval was obtained by fraud or by misrepresentation;
- C. The use for which such approval was granted has ceased to exist or has been suspended for more than two years; or
- D. The permit granted is being exercised in violation of a state law or in a manner that constitutes a public nuisance.

(Ord. 415 § 7.130.090, 2002)

Chapter 16.62 - NONCONFORMING USES AND STRUCTURES

Sections:

16.62.010 - Continuation of nonconforming uses and structures.

Except as otherwise provided, the use of a building, structure, premises or land lawfully existing at the time of the effective date of the ordinance codified in this title or at the time of a change in the official zoning maps may be continued and maintained in reasonable repair, although such use does not conform with the provisions of this title.

(Ord. 415 § 7.135.010, 2002)

16.62.020 - Vested rights.

Nothing in this title shall require any change in the plans, construction, alteration or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of the ordinance codified in this title, provided the structure is completed within two years from the issuance of the development permit.

(Ord. 415 § 7.135.020, 2002)

16.62.030 - Alteration of nonconforming use or structure.

As used in this section, alteration of a nonconforming use or structure includes a change in use of structure of no greater adverse impact to the neighborhood. Expansion of nonconforming structures may be allowed by the Planning Commission subject to the following:

- A. The applicant shall demonstrate that such expansion will not result in any greater adverse impact upon other property than is currently the case;
- B. There shall be no increase in ~~any nonconformity~~ with dimensional requirements as a result of the expansion;
- C. Only one such expansion shall be permitted;
- D. No expansion shall result in a structure with a footprint greater than one hundred ~~forty-five~~ twenty-five percent of the original structure;
- E. There shall be no new structures permitted for existing nonconforming uses.

EE. The nonconformity shall not be expanded onto any property which is not now part of one contiguous tract in common ownership, or which was not part of such a contiguous tract in common ownership on December 27, 1988;

GF. In allowing such an expansion, the Planning Commission may impose all such conditions and requirements as may be reasonably necessary to assure that there shall be no increase in the adverse impact of such nonconforming use upon other property within the district;

HG. Nothing in this title shall be deemed to preclude the strengthening or restoring to a safe condition any building or part thereof found to be unsafe by any official charged with protecting the public or to prohibit ordinance repairs provided that the volume of the building and the land area occupied by such building remain the same as that which existed on December 27, 1988.

I. Approval of an alteration of nonconforming uses and/or structures shall be conditioned upon compliance with all applicable local, county, state, and federal licensing requirements.

16.64.010 - Purpose.

The purpose of this chapter is to provide standards for the granting of variances from the applicable quantitative zoning requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of the land, the literal interpretation of the provisions of the applicable zone would cause an undue or unnecessary hardship, except that no use variances shall be granted.

(Ord. 415 § 7.140.010, 2002)

16.64.020 - Administration and approval process.

- A. The application shall be filed and processed in accordance with Chapter 16.76. Following a public hearing, the commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this title would cause an undue or unnecessary hardship.
- B. No variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located.
- C. In granting a variance, the commission may attach conditions which it finds necessary to protect the interests of the surrounding property owners or neighborhood and to otherwise achieve the purposes of this title. The Planning Commission shall apply the standards set forth in Section 16.64.030 when reviewing an application for a variance.

(Ord. 415 § 7.140.020, 2002)

16.64.030 - Criteria for granting a variance.

The commission may grant a variance only when the applicant has shown that all of the following conditions exist:

- A. The proposed variance will not be materially detrimental to the purposes of this title, be in conflict with the policies of the comprehensive plan, to any other applicable policies and standards, and to other properties in the same zoning district or vicinity.
- B. Special conditions exist which are peculiar to the land or structure involved and are not applicable to lands and structures in the same zone and over which the applicant has no control.
- C. The use proposed will be the same as permitted under this title and city standards will be maintained to the greatest extent that is reasonably possible while permitting some economic use of the land.
- D. Existing physical and natural systems, such as but not limited to traffic, drainage, dramatic land forms, or parks will not be adversely affected any more than would occur if the development were located as specified in this title.
- E. The variance granted shall be the minimum necessary to make possible a reasonable use of the land and structures.
- F. The special conditions which are peculiar to the land or structure involved were not caused or created by the applicant, current property owner, or a previous property owners.
- G. For variances to height requirements, six inches shall be added to the required setbacks for the front, side and rear yards, for every foot of height allowed by the commission beyond the established limit.

16.76.240 - Standing to appeal.

- A. In the case of a decision by the Planning Director, any person entitled to notice of the decision under this chapter, or any person who is adversely affected or aggrieved by the decision, may file a notice of appeal as provided by Section 16.76.290.
- B. In the case of a decision by the Planning Commission, except for a decision on an appeal of the Planning Director's decision, any person shall be considered a party to a matter, thus having standing to seek appeal, provided:
 - 1. They are the applicant or owner of the subject property.
 - 2. They were entitled to written notice of the decision, as determined in this title.
 - 3. ~~The person appeared before the Planning Commission orally or in writing:~~
 - 2. ~~The person was entitled as of right to notice and hearing prior to the decision to be reviewed; or~~
 - 3. ~~The person is aggrieved or has interests adversely affected by the decision.~~

(Ord. 415 § 7.162.240, 2002)

16.76.250 - Computation of appeal period.

- A. The length of the appeal period shall be fifteen (15) days from the date of mailing the notice of decision.
- B. In computing the length of the appeal period, the day that notice of the decision is mailed shall be excluded and the last day for filing the appeal shall be included unless the last day falls on a legal holiday for the city or on a Saturday, in which case, the last day shall be the next business day.

(Ord. 415 § 7.162.250, 2002)

16.76.260 - Determination of appropriate appeal body.

- A. All appeals of decisions or interpretations made by the Planning Director may be appealed to the Planning Commission or pursuant to Section 16.76.080 except the Council may, on its own motion, seek to hear the matter by voice vote prior to the effective date of the notice of the decision.
- B. Any decision made by the Planning Commission under this chapter may be reviewed by the Council by:
 - 1. The filing of a notice of appeal as provided by Section 16.76.290, by any party to the decision by 3:30 p.m. on the last day of the appeal period;
 - 2. The Council or Planning Commission, on its own motion, seeking appeal by voice vote prior to the end of the appeal period; or
 - 3. Referral of a matter under Section 16.76.080(D) by the initial hearings body to the Council, upon closure of the hearing, when the case presents a policy issue which requires Council deliberation and determination, in which case the Council shall decide the application.
- C. Failure to file an available appeal shall be deemed a failure to exhaust administrative remedies. The filing of available appeals is a condition precedent to appeal to the land use board of appeals.

(Ord. 415 § 7.162.260, 2002)

The city shall take final action on an application for a limited land use decision including the resolution of all appeals within one hundred twenty (120) days after the application is deemed complete, except:

- A. The one-hundred-twenty day period may be extended for a reasonable period of time at the written request of the applicant; and
- B. The one-hundred-twenty day period applies only to a decision wholly within the authority and control of the city.

(Ord. 462 § 1, 2011; Ord. 415 § 7.164.010, 2002)

16.78.060 - Approval authority responsibilities.

- A. The Planning Director shall have the authority to approve, deny or approve with conditions the following applications:
 - 1. Property line adjustments and re-establishments pursuant to Chapter 16.68;
 - 2. Partitions pursuant to Chapter 16.70;
 - 3. Accessory dwelling units pursuant to Chapter 16.54;
 - 4. Subdivision final plats pursuant to Chapter 16.72;
 - 5. Temporary uses pursuant to Chapter 16.52;
 - 6. Extensions of time for applications previously approved under this chapter;
 - 7. Site Development Review minor modifications pursuant to Chapter 16.58.
- B. The Planning Commission shall have the authority to approve, deny or approve with conditions the following applications:
 - 1. Subdivision tentative plats pursuant to Chapter 16.72;
 - 2. Site development review pursuant to Chapter 16.58, except site development review for sites subject to the Aurora Design Review Guidelines for Historic District Properties. All applications subject to the Aurora Design Review Guidelines for Historic District Properties shall be processed in accordance with Chapter 16.76;
 - 3. Temporary structures pursuant to Chapter 16.52.
 - 4. Site development review major modifications pursuant to Chapter 16.58.
 - 5. Alteration or restoration of non-conforming uses or structures pursuant to Chapter 16.62.
- C. The decision shall be based on the approval criteria set forth in Section 16.78.090.

(Ord. 462 § 1, 2011; Ord. 415 § 7.164.010, 2002)

16.78.070 - Notice requirements.

- A. For limited land use decisions by the Planning Director, written notice of the administrative decision shall be provided to owners of property adjacent to the entire contiguous site for which the application is made. The administrative decisions shall be final fourteen (14) days following the date of mailing if no written comments are received.
- B. Tentative subdivision plats and site development review shall require notice to owners of property within one hundred (100) feet of the entire contiguous site for which the application is made.