

**Below are proposed changes to Titles 10 and 16, subject to Planning Commission Hearing on September 6, 2022. Most proposed changes are shown in response to changes as proposed to Title 17, *Historic Preservation*, via the Historic Review Board (HRB).**

Text shown ~~highlighted in yellow and struck through~~ is proposed for removal.

Text show **highlighted in blue and in bold italic** is proposed for addition.

Comment boxes follow key areas of change and include notes to explain the proposed change.

## Title 10 VEHICLES AND TRAFFIC

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**Note** Chapter 10.04 is not shown to this document. Also not shown are subsections 10.08.010 and 10.08.020. No changes are proposed, except as proposed to subsection 10.08.030, below.

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### **10.08.030 - Commercial truck traffic restrictions.**

A. Except as provided in subsection (B) of this section, no person shall operate any commercial truck upon any public street, alley or public right-of-way within the City unless such street, alley or other right-of-way has been designated as a truck route. Owner/operators of commercial trucks that reside within the City and which residence is not located on a truck route must apply to the Police Department for an exception permit.

B. Commercial trucks being operated on a public street, alley, or other public right-of-way for the following specific purposes are exempt from the restriction imposed by Section 1 above.

1. Receiving or discharging goods at any location in the City, except that home occupation business deliveries are not exempt if deliveries are made by a commercial truck, in excess of twenty-two thousand (22,000) pounds. If commercial trucks in excess of twenty-two thousand (22,000) pounds are used, the home occupation business Owner must apply for a exception permit with the Police Department. If a permit is denied, another authorized location must be found to unload goods.

2. Going to or from a business or residence in the City for the purpose of fuel, service, or repair.

3. Servicing utility facilities or construction sites in the City.

C. It is unlawful for any person to park or stop any vehicle for a longer period of time than that designated by official signs, parking meters or other markings placed under authority of the City, except that no person shall at any time park or leave standing a truck trailer or tractor trailer vehicle, or trailer, as defined in [Section 10.08.010](#), whether attended or unattended, on any improved public highway, public street or any other public way within the city limits, for a period greater than thirty (30) minutes, between the hours of 12:01 a.m. and 6:00 a.m.

D. Loading spaces upon Public Right-of-Way. In recognition of Aurora's Historic District and some commercial and industrially zoned properties that may be constrained due to historic development sizing and parking limitations, the City wishes to provide options, within and outside the historic district, that allow for designated, marked loading spaces with the city right-of-way that can support Commercial or Industrial operational needs if they cannot be met upon private property. The loading spaces application process is established to prevent double parking and other

illegal parking by designating a supply of parking spaces dedicated to the delivery of merchandise by trucks to support commercial and industrial properties.

1. Loading zones may be located within the public right-of-way <sup>[1]</sup> as long as a minimum of twelve (12) feet of travel lane can be maintained in each direction.
2. The dedicated loading space shall be located adjacent to the frontage of the subject property related to the business or proposed use.
3. Only the following vehicles, while being actively loaded or unloaded, may park in a truck loading space. Parking is limited to no more than 30 minutes:
  - a. A truck as defined by this Title;
  - b. A vehicle defined by its Department of Motor Vehicles registration as a truck, van, or pick-up that exhibits the commercial nature of the vehicle according to paragraph 6;
  - c. A passenger or other vehicle with an official commercial loading permit or delivery permit that exhibits the commercial nature of the vehicle.
4. Signage for the loading shall be required, at the expense of the applicant.
5. Boundaries of an approved loading space shall be a maximum of eight (8) feet in width and thirty-five (35) feet in length and installed at the expense of the applicant.
6. Proposed loading space shall be located parallel to travel lanes.
7. The required site plan shall include turning movements for access to the proposed loading space to ensure sufficient spacing and travel lanes for maneuvering around and to/from the proposed loading space.
8. Loading spaces may not be located within fifty (50) feet of an intersection in order to facilitate traffic safety.
9. The Public Works Director, or designee, shall be the approval authority upon review and submission of the above materials, required by the applicant.
10. Approval of use of the right-of-way is at the exclusive discretion of the City of Aurora. Any document falsification or misrepresentation on this application shall be cause to reject or revoke this permit at any time at the sole discretion of the City of Aurora.

**11. *The Public Works Director, or designee, may revoke a permit and require removal of a loading space in the event the City determines the loading space may impede a street improvement project, in which case the permittee shall remove the loading space from the right-of-way, with no liability and at no cost to the City. The permit shall automatically terminate when the business to which the permit was issued no longer occupies the property adjacent to the right-of-way.***

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**Note:** The remainder of Title 10, is not proposed for change (Chapters 10.08.040 through 10.18).

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# Title 16

## LAND DEVELOPMENT

### Chapter 16.02 INTRODUCTORY PROVISIONS

#### 16.02.010 Short title.

This title shall be known as the "Development Code of the City of Aurora" and shall be referred to herein as "this title."

(Ord. 415 § 7.10.010, 2002)

#### 16.02.020 Purpose.

It is the general purpose of this title to provide the principal means for the implementation of the Aurora comprehensive plan. This title is designed to regulate the division of land and to classify, designate and regulate the location of building, structures and land, and to divide the city into zones to carry out these regulations and provide for their enforcement. Further, it is the purpose of this title to assure that the initial division of land into lots meeting the minimum requirements for subsurface sewage disposal systems established by the state will also accommodate future re-division as public sewer service is extended.

This title also has the following special purposes: to promote coordinated, sound development with consideration for the city's natural environment, amenities, views, and the appearance of its buildings and open spaces; to achieve a balanced and efficient land use pattern, to protect and enhance real property values, to promote safe and uncongested traffic movement, and to avoid uses and development that might be detrimental to the stability and livability of the city; to safeguard and enhance the appearance of the city through the advancement of effective land use, architectural design and site planning; to aid in the rendering of fire and police protection; to provide adequate open spaces for light and air; to prevent undue concentration of population; to facilitate adequate provisions for community utilities and facilities; and, in general, to promote public health, safety, convenience and the general welfare.

(Ord. 415 § 7.10.010, 2002)

#### 16.02.030 Compliance.

Except as otherwise specifically provided by this title, no building or other structure shall be constructed, improved, altered, enlarged or moved, nor shall any use or occupancy of premises within the city be commenced or changed after the effective date of the ordinance codified in this title, except in conformity with conditions prescribed for each of the several zones and general regulations established hereunder. No person shall divide land without first complying with the provisions of this title and the laws of the state of Oregon. It is unlawful for any person to erect, establish, construct, move into, alter, enlarge, use, or cause to be used, any building, structure, improvement or use of premises located in any zone in a manner contrary to the provisions of this title. **Prior to development as defined by this title, a development permit shall be obtained from the city.**

(Ord. 415 § 7.10.010, 2002)

Notes Arora Planning Commission express support for the change shown above via work session. The word “development” (as defined in this section) includes the words “*dredging, filling, grading*” and is not included in the text above. Aurora Development Code does not preclude dredging, filling and grading activities ahead of development permit issuance (also defined, encompassing several land use application identified in Title 16).

#### **16.02.040 Pre-existing approvals.**

All development applications approved more than two years prior to the adoption of the ordinance codified in this title shall be considered void, unless the Planning Commission determines that the conditions of approval are substantially completed. All development applications approved less than two years prior to the adoption of said ordinance may occur according to such approvals. All development applications received by the city after the adoption of said ordinance shall be subject to review for conformance with the standards under this chapter or as otherwise provided by state law.

(Ord. 415 § 7.10.010, 2002)

#### **16.02.050 Interpretation.**

- A. An interpretation is a decision which is made under land use standards that require an exercise of policy or legal judgment. By definition, an interpretation does not include approving or denying a building permit issued under clear and objective land use standards or a limited land use decision.
- B. Each development and use application and other procedure initiated under this title shall be consistent with the adopted comprehensive plan of the city as implemented by this title and applicable state and federal laws and regulations. All provisions of this title shall be construed in conformity with the adopted comprehensive plan.
- C. Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provision of this title or of any other ordinance, or resolution, the most restrictive or that imposing the higher standard shall govern.
- D. The Planning Commission shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this title. All requests for interpretations shall be in writing and on forms provided by the City Recorder. Upon receipt of such a request, the commission shall schedule the interpretation as a consideration item at the next regularly scheduled meeting.

If the person making the request disagrees with the commission's interpretation, they may appeal it to the City Council. The Council will hear the appeal as a consideration item at the next month's regularly scheduled meeting. The decision of the Council shall be conclusive upon the parties.

- E. When an interpretation is discretionary, notice shall be provided and the interpretation processed in accordance with the quasi-judicial process if specific property is involved or the legislative process if no specific property is involved.
- F. The Planning Director may develop administrative guidelines to aid in the implementation and interpretation of the provisions of this title.
- G. The City Recorder shall keep a written record of all interpretations and shall make the record available for review on written request.

- H. The City Council may exempt special events from the provisions of this title. A special event is an activity lasting a total of seven contiguous calendar days or less in a one-year period and approved by the City Council.

(Ord. 415 § 7.10.010, 2002)

### **16.02.060 Right-of-way dedications and improvements.**

Upon approval of any development permit or any land use approval of any property which abuts or is served by an existing substandard street or roadway, the applicant shall make the necessary right-of-way dedications for the entire frontage of the property to provide for minimum right-of-way widths according to the adopted Aurora transportation system plan and shall improve the abutting portion of the street or roadway providing access to the property in accordance with the standards in Chapter 16.34.

(Ord. 415 § 7.10.010, 2002)

### **16.02.070 Fees.**

To defray expenses incurred in connection with the processing of applications, report preparation, notice publications, and similar matters, the city may charge fees as established by resolution of the Council. The filing of an application shall not be considered complete, nor shall action be taken to process it until the required fee has been paid.

(Ord. 415 § 7.10.010, 2002)

### **16.02.080 Exceptions for existing lots.**

- A. All lots hereafter created within the city shall have a minimum width, depth and lot area as shown in the discussion of the zone. It is not the intent of this title to deprive owners of substandard lots the use of their property. Lots of record lawfully created prior to December 27, 1988, may be built on according to the following:
1. The lot has access to municipal sewer service.
  2. A lot of record having less width or depth than required by this title may be built upon, provided that either all required setbacks are complied with, or a variance is granted pursuant to Chapter 16.64.
- B. Every building constructed hereafter shall maintain the required setbacks. Every part of the required setback shall remain unobstructed, with the following exceptions:
1. A new structure being located between two existing buildings that were sited closer to the street than allowed for this title, may use an average of the depths of the two existing front yards to establish the front setback.
  2. If there is a dwelling on one abutting lot with a yard of less depth than the required depth for the zone, the yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required yard depth.

(Ord. 462 § 1, 2011; Ord. 415 § 7.10.010, 2002)

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### **16.02.090 Projections into required setbacks.**

Ordinary building projections, such as eaves, cornices and chimneys may project into the required yards by not more than twenty-four (24) inches. Uncovered decks and terraces not more than thirty (30) inches above grade may project into a required yard, but shall remain not less than five feet from the property line. Uncovered decks and terraces more than thirty (30) inches above grade shall not be permitted to project into required setbacks.

(Ord. 462 § 1, 2011; Ord. 415 § 7.10.010, 2002)

## **Chapter 16.04 DEFINITIONS**

### **16.04.010 Meaning of words generally.**

All of the terms used in this title have their commonly accepted, dictionary meaning unless they are specifically defined in this chapter or definition appears in the Oregon Revised Statute, or the context in which they are used clearly indicates to the contrary.

### **16.04.020 Meaning of common words.**

- 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.

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*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* and *adult entertainment business* 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 entertainment business also includes other uses similar to the uses listed above, presenting material for patrons to view (live, closed circuit or reproductions), and/or purchase or rent, a substantial portion of which is characterized by an emphasis on nudity and/or specified sexual activity. Adult businesses generally limit their patrons to persons at least 18 years of age.

*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.

*Adverse possession* means the right of an occupant to acquire title to a property by having continuously and openly used and maintained a property over a statutory period of time.

*Agricultural use* means the term includes farming, dairying, pasturage, horticulture, floriculture, viticulture, apiaries, animal and poultry husbandry.

*Alley* means a public way or thoroughfare of not less than sixteen (16) feet which has been dedicated or deeded to the public for public use, and provides a secondary means of access to the back or side of abutting properties that have access on another street.

*Alteration* means a change in construction, use or occupancy. When the term is applied to a change in construction, it is intended to apply to any change, addition or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one classification to another or from one division to another per the Oregon Structural Specialty Code.

*Alteration of historic site* means any exterior change or modification, through public or private action, of any cultural resource or of any property located within the historic districts, including, but not limited to: demolition, relocation or exterior changes to or modification of structure, architectural details or visual characteristics such as building materials, paint, color and surface texture, grading, surface paving, new building materials, cutting or removal of trees and other natural features; disturbance of archeological sites or areas; and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

Notes by Planning Staff: Planning Commission via work session supports copy of this def. of “Alteration of historic site” (verbatim) to Title 17.

*Alteration, Structural.* "Structural alteration" means any change or repair which would tend to prolong the life of the supporting members of a building or structure, such as alteration of bearing walls, foundation, columns, beams or girders. In addition, any change in the external dimensions of the building shall be considered a structural alteration.

*Amendment* means a change in the wording, context or substance of this title or the comprehensive plan, or a change in the boundaries of a zone on the zoning map or the boundaries of a designation on the comprehensive plan map.

*Animal hospital* means any building or portion thereof designed for the care, observation or treatment of animals.

*Antique or special interest vehicle sales* means vehicles defined by the Oregon Department of Motor Vehicles as antique or special interest vehicles under ORS 801.

*Appeal* means a request that a final decision by the initial hearing authority be considered by a higher authority.

*Applicant* means the owner of the affected property, or such owner's authorized representative.

*Approval authority* means the Planning Director, the Planning Commission, or the City Council, depending on the context in which the term is used.

*Automobile and truck sales area* means an open area, other than a street, used for the display, sale of, or rental of new or used motor vehicles or trailers and where no repair work is done except minor incidental repair of motor vehicles or trailers to be displayed, sold or rented on the premises.

*Automobile service station* means any building or land area used, or intended to be used, for the retail sale of vehicular fuels and may include, as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories. (Note: The phrase "as an accessory use" would not allow a business that, for example, consists solely of tire sales and service to locate in a zone that listed only automobile service station as a permitted or conditional use — see "Accessory use" definition).

"*Auto wrecker*" means any person who wrecks, dismantles, permanently disassembles or substantially alters the form of any motor vehicle.

*Auto wrecking yard* means any land, building or structure, used for the wrecking or storing in the open of such motor vehicles or the parts thereof, or sale of used automobile parts, or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof and are not being restored to operation. Two or more dismantled, obsolete, inoperable motor vehicles on one lot, or the parts thereof, shall constitute a wrecking yard. Also see "Junkyard."

*Awning* means a roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements. (Note: If the awning is made of canvas and moveable, it may project into the setback. If it is permanently attached to the building, all setbacks must be measured from the end of the awning.)

*Basement* means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement, unless such floor level qualifies as a first story as defined herein. (See Illustration 2, Appendix A set out at the end of this title.)



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*Bed and breakfast inn* means a use subordinate to the principal use of a single-family dwelling and involving not more than three bedrooms, which provides temporary overnight lodging and a morning meal in return for compensation. The owner or manager must reside onsite. The building design must be compatible with the residential neighborhood and be inspected by both the fire and health departments.

*Berm* means a manmade mound of earth, two to six feet high with a 2:1 slope (see Illustration 6, Appendix A set out at the end of this title), used to deflect sound or to buffer incompatible areas.

*Bike lane, path or way* means any trail, path or part of a highway, shoulder, sidewalk or any other travel way specifically signed and/or marked for bicycle travel.

*Bond* means any form of security including a cash deposit surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the city.

*Buffer* means a landscaped area providing separation between uses or as a shield to block noise, lights and other nuisances.

*Building* means any structure greater than two hundred (200) square feet or ten (10) feet in height, having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, foods or materials of any kind or nature.

*Building envelope* means that portion of a lot or development site exclusive of the areas required for front, side and rear yards and other required open spaces and which is available for siting and constructing a building or buildings.

*Building height* means the vertical distance from the average elevation of the finished grade within twenty (20) feet of the building to the highest point of the structure (see Illustration 2, Appendix A set out at the end of this title).

*Building line* means a line parallel to the street right-of-way, at a distance equal to the depth of the required front yard.

*Building official* means a person duly authorized by a municipality and the state of Oregon with responsibility for the administration and enforcement of the State Building Code in the municipality, or his or her duly authorized representative.

*Building, principal* means the structure within which is conducted the principal use of the lot.

*Building type* means:

1. Nonresidential: buildings not designed for use as human living quarters.
  - a. Detached: a single main building, free-standing and structurally separated from other buildings.
  - b. Attached: two or more main buildings placed side by side so that some structural parts are touching one another, located on a lot or development site or portion thereof.
2. Residential: see "Dwelling types."

*Caretaker dwelling* means a single-family detached dwelling for housing the caretaker of an approved commercial development and located on the same lot as the approved commercial development.

*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."

*City* means the city of Aurora, Oregon.

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*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.

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*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:* 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.
4. *Two-family or duplex:* a structure on a single lot containing two dwelling units connected by either a fire resistant common wall, un-pierced from ground to roof, or an un-pierced ceiling and floor.
5. *Three-family or triplex:* a structure on a single lot containing three dwelling units connected by either a fire resistant common wall, un-pierced from ground to roof, or an un-pierced ceiling and floor.
6. *Townhouse:* a dwelling unit, located on its own lot, and sharing one or more common or abutting walls, fire resistant common walls, un-pierced from ground to roof.
7. *Zero lot line:* a single, detached dwelling unit located with a zero-foot setback from one lot line.

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*Dwelling unit* means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation as required by the Oregon Structural Specialty Code, designed for occupancy by only one family.

*Easement* means the granting, by a recorded interest, of one or more property rights by the owner to the public, another person or entity.

*Eave* means the edge of a roof, usually projecting beyond any side of a building and forming an overhanging drip for water or weather protection.

*Employees* shall include all persons, including proprietors, working on the premises during the largest shift.

*Erect* means the act of placing or affixing a component of a structure upon the ground or upon another such component.

*Exterior architectural feature* means the architectural elements embodying style, design, general arrangement and components of all the outer surfaces of a building, including, but not limited to, the kind, color, and texture of building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

*Façade* means the portion of the exterior of a building, usually the front but sometimes the side and rear, that is used to meet architectural treatment details and that sets the tone for the rest of the building.

*Family* means an individual or two or more persons related by genetics, adoption or marriage or a group of five or fewer persons (excluding domestic employees) who are not related by genetics, adoption or marriage.

*Fence, sight-obscuring* means a fence or wall constructed in such a way as to obstruct vision.

*Final action, final decision or final order* means the date upon which a determination has been reduced to writing and signed by the approval authority or the final resolution of all City, State, and Federal appeals, whichever is later.

*Finish Material, Exterior* means the siding and color of the exterior walls of any structure.

*Findings* means written statements of fact, conclusions and determinations based on the evidence in relation to the criteria and accepted by the approval authority in support of their decision.

*Flag lot* means a lot which has access to a right-of-way by means of a narrow strip of land. The lot area for a flag lot shall comply with the lot area requirements of the applicable zoning district and shall be provided entirely within the building site area exclusive of any access-way. (See Illustration 4, Appendix A set out at the end of this title.)

*Flood fringe* means the area bordering the floodway and within the floodplain that acts as a reservoir of flood waters (see Illustration 5, Appendix A set out at the end of this title).

*Flood Insurance Rate Map (FIRM)* means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable.

*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).

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*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 garages, enclosed porches, mezzanines and stairwells and floor area within a primary building that is occupied by accessory uses, but specifically excluding carports and basements (finished or unfinished). 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 on the rights of neighboring residents (see Chapter 16.46). Home occupation does not include activity conducted by a resident of the dwelling acting as an employee of a business located outside of the residence.

*Homeowners association* means an incorporated, nonprofit organization operating under recorded land agreements through which each lot owner of a planned development or other described land area is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

*Implementing ordinance* means an ordinance adopted to carry out the comprehensive plan, including, but not limited, to the provisions of this title.

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*Impervious surface* means those hard-surface areas located upon real property which either prevent or retard saturation of water into the land surface, as existed under natural conditions pre-existent to development, or cause water to run off the land surface in greater quantities or at an increased rate of flow from that present under natural conditions pre-existent to development. Common impervious surfaces include, but are not limited to, roof tops, concrete, asphalt sidewalks, walkways, patio areas, driveways, parking lots, storage areas, streets, roads, and graveled, oiled, macadam or other surfaces which similarly impact the natural saturation or runoff patterns which existed prior to development.

*Improvement* means any building, structure, place parking facility, fence, gate, wall, work of art or other object constituting a physical improvement of real property or any part of such improvement of real property or any part of such improvement.

*Industrial park* means a large tract of land that has been planned as an integrated facility for a number of individual industrial uses, with special attention given to traffic circulation, parking, utility needs, landscaping and compatibility of uses.

*Industrial use* means any use of land, structure or natural resources involving the manufacturing, processing or assembly of semi-finished or finished products from raw materials, or similar treatment or packaging of previously prepared materials.

*Junk* means old discarded or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste or junked, dismantled, wrecked, scrapped or ruined motor vehicles or motor vehicle parts, iron, steel or other old or scrap ferrous or nonferrous materials, metal or nonmetal materials.

*Junkyard* means any land area, building or part thereof used for the storage, collection, processing, sale, purchase or abandonment of two or more unregistered and inoperable motor vehicles, wastepaper, scrap metal, discarded goods, machinery or other materials defined as "junk."

*Kennel* means any premise where five or more dogs, cats or other small animals are kept for the business of boarding, training, propagation or sale.

*Land form alteration* means any manmade change to improved or unimproved real estate, including but not limited to, the addition of buildings or other structures, mining, quarrying, dredging, filling, grading, earthwork construction, stockpiling of rock, sand, dirt or gravel or other earth material, paving, excavation or drilling operations.

*Landscaping* means ground cover, trees, grass, bushes, flowers, garden areas and any arrangement of fountains, patios, decks, street furniture and ornamental concrete or stonework areas.

*Legislative amendment* means a change to the text of this title, to the comprehensive plan text, to the city plan map or to the city zoning map that is general in nature or large in size of area, and, therefore, affects a significant number of properties and owners. If there are questions as to whether a specific request for a land use review is quasi-judicial or legislative, the decision will be made by the city attorney. The decision will be based on current law and legal precedent.

*Loading space* means an off-street space or berth on the same lot or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle for loading or unloading persons, merchandise or materials, and which space or berth abuts upon a street, alley or other appropriate means of access and egress.

*Lot* means a parcel or tract of land sufficient in size to meet minimum zoning requirements for use, coverage, area, yards and open space, with frontage on a public street. Abutting property under the same ownership, whether in a platted lot or property described by metes and bounds, shall be considered part of the same lot (see Illustration 7, Appendix A set out at the end of this title).

*Lot area* means the computed area contained within the lot lines, exclusive of street or alley rights-of-way and easements of access to other property.

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*Lot, corner* means a lot with two adjacent sides abutting streets other than alleys.

*Lot coverage* means the percent of a lot area covered by the horizontal projection of any structures or buildings.

*Lot depth* means the average distance between the front lot line and the rear lot line (see Illustration 4, Appendix A set out at the end of this title).

*Lot, interior* means a lot other than a corner lot, with frontage only on one street (see Illustration 4, Appendix A set out at the end of this title).

*Lot line* means any property line bounding a lot (see Illustration 4, Appendix A set out at the end of this title).

*Lot Line Adjustment.* See "Property line adjustment."

*Lot Line, Front.* "Front lot line" means, in the case of an interior lot, a property line which abuts the street; in the case of a corner, through lot or flag lot, the shortest of the two property lines which abut the street or access way or from which primary vehicular access to the property is gained. (See Illustration 7, Appendix A set out at the end of this title.)

*Lot Line, Rear.* "Rear lot line" means a lot line opposite to and most distant from the front lot line; or, in the case of an irregular or triangular-shaped lot, a line ten (10) feet long drawn entirely within the lot, parallel to and at a maximum distance from the front lot line.

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

*Lot of record* means a legally created lot meeting all applicable regulations in effect at the time of creation.

*Lot, through or double-frontage lot* means an interior lot having frontage on two parallel streets (see Illustration 4, Appendix A set out at the end of this title).

*Lot width* means the average horizontal distance between the side lot lines.

*Major impact utility* means services and utilities which have a substantial visual impact on an area. Typical uses are electrical and gas distribution substations, radio microwave, telecommunications towers, telephone transmitters and cable television receivers and transmitters.

*Manufactured home* means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

*Manufactured home park* means any place where four or more manufactured homes are located on a lot tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

*Marijuana grow site* includes the manufacture, planting, cultivating, growing, trimming, or harvesting marijuana or drying marijuana leaves or flowers, registered with the State of Oregon.

*Marijuana processing site* includes the processing, compounding or converting of marijuana into products, concentrates or extracts, and registered with the State of Oregon.

*Medical marijuana dispensary and commercial marijuana retail stores* means a facility that dispenses medical marijuana, registered with the State of Oregon and authorized according to the State of Oregon Health Authority (OHA) or Oregon Liquor Control Commission (OLCC), as applicable, to transfer usable marijuana and immature plants to and from cardholders, retail customers, or persons-licensed by the State to purchase, grow, or process marijuana.

*Mining and/or quarrying* means premises from which any rock, sand, gravel, topsoil, clay, mud, peat or mineral is removed or excavated for sale, as an industrial or commercial operation, and exclusive of excavating and

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grading for street and roads and the process of grading a lot preparatory to the construction of a building for which a permit has been issued by a public agency.

*Minor impact utility* means services which have minimal off-site visual impact.

*Mobile storage unit* means a portable storage container that may be transported by truck and/or trailer that is used as an accessory structure. Mobile storage units may include railroad cars, tractor trailer units and/or shipping containers.

*Modular home* means a structure constructed in accordance with federal requirements for modular construction including compliance with Oregon Structural Specialty Codes.

*Net acres* means the total amount of land which can be used for development.

*Nonconforming lot* means a lot which was lawful in terms of size, area, dimensions or location, prior to the adoption, revision or amendment of the zoning ordinance, but which now fails to conform to the requirements of the zoning district.

*Nonconforming sign* means any sign lawfully existing on the effective date of an ordinance, or amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations.

*Nonconforming structure* means a structure the size, dimensions or location of which were lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails to meet the present requirements of the zoning district.

*Nonconforming use* means an activity lawfully existing prior to the effective date of the ordinance codified in this title, or any amendment thereto, but which fails to meet the current standards and requirements of the zone. (Note: In the case of nonconformance, the key phrase is "...lawfully existing prior to the effective date of the ordinance codified in this title or any amendment..." which make the use or the lot, sign or structure nonconforming. These are frequently referred to as being "grandfathered in," meaning that they are allowed to remain under the conditions set by said ordinance (see Chapter 16.62).

*Non-remonstrance Agreement* means a written agreement executed by a property owner or a property owner's predecessor in title that waives the right of a property owner to file a remonstrance and thereby potentially delay the formation of a Local Improvement District (LID). Such agreements are typically entered into as a condition of development or improvement that impacts or connects to a substandard public facility in lieu of requiring immediate improvement of the substandard facility. **Any approved non-remonstrance agreements shall be on forms provided by the City of Aurora and with review and approval signature authority on the draft agreement prior to recording.**

Notes: HRB does not propose a text change to Title 16 definition of (above). Change is unrelated to Title 17. Agreement form has changed and corresponding to change definition has been introduced for clarification. Also, similar change to 16.34.030 Streets, proposed. Planning Commission, via work session, supports addition to existing definition (above).

*Occupancy permit* means a required permit allowing occupancy of a building after it has been determined that all requirements are met.

*On-the-record* means an appeal procedure in which the decision is based on the record established at the initial hearing. New information may be added only under certain limited circumstances.

*Open space* means an area of land or water essentially unimproved and set aside, dedicated or reserved for public or private use, or for the use of owners and occupants of land adjoining or neighboring such open space.

*Owner* means any person, agent, firm or corporation having a legal or equitable interest in the property.



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*Owner, Contract Purchaser Deemed.* A person or persons purchasing property under contract, for the purposes of this title shall be deemed to be the owner or owners of the property covered by the contract. The Planning Commission or the City Council may require satisfactory evidence of such contract of purchase.

*Ownership* means an ownership is one or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a shared right-of-way.

*Parcel* means a unit of land that is created by partitioning land.

*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, except schools. Such facilities may include, but not be limited to, fire stations, libraries, **City Hall**, electrical substations, water and sewer distribution facilities and storage, power lines and poles, phone booths, fire hydrants, as well as bus stops, benches and mailboxes which are necessary to support principal development. Such facilities shall not include commercial plants.

Notes: HRB does not identify proposed text change to Section 16.04.030 (above). Planning Commission, via work session supports off-street parking changes. See proposed change to Section 16.42.030. Add “City Hall” to def. of *Public support facilities* (above).

*Quasi-judicial amendment* means a change to the text of this title, the comprehensive plan text, the city plan map or the city zoning map that is specific in nature or involves only a small number of properties or owners. If there are questions as to whether a specific request for a land use review is quasi-judicial or legislative, the decision will be made by the city attorney. The decision will be based on current law and legal precedent.

*Replat* means the act of replatting the lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision partition plat or to increase or decrease the number of lots in the subdivision.

*Receipt* means an acknowledgment of submittal.

*Recreational vehicle* means a vacation trailer or other unit with or without motor power which is designed for human occupancy and to be used temporarily for recreational purposes and is identified as a recreational vehicle by the manufacturer.

*Recreational vehicle park* means any property developed for the purpose of parking or storing recreational vehicles on a temporary or transient bases, wherein two or more of such units are placed within five hundred (500) feet of each other on any lot, tract or parcel of land under one ownership.

*Remonstrance Agreement* means a formal written objection to formation of a Local Improvement District (LID) filed by an owner of property within the proposed LID pursuant to ORS 223.117 that can, in conjunction with other formal written objections from two-thirds or more of the affected property owners, delay formation of an LID.

*Remodel* means an internal or external modification to an existing building or structure which does not increase the site coverage.

*Residence* means a structure designed for occupancy as living quarters for one or more persons.

*Residential care facility* means any facility licensed or registered by or under the authority of the Department of Human Resources as defined in ORS 443.400 to 443.460 or licensed by the Children's Services Division which provides residential care for six to fifteen (15) individuals who need not be related, excluding required staff persons.

*Residential care home* means any home licensed by or under the authority of the Department of Human Resources as defined in ORS 443.400, a residential home registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.505 to 443.825 which provides residential care for five or fewer individuals who need not be related, excluding required staff persons.

*Reserve strip* means a strip of property usually one foot in width overlaying a dedicated street which is reserved to the city for control of access until such time as additional right-of-way is accepted by the city for continuation or widening of the street.

*Residential use* means a structure used for human habitation by one or more persons.

*Right-of-way* means a strip of land occupied or intended to be occupied by a street, crosswalk, pedestrian and bike paths, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or other special use. The usage of the term right-of-way for land division purposes means that every right-of-way hereafter established and shown on a plat or map is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

*Roadway* means the portion of the street right-of-way developed for vehicular traffic.

*School* means any public, elementary, junior high, high school, college, or comparable private school.

*Screening* means a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

*Setback* means the minimum allowable distance between the property line and any structural projection. If there is an access easement or private street on the lot or parcel, setback shall mean the minimum allowable distance between the access easement or property street and any structural projection. Structural projections include fireplaces, covered porches, balconies, canopies and similar features. Cornices, eaves, belt courses, sills or similar architectural features may extend or project into a required setback not more than twenty-four (24) inches.

*SHPO* means the State Historic Preservation Officer.

*Sign* means any lettered or pictorial device designed to inform or attract attention, ~~and which shall comply with Chapter 16.44.~~

Notes: HRB has not proposed a text change to definition of “sign” as shown above. Planning Commission, via work session, supports removing the words “and which shall comply with Chapter 16.44.” from definition.

*Site* means, for land divisions, the site is the lots, lots of record, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

1. If a proposed development includes more than one ownership, then all the ownerships are included as the site.
2. If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
3. If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

*SSC* means Structural Specialty Code.

*Steep slope* means a slope with a gradient of twenty-five (25) percent or greater (see "Grade").

*Story* means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under floor space is more than six feet above grade as defined in this section for more than

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fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined in this section at any point, such basement or unused under floor space shall be considered as a story.

*Story, First.* "First story" means the lowest story in a building which qualifies as a story, as defined in this section, except that a floor level in a building having only one floor shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined in this section, for more than fifty (50) percent of the total perimeter, or more than eight feet below grade, as defined in this section, at any point.

*Story, Half.* "Half story" means a story under a gable or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story. If the finished floor level directly above a basement or unused underfloor space is not more than six feet above grade, as defined in this section, for more than fifty (50) percent of the total perimeter or is not more than twelve (12) feet above grade as defined in this section, at any point, such basement or unused under floor space shall be considered as a half story.

*Street or road* means a public or private way affording the principal means of access to abutting property, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

*Street Classifications.*

1. *Alley:* a public way or thoroughfare of not less than sixteen (16) feet in width which has been dedicated or deeded to the public for public use, and provides a secondary means of access to the back or side of abutting properties that have access on another street.
2. *Local:* a minor public street whose function is to provide access to immediately adjacent property.
3. *Arterial:* a major public street carrying large amounts of traffic and so designated on the official city street map.
4. *Collector:* a public street carrying traffic between minor and arterial streets.
5. *Cul-De-Sac:* a street that terminates in a vehicular turnaround.
6. *Half street:* the dedication of right-of-way equal to one-half the planned width of a public street and running the length of the property frontage. The same term can be applied to street improvements made to the center line of the street. (Note: A property owner cannot be required to dedicate more than half of the right-of-way width.)

*Street, Private.* "Private street" means an access way which is under private ownership.

*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

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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, driveway or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles on such streets, driveway 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.)

*Yard, Corner Side.* "Corner side yard" means a yard extending from the front yard to the rear lot line on the street side of a corner lot.

*Yard, exterior side* means a yard extending from the front yard to the rear lot line on the street side of a corner lot.

*Yard, Front.* "Front yard" means a yard extending across the full width of the lot, with a depth equal to the minimum horizontal distance between the front lot line and a line drawn parallel to it at the nearest point of the building.

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

*Yard, Side.* "Side yard" means a yard between the main building and side lot line, extending from the front yard to the rear yard and measured horizontally from the nearest point of the side lot line to the nearest point of the principal building.

*"Zoning district"* means an area of land within the Aurora city limits designated for specific types of permitted developments subject to the development requirements of that district.

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(Ord. 493, § 2(Exh. A), 2021; Ord. 488, § 2(Exh. A), 2019; Ord. 487 § 2, 2017; Ord. 479 § 2, 2015; Ord. 462 § 1, 2011; Ord. 455 § 1, 2010; Ord. 419 § 18A, 2002; Ord. 415 § 7.25.030, 2002)

Editor's note(s)—Also see Chapters 16.18Editor's note(s)—, 16.36Editor's note(s)—, 16.44Editor's note(s)— and 16.50Editor's note(s)—.

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**Note** Chapters 16.06 through 16.18 are not shown to this document. No changes are proposed.

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## Chapter 16.20 HR HISTORIC RESIDENTIAL OVERLAY

### 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, subject to Chapter 16.13.

(Ord. 488, § 2(Exh. A), 2019; 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, 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. 488, § 2(Exh. A), 2019; 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. 488, § 2(Exh. A), 2019; Ord. 415 § 7.72.040, 2002)

## Chapter 16.22 HC HISTORIC COMMERCIAL OVERLAY

### 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, adult entertainment, or retail sales of liquor requiring an OLCC permit;
- K. Medical or dental services including labs;
- L. Parking structure;
- M. Professional and administrative offices;
- N. Public safety and support facilities;
- O. Public transportation passenger terminal or taxi stand;
- P. Repair services for household and personal items, excluding motorized vehicles;
- Q. Sales, grooming and veterinary offices or animal hospitals without outside pens or noise beyond property line;
- R. Schools;



- S. One single-family residence, provided it is an accessory structure and cannot be sold separately;
- T. Studios, including art, photography, dance, and music;
- U. Vehicle fuel sales;
- V. Antique or special interest vehicle sales, provided all activities occur within an enclosed structure and outdoor display is prohibited.

(Ord. 493, § 2(Exh. A), 2021; Ord. 488, § 2(Exh. A), 2019; Ord. 487 § 2, 2017; Ord. 474 § 1, 2014; Ord. 415 § 7.74.020, 2002)

### **16.22.030 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, Title 17 as applicable, other relevant sections of this title and any conditions imposed by the Planning Commission:

- A. Home occupations (Type II) subject to Chapter 16.46;
- B. 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 incidental to the primary business conducted on the premises. (Ord. 415 § 7.74.030, 2002)
- C. Food carts located on the same property and accessory to an established indoor eating and drinking establishment.
  - 1. No structures, product display, or storage shall be located within yard setback or buffering and screening areas.
  - 2. Drive-through carts are prohibited.
  - 3. Signage shall comply with AMC 16.44 and Title 17, as applicable, and shall be calculated as a portion of total signage as permitted for the site.
  - 4. Shall be limited to one food cart per site/primary business.
  - 5. Food carts shall not have any internal floor space available to customers.
  - 6. Food carts shall not exceed twenty-six (26) feet in length, thirteen (13) feet in height and ten (10) feet in width.
  - 7. Carts shall be mobile and fully operable, on inflated wheels, and licensed with the Department of Motor Vehicles.
  - 8. Carts shall be in good repair with no exterior damage.
  - 9. Sewer or grey water disposal hookups are not permitted.
- D. 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 dispensaries or commercial marijuana retail stores: one thousand (1,000) feet.
- d. May not be adjacent to a residential zone, a public park, a place of worship, or a property which may be a single-family residential use by right pursuant to AMC 16.62.040 or 16.62.050.A.
- 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 8:00 p.m.
- 8. Drive-through windows are prohibited.

(Ord. 489, § 2(Exh. A), 2020; Ord. 474 § 1, 2014)

**16.22.040 Development standards.**

- 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.

Notes: HRB does not identify proposed text change to Section 16.22.040.A (above). Planning Commission, via work session, supports removal of text above - dated and unnecessary.

- 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 **when required for buffering and visual screening as described under AMC 16.38.040.**
- 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. **Title 17, Historic Preservation.**

Notes: HRB does not identify proposed text change to Section 16.22.040 (above). Planning Commission, via work session, supports changes to “D” observing how AMC 16.38.040 (buffering standards) can require landscape area of certain width when subject property abuts residential.

Also, Planning Commission, via work session, observe reference development standards and existing text in “G” references guidelines. Recommendation is to remove text referring to Design Guidelines / replace with reference to Title 17, for regulating signs, as shown above.

- 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 in front yards and porches.
  - 1. All business, service, repair, storage or merchandise inventory shall be conducted wholly within an enclosed building except the following:
    - a. Off-street parking or loading;
    - b. Inventory for sale purposes of merchandise in relation to the fronting business, after business hours, is limited to a total combined ten (10) percent of any facade viewed from the right-of-way. There is no limit to goods displayed outdoors on private property during business hours as long as they are stored indoors upon close of business every day. For example, a front facade of a structure measuring one hundred (100) square feet (10 ft height x 10 ft width) shall be limited to ten (10) percent, or ten (10) square feet, of outdoor storage in the front yard and/or porch at the close of business.
    - c. In addition to 16.22.040.J.b. above, Inventory, for sale purposes, in relation to the fronting business, of larger elements which cannot be reasonably displayed wholly within a building (automobiles, boats, equipment, building materials and large architectural elements., etc.) shall be limited to an additional maximum of ten (10) percent of the front facade in the front yard and/or porch. All open inventory display must be related to items for sale in relation to the fronting business.
    - d. Any open inventory display after business hours in excess of the combined twenty (20) percent identified above shall be located in the rear or side yard of the business.
    - e. 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. 493, § 2(Exh. A), 2021; Ord. 488, § 2(Exh. A), 2019; Ord. 464, 2011; Ord. 415 § 7.60.050, 2002)

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**Note** Chapters 16.24 through 16.32 are not shown to this document. No changes are proposed.

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## Chapter 16.34 PUBLIC IMPROVEMENT AND UTILITY STANDARDS

### 16.34.010 Purpose.

The purpose of this chapter is to inform applicants of general design standards for street and utility improvements and maintain consistency between this title, the Aurora transportation system plan and the public works design standards and specifications.

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(Ord. 415 § 7.92.101, 2002)

**16.34.020 General provisions.**

- A. The standard specifications for construction, reconstruction or repair of streets, sidewalks, curbs and other public improvements within the City shall occur in accordance with the standards of this title, the public works design standards, the ODOT/APWA Standard Specifications for Construction, the transportation system plan and county or state standards, including but not limited to the Uniform Fire Code, where applicable.
- B. The City Engineer may require changes or supplements to the standard specifications consistent with the application of engineering principles.
- C. All applications for development shall conform to the standards established by this chapter.

(Ord. 487 § 2, 2017; Ord. 419 § 15, 2002; Ord. 415 § 7.92.020, 2002)

**16.34.030 Streets.**

- A. No development shall occur unless the development has frontage on or approved access to a public street:
  - 1. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of land division. Any new street or additional street width shall be dedicated and improved in accordance with this title, the Aurora transportation system plan and the public works design standards and specifications.

**Street Design Standards<sup>(1)</sup>**

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

**Notes:**

- <sup>(1)</sup> Street Design Standards for roadways within the National Historic District are subject to Historic Review Board approval on a case-by-case basis.
- <sup>(2)</sup> 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.
  - (7) On an interim basis, a multi-use path, separated from the roadway, and on-street bike lanes may be allowed instead of sidewalks and planting strips on a case-by-case basis as approved by the County.
  - (8) City standards are advisory on ODOT managed roadways
2. Subject to AMC 16.78 and approval of the Planning Commission, the City may accept and record a non-remonstrance agreement in lieu of street improvements if the following conditions exist:
    - a. A partial improvement creates a potential safety hazard to motorists or pedestrians; or
    - b. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity.
    - c. Any approved non-remonstrance agreements shall be on forms provided by the City of Aurora and with review and approval signature authority on the draft agreement prior to recording.**

Notes: HRB has not proposed addition to "c" as shown above. Planning Commission, via work session, supports this proposed addition (unrelated to Title 17). Agreement form has changed. See proposed change to definition.

3. Subject to AMC 16.78 and approval of the Planning Commission, the City may accept a payment in lieu of street improvements. To propose a payment in lieu of street improvements, the applicant shall prepare an engineering estimate for the costs of engineer, design and construction of the required frontage improvements. City staff will review and approve the engineering cost estimate and calculate the payment in lieu of street improvements. The payment in lieu of street improvements will generally be set at two-thirds of the estimated cost. Payment in lieu of street improvement funds collected by the City will be used to pay for improvements within public rights of way within the Aurora city limits.
4. New structures that are proposed to be constructed on lots abutting an existing public street that does not meet the minimum standards for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way. Building permits shall not be issued unless yard setbacks equal to the minimum yard requirements of the zoning district plus the required minimum additional right-of-way width is provided.

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**Note** Remaining provisions of Chapter 16.34 through 16.40 are not shown to this document. No changes are proposed.

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## Chapter 16.42 OFF-STREET PARKING AND LOADING REQUIREMENTS

### 16.42.010 Compliance.

- A. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. Hereafter, every use commenced and every building erected or altered shall have permanently maintained parking spaces in accordance with the provisions of this title.
- B. No building, development, or other permit involving new construction, additional gross floor area or change of use shall be issued until plans and evidence are presented to show how the off-street parking and loading requirements are to be fulfilled and that property is and will remain available for the exclusive use of off-street parking and loading spaces. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this title.

(Ord. 415 § 7.100.010, 2002)

### 16.42.020 Off-street loading.

- A. Every use for which a building is erected or structurally altered to the extent of increasing the floor area to equal a minimum floor area required to provide loading space and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as follows:

Use	Gross Sq. Ft.	Minimum Loading Spaces
Commercial	5,000—25,000	1
Industrial	25,001—60,000	2
Public utilities	60,001—100,000	3
Restaurants	Over 100,000	3+ 1 space per 60,000 sq. ft.
Hotel, motels	5,000—30,000	1
Institutions	30,001—70,000	2
Office buildings	70,001—130,000	3
Hospitals, schools	Over 130,000	3+1 space per 100,000 sq. ft.
Manufacturing	5,000—40,000	1
Wholesale storage	40,001—100,000	2
	100,001—160,000	3
	Over 160,000	3+ 1 per 80,000 sq. ft.

- B. A loading berth shall contain space twelve (12) feet wide, thirty-five (35) feet long and have a height clearance of fourteen (14) feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.
- C. If loading space has been provided in connection with an existing use such space shall not be eliminated if elimination would result in nonconformance with the above standards.
- D. Off-street parking areas used to fulfill the requirements of this title shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.
- E. Loading berths shall not be required in areas subject to Chapter 16.28.

(Ord. 415 § 7.100.020, 2002)

**16.42.030 Off-street parking.**

Off-street parking spaces shall be provided and maintained as set forth in this section for all uses in all zones. The following required spaces shall be available for parking, and not used for storage, sale, repair or servicing of vehicles, except property resident. Nothing in this title shall be interpreted to prevent the occasional use of parking areas for community events, special sales, public gatherings and similar activities not otherwise prohibited.

<b>Use</b>	<b>Standard</b>
<b>A. Residential Uses/Day Care/Institutional/Hospital.</b>	
1. Single- and two-family	2 spaces per dwelling unit
2. Multifamily dwelling	1 space per studio or one bedroom dwelling unit, 2 spaces per dwelling unit with two or more bedrooms plus one space per three dwelling units for guests.
3. Manufactured home park	Two spaces per unit, plus one space for every three units for guests
4. Bed and breakfast	2 spaces plus 1 space for each guest bedroom
5. Residential care home or facility	1 space per 3 residential care beds plus 1 space per employee
6. Correctional facility	1 space per 3 inmate beds
7. Hospital	1 space per 3 beds and 1 space per employees
<b>B. Places of Public Assembly.</b>	
The following uses shall be treated as combinations of separate use areas such as office, auditorium, restaurant, etc. The required spaces for each separate use shall be provided.	
1. Auditorium, place of worship, or meeting room	1 space per 4 seats or 8 feet of bench length. If no fixed seats or benches, 1 space per 60 square feet
2. Library, reading room	1 space per 400 square feet plus 1 space per 2 employees
3. Senior high	1 space per employee plus 5 spaces per every classroom
4. Elementary school square or junior high	1 space per employee plus 1 space per every 100 feet of floor area in assembly area
5. Pre-school, nursery or kindergarten	5 spaces plus 1 space per classroom
<b>C. Commercial Uses.</b>	

- 1. Hotel/motel 1 space per room plus 1 space per every 2 employees
- 2. Retail, bank, office, medical, dental 1 space per 400 square feet but not less than 3 spaces per establishment
- 3. Service or repair of bulky merchandise 1 space per 750 square feet
- 4. Bowling 4 spaces per lane, plus 1 space per every 2 employees
- 5. Beauty/barber shop 1.5 spaces per chair
- 6. Theater, stadium 1 space per 4 seats or 8' bench length
- 7. Ministorage 1 space per 200 square feet of office space, plus 2 spaces for caretaker residence
- 8. Eating or drinking establishments with seating 1 space per 120 square feet
- 9. Eating establishment with no seating 1 space per 400 square feet
- 10. Mortuaries 1 space per 4 seats or 8 feet of bench length in chapel.
- 11. Health and fitness club 1 space per 300 square feet

**D. Industrial Uses.**

- 1. Manufacturing, research freight, transportation terminal, warehouse, public utility 1 space per employee on two largest shifts
- 2. Wholesale uses 1 space per employee, plus one space per 800 square feet of patron serving area

**E. All uses providing drive-in /drive-through services shall provide on the same site a reservoir for inbound vehicles as follows:**

Use	Reservoir Requirements
Drive-in /drive-through banks	5 spaces/service terminal
Drive-in /drive-through restaurants	10 spaces/service window
Drive-in theaters	10% of the theater capacity
Gasoline service stations	3 spaces/pump
Mechanical car washes	3 spaces/washing unit
Parking facilities:	
Free flow entry	1 space/employee entry driveway
Ticket dispense	2 spaces/employee entry driveway
Manual ticket	8 spaces/employee entry driveway
Attendant parking	10% of portion of parking capacity served by the driveway

**F. Public support facilities 1 space per 1,000 square feet.**

Notes: HRB does not identify proposed text change to Section 16.42.030 (above). Planning Commission, via work session, supports changes shown above. “City Hall” is proposed for addition to existing code definition of *public support facilities*. Libraries are identified as part of *public support facilities*.

(Ord. 488, § 2(Exh. A), 2019; Ord. 415 § 7.100.030, 2002)

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**Note** Remaining provisions of Chapter 16.42 are not shown to this document. No changes are proposed.

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## Chapter 16.44 SIGNS

### 16.44.010 General authority.

In all areas of the city, approval of a sign permit application must be obtained from the building official, Planning Director, and Historic Review Board, if applicable, before any sign, except those specifically exempted, is erected, placed, painted, constructed, carved or otherwise given public exposure. The sign provisions of this chapter may be considered as a part of a development application or individually. Applications shall be filed with the City Recorder on an appropriate form in any manner prescribed by the city, accompanied with an application fee in the amount established by general resolution of the City Council.

(Ord. 415 § 7.102.010, 2002)

### 16.44.020 Purpose.

Sign guidelines and criteria can enhance the economic vitality and contribute to the visual quality of the city. Well-designed signs attract the eye, complement each other and draw attention to the buildings containing the businesses for which they are intended to advertise. In the review of sign applications within the city, the following criteria and standards will be considered by the Historical Review Board and Planning Commission:

- A. Signs are necessary to communicate information about places, goods, services and amenities. As such, they have a useful function; they should not confuse; they should inform with clarity.
- B. Signs are a part of the town's streetscape. Signage, in a collective sense, has a civic obligation to be in character with the rest of the streetscape.
- C. Buildings are signs in that they represent a kind of imagery through their architecture.
- D. Signage is visual. Good signage is an art form that should be addressed with sensitivity. In addition to communicating information, signage is an architectural element.
- E. Signs on buildings should not dominate or obscure the architecture of the building. A sign on a building should be compatible or integrated with its architecture.

(Ord. 415 § 7.102.020, 2002)



### 16.44.030 Sign permits required.

- A. Existing Signs. All existing signs on each business and residential premises shall be required to conform to the standards of this chapter on or before July 1, 2003. Upon adoption of the ordinance codified in this title, the person(s) in control of the business or property or in control of each business contained thereon, shall be required to submit a completed application form with a photograph of all existing signs according to Section 16.44.040(C), and pay no sign permit fee.

- B. Proposed Signs. No person shall place on, or apply to, the surface of any building, any painted sign, or erect, construct, place or install any other sign, unless a sign permit has been issued by the city for such sign. Application for a sign permit shall be made by the permittee in accordance with Section 16.44.040. The person(s) in control of the building or property or in control of each business contained thereon, shall make application for a sign permit in writing upon forms provided by the city. Such application shall contain the proposed location of each sign on the premises, the street and number of the premises, the name and address of the sign owner, the type of construction of each sign, the design and dimensions of each sign, type of sign supports, location of each sign on the premises, and other such information as may be required by the city.
- C. No person having a permit to erect a sign shall construct or erect same in any manner, except in the manner set forth in the approved application permit.
- D. Sign Permit Fees. The application for a sign permit shall be accompanied by a filing fee in an amount established by general resolution of the City Council.

(Ord. 419 § 7, 2002; Ord. 415 § 7.102.030, 2002)

#### **16.44.040 Application.**

The applicant shall submit three copies of:

- A. A drawing of the sign indicating its colors, lettering, symbols, logos, materials, size, and area;
- B. An elevation and plot plan indicating where the proposed sign will be located on the structure or lot, method of illumination, if any, and similar information.
- C. Signs existing September 26, 1995 shall be photographed with enough visual detail to determine their approximate size and location for inventory purposes.

(Ord. 415 § 7.102.040, 2002)

#### **16.44.050 Definitions.**

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Advertising structure* means any notice or advertisement, pictorial or otherwise, and any structure used as, or for the support of, any notice or advertisement for the purpose of making anything known about goods, services or activities not on the same lot as the advertising structure.

*Alterations* means any change in size, shape, method of illumination, position, location, construction or supporting structure of a sign.

*Balcony* means a platform projecting from the exterior wall, enclosed by a railing, supported by brackets or columns or cantilevered out.

*Banner* means a temporary paper, cloth, or plastic sign advertising a single event of civic or business nature.

*Billboard* means the same as "advertising structure."

*Building façade* means the vertical exterior wall of a building including all vertical architectural features.

**Notes:** HRB proposes to strike a verbatim definition of Building Façade found in Section 17.24.030. HRB notes explain how this definition is duplicative (referencing definition of façade in 17.08.030 – "any face of a building and its accompanying architectural features."). No change is proposed to the above def. (Chap. 16).

(Supp. No. 1)

*Building register sign* means a sign which identifies four or more businesses contained within a single building structure or complex.

*Bulletin board* means a sign of a permanent nature, but which accommodates changeable copy, indicating the names of persons associated with, events, conducted upon or products or services offered upon, the premises upon which the sign is located.

*Business* means commercial or industrial enterprise.

*Business frontage* means the lineal front footage of the building or a portion thereof, devoted to a specific business or enterprise, and having an entrance/exit opening to the general public.

*Cartoon* means a caricature of an animate or inanimate object intended as humorous.

*Construction sign* means a sign stating the names, addresses or telephone numbers of those individuals or businesses directly associated with a construction project on the premises.

*Curvilinear* means represented by curved lines.

*Direct illumination* means a source of illumination directed towards such signs so that the beam of light falls on the exterior surface of the sign.

*Flag* means a light flexible cloth, usually rectangular and bearing a symbol(s) representing a nationality, statehood, or other entity.

*Flashing sign* means a sign incorporating intermittent electrical impulses to a source of illumination, or revolving in a manner which creates the illusion of flashing, or which changes color or intensity of illumination.

*Fluorescent colors* means extra bright and glowing type colors; includes day-glow orange, fluorescent green, etc.

*Fluorescent lighting* means light provided by tubes.

*Free-standing* means a sign which is entirely supported by a sign structure in the ground.

*Frontage* means the single wall surface of a building facing a given direction.

*Illustration* means a line drawing or silhouette of a realistic object.

*Marquee* means a permanent roofed, non-enclosed structure projecting over an entrance to a building which may be attached to the ground surface or not.

*Neighborhood identification* means a sign located at the entry point to a single-family subdivision comprising not less than two acres, or a sign identifying a multiple-family development.

*Neon light* means a form of illumination using inert gases in glass tubes. Includes black light and other neon lights.

*Parcel or premises* means a lot or tract of land under separate ownership, as depicted upon the count assessment rolls, and having frontage abutting on a public street.

*Primary revenue source* means no less than seventy-five (75) percent of gross total principal income derived from a business.

*Public right-of-way* means the area commonly shared by pedestrians and vehicles for rite of passage. An easement for public travel or access including street, alley, walkway, driveway, trail or any other public way; also, the land within the boundaries of such easement.

*Quality material* means materials that are appropriate to make temporary window signs, including poster board, heavy bond paper or wood. All temporary signs will be lettered using the approved lettering styles. Brown paper or brown bags, ragged edges or light-weight paper are not allowed.

*Real estate sign* means a sign indicating that the premise on which the sign is located, or any portion thereof, is for sale, lease or rent.

*Sidewalk* means hard surface strip within a street right-of-way to be used for pedestrian traffic.

*Sign* means any notice or advertisement, pictorial or otherwise, used as an outdoor display for the purpose of advertising a property or the establishment or enterprise, including goods and services, upon which the signs are exhibited. This definition shall not include official notices issued by a court or public body or officer, or directional, warning or information signs or structures required by or authorized by the law or by federal, state, county or city authority.

Notes: HRB proposes a change to text (above) specific to the definition “sign” found in Title 17. AMC contains three definitions of signs (observation). No change is proposed here.

*Sign, Area of.* In determining whether a sign is within the area limitations of this title, the area of the total exterior surface shall be measured and computed in square feet; provided, that where the sign has two or more faces, the area of the total exterior surface shall be measured and divided by the number of faces; and provided further, that if the interior angle between the two planes of two faces exceeds one hundred thirty-five (135) degrees, they shall be deemed a single face for the purposes hereof. Measurement shall be made at the extreme horizontal and vertical limit of a sign.

*Street frontage* means the lineal dimension in feet of the property upon which a structure is built, each frontage having one street frontage.

*Wind sign or device* means any sign or device in the nature of a series of one, two or more banners fastened in such a manner as to move upon being subject to pressure by wind or breeze.

*Window* means all the glass included with one casement.

(Ord. 415 § 7.102.050, 2002)

### **16.44.060 Exempt signs.**

The following signs and devices shall not be subject to the provisions of this chapter and shall not require a sign permit application:

- A. Memorial tablets, cornerstones or similar plaques not exceeding six square feet;
- B. Flags of national, state, or local government, and flags of U.S. historical significance (no more than two flags per store front, each flag not to exceed a size of three feet by five feet);
- C. Temporary political signs not exceeding four square feet, provided the signs located on private property, and are erected not more than thirty (30) days prior to, and removed within seven days following, the election for which they are intended;

- D. Temporary, non-illuminated real estate or construction signs (no more than one per parcel) not exceeding four square feet, provided the signs are removed within fifteen (15) days after sale, lease or rental of the property, or the completion of the project;
- E. Temporary signs for new businesses, after the city has been notified, for a period not exceeding thirty (30) days;
- F. Temporary paper signs placed upon a window opening of a nonresidential building, when such signs do not obscure more than twenty (20) percent of the window area, and are maintained for a period not exceeding fifteen (15) days. These temporary signs need to be of quality material and in keeping with the Aurora's historic character;
- G. Temporary paper signs that serve as notice of a public meeting when removed promptly after such meeting is held;
- H. Small non-illuminated informational signs such as "open/closed" signs (including one, three-foot by five-foot flag or banner per store front), credit card signs, rating or professional association signs, and signs of a similar nature. Only one of each type of sign, not to exceed three square feet in area per sign with no more than four in number of any individual business or any parcel of property and using HRB approved colors and lettering styles;
- I. Signs placed by state or federal governments for the purpose of construction, maintenance or identification of roads or other public agencies for the direction of traffic, and designed to fulfill the requirements of state and federal funding agencies;
- J. Nameplates indicating the name, address or profession of the occupant not exceeding three square feet;
- K. Signs within a building, provided the same do not primarily identify the business to persons outside the building;
- L. Signs for special events or sales, which shall be constructed of quality material and be in character with Aurora historical signage. These temporary signs will not be put up more than one week prior to the event or sale and will be removed immediately after the event or sale;
- M. Garage sale signs shall include the name and address of the person giving the sale, dates of the sale and be limited to three weekends per year per address. Signs are to be removed immediately at the close of the sale. Signs shall be maximum size of two square feet, signs shall be no more than four feet in height, and shall be self-supported and not affixed to public signs or utility poles. Signs shall not be placed in the city's park. Signs may be placed in the city right-of-way if placed no closer than four feet from the street. Sign may also be placed on private property with the owner's permission.
- N. A sign identifying the name of the occupant or owner provided the sign is not larger than one square foot, is not illuminated and is either attached to the structure or located within the front yard setback.

(Ord. 415 § 7.102.060, 2002)

#### **16.44.070 General sign provisions.**

The following general sign provisions apply to all signs, except those exempt signs specifically listed in Section 16.44.060, within the city:

- A. Wood is the recommended material for both the sign and the stanchion (in the case of free-standing signs). Signs which use plastic as part of the exterior visual effects are prohibited.

- B. Rectangular, straight-edge and oval signs are the preferred shape for signs. Signs with highly stylized, curvilinear edges are not permitted. Refer to approved sample sign styles available at City Hall.
- C. Sign graphics and lettering shall be carved, applied, painted or stained. Three-dimensional signs are not permitted. All lettering shall be uniformly aligned, evenly spaced, precise, cleanly executed and legible.
- D. Sign graphics shall be simple and bold. Sign graphics can contain line drawings or silhouette images of live or inanimate objects. Cartoon images, either line drawn or silhouette, of live or inanimate objects are prohibited.
- E. The number of colors used on signs shall be minimized for maximum effect. Four colors including the background color is maximum. Fluorescent colors are not allowed.
- F. Signs placed flat against the façade of the building that identify the historic name of a building are encouraged, provided they are of uniform color and design throughout the city and are no more than six square feet in area.
- G. Paper signs are not allowed on the exterior of any building, except as provided in Section 16.44.060.
- H. No sign shall be attached to a utility pole nor placed within any public right-of-way, except garage sale signs, subject to Section 16.44.060(M), or unless approved by the City Council.
- I. When lighting is used for signs, only subdued external and indirect incandescent lighting is allowed. Internal illumination and fluorescent and/or internal neon lighting is not allowed, except as provided in Section 16.44.110 of the general commercial (C) district.
- J. No sign shall contain any flashing lights, blinking or moving letters, characters or other elements, nor shall it be rotating or otherwise movable. Vertical banners, including self-supported vertical banners, "air dancer" and/or other inflated displays are prohibited.
- K. Billboard advertising signs, temporary signs, wind signs or devices are prohibited, except as allowed in Section 16.44.060.
- L. Advertising murals and bench signs are prohibited.
- M. Free-standing signs shall be the only type of signage permitted for detached business buildings, located in the historic commercial core, that were historically occupied as single-family residences.
- N. Signs and graphics for which the city is responsible (i.e., parking lots, public facilities, street signs, etc.) shall have a single lettering style and use black for the lettering and white as a background. Signs for city parks shall not exceed twelve (12) square feet.
- O. Temporary banners, pennants and flags advertising civic events shall be permitted, subject to removal within forty-eight (48) hours after the event concludes.
- P. Signs or devices (such as drink dispensers) that display the symbol, slogan or trademark of national product brands of soft drinks, or other products, or services shall be prohibited except as provided in Section 16.44.110.
- Q. Any unofficial sign which purports to be, is in imitation of or resembles an official traffic light or a portion thereof, or which hides from view any official traffic sign or signal, is prohibited.
- R. No sign or portion thereof shall be so placed as to obstruct any fire escape, standpipe or human exit from a window located above the first floor of a building; obstruct any door or exit from a building; or obstruct any required light or ventilation.
- S. Sandwich boards shall not obstruct pedestrian walkways, or in any way impede the normal flow of vehicular traffic, and comply with ADA requirements. Sandwich board signs must be removed at the

end of each business day with a maximum allowable limit of one sign per store front. Sandwich board signs are considered to be informational signs, subject to HRB approval for colors and lettering styles.

- T. All signs in the historic commercial overlay and historic residential overlay shall conform to the requirements of Chapter 17.20 of the Aurora Municipal Code and the Design Review Guidelines for Historic District Properties.

(Ord. 493, § 2(Exh. A), 2021; Ord. 487 § 2, 2017; Ord. 419 §§ 9, 10, 2002; Ord. 415 § 7.102.070, 2002)

#### 16.44.080 Residential districts.

Signs in residential districts outside the historic residential overlay shall be permitted as follows:

- A. Neighborhood Identification. One sign shall be permitted at each entry point to developments, with more than ten (10) lots and/or units, not exceeding an area of eight square feet per sign, nor five feet in height above grade.
- B. Multiple-Family Residential and Conditional Uses. Where otherwise permitted, one sign of not more than four square feet, either attached to the building or freestanding, shall be permitted for multiple-family dwellings, containing four or more dwelling units and conditional uses. If freestanding, the sign shall be mounted in a planter or landscaped area and shall not exceed five feet in height, nor shall it be located within ten (10) feet of any property line.
- C. One sign pertaining to the lease or sale of a building or property, provided the sign is not larger than twenty-four (24) inches by thirty-six (36) inches, and is not illuminated.
- D. **Unless otherwise exempt,** All signs in the historic residential overlay shall require approval by the Historic Review Board pursuant to Chapter 17.20.

Notes: Observe list of sign types “exempt” in Chapter 17.20. Planning Commission, via work session, agree to addition - “Unless otherwise exempt...”

#### 16.44.090 Historic commercial (HC) district.

All signs in the historic commercial overlay shall require approval by the Historic Review Board pursuant to Chapter 17.20. (Ord. 415 § 7.102.090, 2002)

#### 16.44.100 General commercial (C) zone.

Signs in the general commercial (C) district for properties not included in the historic commercial overlay are subject to Section 16.44.070 and will be permitted as follows:

- A. Free-standing Signs. Signs may be placed free-standing, provided that only one such sign shall be permitted for each business location on the premises using the formula of the lineal street frontage × (times) .15, which equals square footage for total sign area with thirty-six (36) square feet being the maximum allowable size; then one hundred (100) square feet maximum represents the aggregate total of all free-standing signs on the premises.
- B. In the case of shopping areas which are planned with four or more businesses having common parking areas, only one free-standing sign identifying the shopping area shall be allowed. Such sign shall not exceed ten (10) feet in height and shall be limited to a total area of thirty-six (36) square feet.
- C. Other signs shall be one of the following types:

1. Placed flat against a building which supports it, and extending not more than eighteen (18) inches from the building;
  2. Attached to the front or bottom surface of a marquee, and extending no more than six inches past the outer edges of the marquee.
- D. The total aggregate area of all signs shall not exceed the following:
1. On a side of a building facing a street, the area of signs shall not exceed one square foot for each lineal foot of building frontage, plus one-half square foot for each foot the building is set back from the street. The total area of signs shall not exceed two square feet for each lineal foot of building frontage.
  2. On those sides of the building not facing a street, signs shall be limited to twenty-five (25) square feet, unless set back more than twenty-five (25) feet from an abutting lot may be increased in area by an amount not to exceed one-half square foot for each foot of setback exceed two square feet for each lineal foot of building frontage.
- E. Light from a sign shall be directed away from a residential area and any abutting street. Interior illuminated signs are not allowed.
- F. Neon Signs. Neon-illuminated informational signs will be allowed in general commercial district only. The only signs allowed will be "Vacancy/No Vacancy," and "Open/ Closed." One sign per business and one hundred forty-four (144) square inches maximum size. Samples of approved neon colors are available at City Hall.
- G. Window and Door Signs. Window and door signs are those which are painted, displayed or placed on an interior translucent or transparent surface. Window graphics are usually most effective when they are simple and clearly displayed using light colors or dark colors with gold or equal color highlights. Window and door signs will be kept to a minimum.
1. Number. Each building frontage will have no more than a total of two window/door signs.
  2. Area. Each window or door sign will not exceed twenty (20) percent of the total window/door area for each building.
  3. Placement. In all cases, window graphics will be limited to the first and second story windows.
- H. Registered trademarks on signs are allowed if they represent seventy-five (75) percent of the gross primary revenue source of a business.
- I. Exposed vending machines, such as those used to dispense soft drinks, and plastic and metal phone booths are prohibited.

(Ord. 415 § 7.102.100, 2002)

#### **16.44.110 Nonconforming signs.**

All signs existing on September 26, 1995, the date of the ordinance codified in this title, and not conforming with the provisions of this chapter are deemed nonconforming signs.

- A. No nonconforming sign shall be changed, expanded or altered in any manner which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain nonconforming.
- B. Termination and Removal of Nonconforming Signs.



1. Immediate Termination. Nonconforming signs which advertise a business no longer conducted or a product no longer sold on the premises where such sign is located shall be terminated and removed within fifteen (15) days after the effective date of the ordinance codified in this title.
  2. Termination by Change of Business. Any nonconforming sign advertising or relating to a business on the premises on which it is located shall be terminated upon any change in the ownership or control of such business.
  3. Termination by Amortization. Any nonconforming sign not terminated pursuant to any other provision of this title shall be terminated and removed on or before July 1, 2003.
- C. Historical Signs. Notwithstanding subsections A and B of this section, the owner of a nonconforming sign in existence September 26, 1995 may apply to the HRB within one year of that date for a determination that the sign qualifies as a historical sign by virtue of its age and vintage style. The criteria found in the historical colony, city and sign owners' records shall be used for determining the historical significance of any particular sign. The burden of proof shall be on the applicant.

(Ord. 419 § 8, 2002; Ord. 415 § 7.102.110, 2002)

**16.44.120 Termination of signs by abandonment.**

- A. Any sign advertising or relating to a business, except a regular seasonal business, on the premises on which it is located, which business is discontinued for a period of thirty (30) consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and all such signage, whether conforming or nonconforming to the provisions of this title shall be removed within thirty (30) days thereafter. Any period of such non-continuance caused by government actions, strikes, materials shortages or acts of God, and without any contributing fault by the business or user, shall not be considered in calculating the length of discontinuance for purposes of this subsection.
- B. An extension of time for removal of signage of an abandoned business, not to exceed an additional thirty (30) days, may be granted by the City Council upon an appeal filed by the legal owner of the premises or person in control of the business.

(Ord. 415 § 7.102.120, 2002)

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**Note** Chapters 16.46 to 16.82 are not shown to this document. No changes are proposed.

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