

## ARTICLE 4 ZONING DISTRICTS

### SECTION 4.010 CLASSIFICATION OF ZONES

For the purpose of this Code the following primary land use zoning districts are hereby established:

<u>Primary Zones</u>	<u>Abbreviated Designation</u>
Residential—Low Density	R-1
Residential—Medium Density	R-2
Residential—High Density	R-3
Commercial—Village Center	C-1
Commercial— Neighborhood	C-2
Limited Industrial	M-1
Educational Facilities	E-1
Public Use	P-1

### SECTION 4.020 CLASSIFICATION OF OVERLAY DISTRICTS

- (1) An Overlay District may be established in combination with a Primary Zone. The Overlay District shall establish additional requirements, standards and procedures for the use and development of property in the Primary Zone. In cases of conflict between the standards and requirements of the Primary Zone and the Overlay District, the standards and requirements of the Overlay District shall apply.
- (2) For the purposes of this Code the following Overlay Districts are hereby established:

<u>Overlay Districts</u>	<u>Abbreviated Designation</u>
Planned Development	PD

### SECTION 4.030 LOCATION OF ZONES

The boundaries for the zones listed in this Code are indicated on the **Adair Village Zoning Map of 2000** which is hereby adopted by reference and made a part of this Code.

### SECTION 4.040 ZONING MAPS

A zoning map adopted by **Section 4.030** of this Code or an amendment thereto shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this Code remains in effect.

**SECTION 4.050 ZONE BOUNDARIES**

Unless otherwise specified, zone boundaries are section lines, sub-division lines, lot lines, center lines of street or railroad right-of-way or such lines extended except where a boundary line clearly divides a lot, then the boundary line shall be determined by use of scale designated on the zoning map. Where a boundary line divides a lot, the boundary line shall be considered as the lot line for purposes of determining area and setback requirements for each zone.

**SECTION 4.060 ZONING OF ANNEXED AREAS**

All areas annexed to the City shall be rezoned consistent with the Comprehensive Plan at the time of annexation.

**SECTION 4.070 SIMILAR USE AUTHORIZATION**

The City Administrator may permit a use not listed in this Code provided the use is of the same general type as the uses permitted in a particular zoning district. However, this section does not authorize the inclusion in a zone where it is not listed, a use specifically listed in another zone. The decision of the City Administrator may be appealed to the Planning Commission and City Council using procedures specified in Section 3.700 of this Code.

**SECTION 4.080 NONCONFORMING USES**

It is the intent of the nonconforming use sections of this Code to permit pre-existing uses and structures which do not conform to the use or dimensional standards of this Code to continue under conditions specified herein. However, alteration or expansion of these nonconforming uses and structures, thereby creating potentially adverse impacts in the immediate neighborhood or in the City as a whole are not permitted.

**(1) Continuation of a Nonconforming Use.**

- (a) Subject to the provisions contained herein, a nonconforming use of a structure or a nonconforming use, may be continued and maintained, but shall not be altered or extended except as provided herein.
- (b) The extension of a nonconforming use to a portion of a structure which was arranged or designed for such use at the time of passage of this Code is not an extension of a nonconforming use.
- (c) In any industrial or commercial zone, a pre-existing dwelling may be altered or extended, provided that such alteration or extension shall not exceed the yard, lot coverage and building height requirements of the R-1 zone.

**(2) Nonconforming Structure.** A structure conforming as to use but nonconforming as to height, setback, lot coverage or similar dimensional standards, may be altered or extended if the alteration or extension does not cause the structure to deviate from the standards of this Code.**(3) Discontinuance of a Nonconforming Use.**

- (a) If a nonconforming use involving a structure is discontinued from active use for a period of 1 year, further use of the property shall be for a conforming use unless approved by the Planning Commission via Conditional Use Permit.
  - (b) If a nonconforming use not involving a structure is discontinued from active use for a period of 6 months, further use of the property shall be for a conforming use.
- (4) **Change of a Nonconforming Use.** If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the zone in which it is located.
- (5) **Destruction of a Nonconforming Use or Structure.** If a nonconforming structure or a structure containing a nonconforming use is totally or destroyed to an extent exceeding fifty-one percent (51%) of the assessed valuation of the structure by any cause, a future structure or use on the site shall be either in accordance with the provisions of the zone in which the property is located or the property owner may apply for a conditional use permit to continue with the existing use or to replace the structure in its present location.
- (6) **Repairs and Maintenance.** Any building housing a nonconforming use may be maintained or restored to conform with the standards of the building code, including repair or replacement of fixtures, wiring, or plumbing, provided the building is not increased in cubic content or floor area.
- (7) **Completion of Structure.** Nothing contained in this Code shall require any change in the plans, construction, alteration or designated use of a structure for which a building permit has been lawfully issued and construction has commenced prior to adoption of this Code, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within one (1) year from the time the permit is issued.

**SECTION 4.100 PRIMARY ZONES****SECTION 4.111 RESIDENTIAL ZONE - R-1**

- (1) **Purpose.** To provide areas suitable and desirable for low density single-family residential use with provisions for associated residential or public service uses.
- (2) **Permitted Uses.** In an R-1 Zone, the following uses and their accessory uses are permitted subject to the standards, provisions and exceptions set forth in this Code:
  - (a) One single-family dwelling or manufactured home per legal lot.
  - (b) Residential Care Homes for 5 or less people as provided in ORS 197.660 - 670.
  - (c) Group Child Care Home for 12 or less children as provided in the applicable provisions of ORS 657 A.
  - (d) Accessory buildings subject to the following standards:
    1. Accessory buildings shall not be used for dwelling purposes.
    2. Accessory buildings shall be setback at least 5 feet from an interior property line and limited to one story and 800 square feet unless submitted for approval under the Site Plan Review provisions of **Section 2.400**.
    3. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the conditional use provisions of **Section 2.500** and the home occupation standards of **Article 6**.
    4. Boats, trailers, detached campers, recreation vehicles and similar recreational equipment may be stored on-site except in a front or side yard setback subject to appropriate access permits, and shall not be used for human habitation. Temporary use of a Recreation Vehicle for guests is permitted for no more than 30 days.
- (3) **Conditional Uses.** In an R-1 Zone, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of **Section 2.500** and the applicable Use Standards of **Article 6**.
  - (a) Replacement of any existing duplex dwelling unit.
  - (b) Duplex divisions in conformance with the standards of **Section 6.000**.
  - (c) Home occupation.
  - (d) Residential Care Facility for 15 or less people as provided in ORS 197.660 - 670.
  - (e) Group Child Care Center for 13 or more children as provided in the applicable provisions of ORS 657 A.

- (f) Public or semi-public uses.
- (4) **Development Standards.**
- (a) Lots shall have a minimum lot size of 10,000 square feet.
  - (b) No structure or use shall be established in a manner likely to disrupt or cause contamination of a stream, lake, or other body of water.
  - (c) Exterior street front yards shall have a minimum depth of 20 feet.
  - (d) Exterior street side yards shall have a minimum depth of 10 feet.
  - (e) Interior side yards shall have a minimum width of 5 feet.
  - (f) Rear yards shall have a minimum depth of 15 feet.
  - (g) No structure shall exceed 30 feet in height.
  - (h) Manufactured Homes placed on individual lots outside of a Manufactured Home Park shall comply with the standards of **Section 6.110**.
  - (i) Division of duplex lots constructed may be partitioned into two single family lots according to the standards contained in **Section 6.105** and the land partition requirements of **Section 2.300**.
  - (j) See **Article 5** for additional General Development Standards and **Article 6** for Use Standards that may apply in the R-1 Zone.

**SECTION 4.112 RESIDENTIAL ZONE - R-2**

- (1) **Purpose.** To provide areas suitable and desirable for medium density single-family residential use with provisions for associated residential or public service uses.
- (2) **Permitted Uses.** In an R-2 Zone, the following uses and their accessory uses are permitted subject to the standards, provisions and exceptions set forth in this Code:
  - (a) One single-family dwelling or manufactured home per legal lot.
  - (b) Residential Care Homes for 5 or less people. as provided in ORS 197.660 - 670.
  - (c) Group Child Care Home for 12 or less children as provided in the applicable provisions of ORS 657 A.
  - (d) Accessory buildings subject to the following standards:
    1. Accessory buildings shall not be used for dwelling purposes.
    2. Accessory buildings shall be setback at least 5 feet from an interior property line and limited to one story and 800 square feet unless submitted for approval under the Site Plan Review provisions of **Section 2.400**.
    3. No sales shall be made from an accessory structure unless it has been approved as a Home Occupation under the conditional use provisions of **Section 2.500** and the home occupation standards of **Article 6**.
    4. Boats, trailers, detached campers, recreation vehicles and similar recreational equipment may be stored on-site except in a front exterior yard setback and shall not be used for human habitation. Temporary use of a Recreation Vehicle for guests is permitted for no more than 30 days.
  - (e) Multiple-family dwelling units in conformance with the Planned Development procedures of **Sections 4.210**.
- (3) **Conditional Uses.** In an R-2 Zone, the following uses and their accessory uses may be permitted in conformance with the conditional use provisions of **Section 2.500** and the applicable Use Standards of **Article 6**.
  - (a) Replacement of any existing duplex dwelling unit.
  - (b) Home occupation.
  - (c) Residential Care Facility for 15 or less people as provided in ORS 197.660 - 670 .
  - (d) Group Child Care Center for 13 or more children as provided in the applicable provisions of ORS 657 A.

- (e) Public or semi-public uses.
  - (f) Agricultural Animal Husbandry.
- (4) **Development Standards.**
- (a) Lots shall have a minimum lot size of 8,000 square feet.
  - (b) No structure or use shall be established in a manner likely to disrupt or cause contamination of a stream, lake, or other body of water.
  - (c) Exterior street front yards shall have a minimum depth of 20 feet.
  - (d) Exterior street side yards shall have a minimum depth of 10 feet.
  - (e) Interior side yards shall have a minimum width of 5 feet.
  - (f) Rear yards shall have a minimum depth of 15 feet.
  - (g) No structure shall exceed 30 feet in height.
  - (h) Manufactured Homes placed on individual lots outside of a Manufactured Home Park shall comply with the standards of **Section 6.110**.
  - (i) See **Article 5** for additional General Development Standards and **Article 6** for Use Standards that may apply in the R-2 Zone.

**SECTION 4.113 RESIDENTIAL ZONE—HIGH DENSITY - R-3**

- (1) **Purpose.** To provide a mixture of housing types, within a context of streets and blocks that provides convenient walking and biking routes to the other parts of Adair Village, including the Village Center.
- (2) **Permitted Uses.** See Table 4.1-1
- (3) **Conditional Uses.** See Table 4.1-1
- (4) **Development Standards.**
  - (a) Building placement. A proposed building shall be placed on the lot in compliance with the following minimum setback requirements.
    1. Front setback - 15 feet, though garages shall be no less than 20 to a street or 6 feet to an alley.
    2. Street side setback - 10 ft.
    3. Interior side setback - 5 ft.
    4. Rear setback - 15 ft. or 5 ft. for an accessory dwelling unit or garage.
    5. For multiple family or row housing the Planning Commission may approve zero side and 6-foot front setbacks.
  - (b) Building height and profile. A proposed building shall comply with the following requirements.
    1. Height limit – 35 feet, or two stories unless approved in writing by the Adair Rural Fire and Rescue District Chief or Fire Marshall.

**SECTION 4.121 COMMERCIAL ZONE—VILLAGE CENTER - C-1**

- (1) **Purpose.** The C-1 zone is applied to the area of Adair Village that is intended to become the pedestrian-oriented, mixed-use heart of the village. Appropriate building types include commercial, mixed-use, and live/work buildings, with ground floor space reserved for retail and services, with residential, and/or offices above. Buildings are placed primarily at the back of sidewalks, to reinforce the pedestrian orientation of the streets.

The City of Adair Village is endeavoring to promote a design and development concept or theme. All structures building permits for development within this zone shall be accompanied with written, pictorial or other documentation demonstrating compliance with this overall building theme. Approval of all designs shall be at the discretion of the City.

- (2) **Permitted Uses.** In a C-1 Zone, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of Sections 2.400 and the standards, provisions and exceptions set forth in this Code, provided all operations except off-street parking and temporary activities shall be conducted entirely within an enclosed building:

For Permitted Uses, see Table 4.1-1

- (3) **Conditional Uses.** In a C-1 Zone, the following uses and their accessory uses may be permitted, subject to the provisions of Section 2.500:

For Conditional Uses, see Table 4.1-1

- (4) **Development Standards.**

- (a) Each site shall be adequately served by public utilities including municipal water and sewer service and shall provide sidewalks and improved streets.
- (b) There is no minimum lot area other than required to comply with the applicable development standards.
- (c) Front and side street yards shall have a minimum depth of 5-feet utilized exclusively for sidewalks, landscaping, and access drives.
- (d) Interior and rear yards shall be 0-feet, or at least 10 feet when abutting a residential use or zone.
- (e) No structure shall exceed 40 feet in height, or two stories unless approved in writing by the Adair Rural Fire and Rescue District Chief or Fire Marshall.
- (f) Access shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.

- (g) The site shall be landscaped and effectively screened from adjacent residential areas, as provided in Section 5.134.
- (h) The arrangement of buildings, parking areas, signs and other facilities shall be designed and oriented to minimize noise and glare relative to adjacent property.
- (i) Artificial lighting, including illuminated signs and lights for parking areas, shall be so arranged and constructed as not to produce direct glare on adjacent property or otherwise interfere with the use and enjoyment of adjacent property.
- (j) No building permit for structures over 4000 square feet shall be issued within the C-1 Zone without Planning Commission approval of a Site Plan Review.
- (k) See Article 5 for additional General Development Standards and Article 6 for Use Standards that may apply in the C-1 Zone.

**SECTION 4.122 COMMERCIAL ZONE—NEIGHBORHOOD CENTER - C-2**

- (1) **Purpose.** To provide small-scale, neighborhood-serving commercial uses within convenient walking distance of homes. Appropriate building types include mixed-use and live/work buildings, with ground floor space reserved for retail and services, with residential and/or offices above, and rowhouses.
- (2) **Permitted Uses.** In a C-2 Zone, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of Sections 2.400 and the standards, provisions and exceptions set forth in this Code, provided all operations except off-street parking and temporary activities shall be conducted entirely within an enclosed building:

For Permitted Uses, see Table 4.1-1

- (3) **Conditional Uses.** In a C-2 Zone, the following uses and their accessory uses may be permitted, subject to the provisions of Section 2.500:

For Conditional Uses, see Table 4.1-1

- (4) **Development Standards.**

- (a) Each site shall be adequately served by public utilities including municipal water and sewer service and shall provide sidewalks and improved streets.
- (b) There is no minimum lot area other than required to comply with the applicable development standards.
- (c) Front and side street yards shall have a minimum depth of 5-feet utilized exclusively for sidewalks, landscaping, and access drives.
- (d) Interior and rear yards shall be 0-feet, or at least 10 feet when abutting a residential use or zone.
- (e) No structure shall exceed 40 feet in height, or 2 stories unless approved in writing by the Adair Rural Fire Protection District.
- (f) Access shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.
- (g) The site shall be landscaped and effectively screened from adjacent residential areas, as provided in Section 5.134.
- (h) The arrangement of buildings, parking areas, signs and other facilities shall be designed and oriented to minimize noise and glare relative to adjacent property.
- (i) Artificial lighting, including illuminated signs and lights for parking areas, shall be so arranged and constructed as not to produce direct glare on

adjacent property or otherwise interfere with the use and enjoyment of adjacent property.

- (j) No building permit shall be issued within the C-2 Zone without Planning Commission approval of a Site Plan Review for structures over 4000 square feet or the City Administrator for buildings less than 4000 square feet.
- (k)** See Article 5 for additional General Development Standards and Article 6 for Use Standards that may apply in the C-2

TABLE 4.1-1 Allowed Land Uses and Permit Requirements	P	Permitted Use		
	CUP	Conditional use Permit required		
	—	Use not allowed		
LAND USE TYPE	PERMIT REQUIRED BY ZONE			Specific Use Regulations
	R-3	C-2	C-1	

**RECREATION, EDUCATION & PUBLIC ASSEMBLY**

Commercial recreation facility—	—	—	P	
Fitness/health facility	—	—	P	
Hiking or biking trail	P	P	P	
Library, museum, art gallery	—	—	P	
Meeting facility, public or private	CUP	P(2)	P(2)	
Park, playground, plaza	P	P	P	
School—Specialized education or	CUP	P(2)	P(2)	
Studio—Art, dance, martial arts,	—	CUP	P	
Theater—Cinema, performing arts	—	—	CUP	

**RESIDENTIAL**

Accessory dwelling unit (ADU)	P(3)	—	—	
Home occupation	P	P	P	6.101
Mixed use residential	—	P(2)	P(1)	
Multi-family dwellings	P	P	P	6.2.01
Residential care facility	CUP	CUP	—	6.103
Residential care home	P	—	—	6.102
Single-dwellings, attached	P	P(2)	P(2)	
Single-dwellings, detached	P	—	—	4.1.220

**RETAIL**

Bar, tavern, night club	—	—	CUP	
General retail—4,000 sq.ft. or less	—	P(2)	P	
General retail— More than 4,000	—	CUP	P(2)	
Service station	—	—	P	
Restaurant, café, coffee shop	—	P	P	

**SERVICES**

Bank, financial services	—	—	P	
Bed and Breakfast	CUP			
Business support service	—	—	P	
Group child care center—13 or	—	CUP	CUP	
Group child care home—12 or	P	P	P	
Office—business, administrative, government, professional	—	P	P	
Personal services	—	P	P	

**TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE**

Parking facility, public or	—	CUP	CUP	
Telecommunications facility	—	CUP	CUP	

Utility facility	CUP	CUP	CUP	
Notes to Table 4.1-1: (1) Use allowed only on an upper floor, or behind a ground-floor street-fronting use. (2) Required site plan review as per 2.400. (3) Maximum size of the accessory dwelling unit may be no more than 33% of the living area of the house or 800 sq.ft., whichever is less.				

### SECTION 4.1.300 BUILDING TYPE STANDARDS

Each proposed building shall comply with the requirements of this Section

- (1) Building Frontage: Attached single-family structures shall not exceed 4 units or 84 lineal feet of frontage along any street. Multiple family units shall not exceed 8 contiguous units or 100 lineal feet.

**TABLE 4.1-2 - ALLOWED BUILDING TYPES, MINIMUM LOT AREA, MAXIMUM DENSITY**

BUILDING TYPE	ZONES WHERE ALLOWED			MINIMUM LOT AREA	MAXIMUM LOT AREA	MAXIMUM DENSITY IN DWELLING UNITS PER LOT
	R-3	C-2	C-1			
Single dwelling	c			3,800 sq.ft.	Max lot area shall not exceed 200% of zone minimum lot area	1 unit per lot
Single dwelling plus accessory dwelling unit (ADU)	c			6,000 sq.ft.		2 units per lot
Courtyard cluster	c			Varies as approved by the City		6 units per cluster, as approved by the City
Duplex	c			7,600 sq.ft.		2 units per lot
Rowhouse	c	c	c	1,200 sq.ft.		1 unit per lot
Live/work		c	c	1,200 sq.ft.		1 unit per lot
Mixed-use building		c	c	2,500 sq.ft.		1 or more units per lot, as approved by the City
Commercial building		c	c	N.A		N.A.
Notes: Key: c = Building type allowed (1) Allowed with conditional use permit.						

**SECTION 4.131 LIMITED INDUSTRIAL ZONE - M-1**

- (1) **Purpose.** To provide areas suitable for limited manufacturing, warehousing and commercial activities which have minimal emissions or nuisance characteristics.
- (2) **Permitted Uses.** In an M-1 Zone, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of **Section 2.400**:
  - (a) Light manufacturing, warehousing, wholesaling, storing, compounding, assembling, processing, researching, treating or testing uses, provided all operations except off-street parking and temporary activities shall be conducted entirely within an enclosed building, and provided there are no emissions potentially detrimental to the public health or nuisance characteristics discernible without instruments at the property line.
  - (b) The following commercial uses: equipment sales and service, maintenance and repair services with incidental retail sales, commercial storage, vocational and recreational training, professional and business offices, and commercial recreation
- (3) **Conditional Uses.** In the M-1 Zone, the following uses may be permitted when authorized in accordance with **Sections 2.500**:
  - (a) Public or semi-public buildings or uses.
  - (b) Industrial use requiring outdoor display or storage. Outdoor storage of materials or products may be allowed where natural or artificial screening can be provided to obscure from view at eye-level from the property line. Such storage shall not be permitted in required yards.
  - (c) Uses which possess nuisance characteristics or emissions potentially detrimental to the public health, safety and general welfare of the community such as noise, vibration, smoke, odor, fumes, dust, heat, glare or electromagnetic interference shall not be permitted unless additional safeguards are specified by the Planning Commission. The applicant shall accurately specify the extent of emissions and nuisance characteristics relate to the proposed use. Misrepresentation or omission of required data shall be grounds for termination of a Certificate of Occupancy.
  - (d) Manufacturing, processing or above ground storage of hazardous materials.

All uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality, and any other public agency having appropriate regulatory jurisdiction. Prior to approval of conditional use applications or building permits, evidence shall be submitted to the City indicating that the proposed activity has been approved by all appropriate regulatory agencies.

(4) **Development Standards.**

- (a) Each site shall be adequately served by public utilities including municipal water and sewer service and shall provide sidewalks and improved streets.
- (b) The minimum site area shall be 15,000 square feet.
- (c) Exterior yards shall have a minimum depth of 30 feet with the 10 feet adjacent to the lot line utilized exclusively for sidewalks, landscaping and access drives. A 5 foot landscape buffer shall be maintained at the street when the exterior yard is utilized for parking as specified in **Section 5.134**.
- (d) Interior yards shall be 25 feet.
- (e) No structure shall be constructed within 60 feet of the center line of a street.
- (f) No structure shall exceed 35 feet in height.
- (g) Access shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.
- (h) The site shall be landscaped and effectively screened from adjacent residential areas, as provided in Section 5.134.
- (i) The arrangement of buildings, parking areas, signs and other facilities shall be designed and oriented to minimize noise and glare relative to adjacent property.
- (j) Artificial lighting, including illuminated signs and lights for parking areas, shall be so arranged and constructed so as not to produce direct glare on adjacent property or otherwise interfere with the use and enjoyment of adjacent property.
- (k) No building permit shall be issued within the M-1 Zone without Planning Commission approval of a Site Plan Review.

**SECTION 4.141 EDUCATIONAL FACILITIES ZONE - E-1**

- (1) **Purpose.** The purpose of the Educational Facilities Zone (E-1) is to provide for the orderly development and use of land and buildings owned and operated by private or public educational entities for education and training purposes or support.
- (2) **Permitted Uses.** In the E-1 Zone, the following uses and their accessory uses are permitted subject to the Site Plan Review provisions of **Section 2.400**:
  - (a) Educational and support activities.
  - (b) Faculty, employee and student housing.
- (3) **Limitations of Use.**
  - (a) Proposed new buildings and exterior additions to existing buildings or uses proposed on the site shall be submitted to the Planning Commission for review and approval under the Site Plan Review provisions of **Section 2.400**.
  - (b) Proposed alterations to existing site features shall be submitted to the Planning commission for review and approval under the Site Plan Review provisions of **Section 2.400**. This shall not apply to shifts in locale of outdoor training or classroom sites within the required setback of any property within the zone.
  - (c) Exceptions: Maintenance, repairs and remodeling of existing buildings and site features may be undertaken without approval of the Planning Commission.
- (4) **Change or Abandonment of Use.** Whenever the use of any E-1 Zone, or a part of any such zone, is abandoned or the ownership is either transferred for different use or reverts to Federal Government Control, such abandoned or transferred area shall be designated Planned Development Overlay District (PD) until a revised zoning plan for the area has been adopted by the City Council. The Planning Commission shall recommend to the City Council appropriate rezoning for any such area.
- (5) **Development Standards.**
  - (a) Each site shall be adequately served by public utilities including municipal water and sewer service and shall provide sidewalks and improved streets.
  - (b) Yard fronting on an external boundary street for any new structure or exterior addition to an existing building shall have a minimum depth of 25 feet.

- (c) No new, free-standing structure or additions to existing structures shall exceed 50 feet in height, or two stories unless approved in writing by the Adair Rural and Fire Rescue District Chief or Fire Marshall.

**SECTION 4.151 PUBLIC USE ZONE - P-1**

- (1) **Purpose.** To provide areas suitable and desirable for public use provided that the property is governmentally owned (federal, state, county or municipal) and to provide for the orderly development and use of publicly owned property.
- (2) **Permitted Uses.** In an P-1 Zone, any use or structure is permitted subject to the Site Plan Review procedures of **Section 2.400** provided that it is governmentally owned and complies with all applicable provisions of City Codes governing the type of use or structure proposed.
- (3) **Transfer of Ownership.**
  - (a) Whenever a P-1 Zone, or any part of a P-1 Zone, is transferred to private ownership, the P-1 Zone shall cease to apply and the owner shall initiate a Zone Change Amendment in accordance with the procedures of Section 2.700.
  - (b) Whenever any privately owned land is considered for acquisition by a governmental agency for public use, the Planning Commission shall initiate a Zone Change Amendment in accordance with the procedures of **Section 2.700**.
- (4) **Development Standards.**
  - (a) Each site shall be adequately served by public utilities including municipal water and sewer service and shall provide sidewalks and improved streets.
  - (b) Exterior yards shall have a minimum of 25 feet utilized exclusively for landscaping and access and egress drives.
  - (c) Interior yards shall be 25 feet.
  - (d) No structure shall be constructed within 60 feet of the center line of a street right-of-way.
  - (e) Access shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.
  - (f) The site shall be landscaped and effectively screened from adjacent residential areas, as provided in **Section 5.118**.
  - (g) The arrangement of building, parking areas, signs and other facilities shall be designed and oriented to minimize noise and glare relative to adjacent property.
  - (h) Artificial lighting, including illuminated signs and lights for parking areas, shall be so arranged and constructed as not to produce direct glare on

adjacent property or otherwise interfere with the use and enjoyment of adjacent property.

#### **SECTION 4.200 OVERLAY DISTRICTS**

An Overlay-District may be established in combination with a Primary Zone. The Overlay-District shall establish additional requirements, standards and procedures for the use and development of property in the Primary Zone. In cases of conflict between the standards and requirements of the Primary Zone and the Overlay District, the standards and requirements of the Overlay District shall apply.

- (1) **Application.** The City, a property owner, or any interested person may apply for designation of an Overlay District in combination with any Primary Zone in accordance with the application requirements of **Sections 2.130 and 2.140** and the amendment procedures of **Section 2.700**. The Quasi-judicial hearing procedures of **Section 3.510** shall be used when the application is submitted by a property owner and applies to a specific property. The Legislative hearing procedures of **Section 3.520** shall be used when the Overlay District is applied by the City to a group or class of properties under similar circumstances.

#### **SECTION 4.210 PLANNED DEVELOPMENT OVERLAY DISTRICT, PD**

The purpose of the PD Overlay District is to provide opportunities to create more desirable working or living environments by the application of new development standards applied under an approved plan and program that is professionally prepared. The PD Overlay District is intended to be used to encourage the application of new techniques and new technology to community development that can achieve economies in land development and maintenance while providing building groupings, open spaces and circulation systems that enhance the working or living environment of the inhabitants. A Planned Development may be residential, commercial or industrial or a mixed use combination of land uses.

##### **(1) Planned Development Applications:**

- (a) The City or a property owner may request a PD Overlay District in combination with any Primary Zone in accordance with the application requirements of **Sections 2.110 through 2.140**, the amendment procedure of **Section 2.700** and the requirements of **Sections 4.210 to 4.218** contained herein.
- (b) A property owner located in an existing PD Overlay District may request approval of a **PD Plan** in conformance with the requirements of **Sections 4.210 to 4.218** contained herein.
- (c) Application for a PD Overlay District or a PD Plan is divided into three phases:
  1. The Applicant shall first submit a **PD Conceptual Plan** containing drawings and a written program that is presented in enough detail to clearly describe the proposed development. An informal pre-application review by members of the Planning Commission and City Council will be

scheduled in conformance with **Sections 2.110 and 2.120** to determine if the requested PD conforms to the City's PD requirements and is conceptually acceptable to the City. This preliminary process is intended to save time and expense for the Applicant and the City.

2. After receiving approval in principle of the PD Conceptual Plan the applicant shall have a formal **PD Development Plan** prepared by a professional design team that contains drawings and a written program for public hearings and decision by the City.
3. Following the hearings and approval of the **PD Development Plan**, the Plan shall be resubmitted to the City containing the conditions of approval applied by the City. The resubmitted plan shall be titled "**Official PD Development Plan**". Verification and acceptance by the City Administrator shall be noted and dated on the cover of the "**Official PD Development Plan**" and filed in the Record File of the Application.

#### **SECTION 4.211 PD DEVELOPMENT STANDARDS**

- (1) **Minimum Site Size.** A PD Overlay District shall not be established on less than 2 acres unless the Planning Commission and City Council finds a smaller area is suitable by virtue of its characteristics or location.
- (2) **Comprehensive Plan Compliance and Adjacent Property Protection.**
  - (a) The development plan and program shall present an organized arrangement of buildings, service facilities, open spaces and improvements in compliance with the intent of the Comprehensive Plan that also protects the property rights of adjacent property owners.
  - (b) Periphery yards of a PD Overlay District shall be at least as deep as those required by the yard regulations of the underlying Zone unless the Planning Commission finds that equal protection will be accorded through the specific design features of the approved plan.
- (3) **Building Height.** Building height shall be no greater than for the underlying Zone unless the City Council finds that an exception is warranted in terms of the adjacent property protections and amenities proposed in the development.
- (4) **Open Space.** Open space in a PD Overlay District means the land area to be used for scenic or open recreational purposes within the development.
  - (a) Open space does not include street right-of-way, driveways, parking areas, required setbacks, or public service easements unless these areas have some special recreational design or purpose.
  - (b) Open space shall be adequate for the recreational and leisure use of the population occupying the development and shall be designed to enhance the development.
  - (c) The plan and program shall assure that natural features of the land are preserved and landscaping is provided.

- (d) Instruments guaranteeing the maintenance of open space shall be provided with the proposed plan. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the City Attorney.
- (5) **Density.** Greater overall density than that specified in the Primary Zone may be allowed under a PD Overlay District based upon the approved development design. Areas used for public street right-of-way or private roadway intended to provide access to more than 2 structures shall be excluded when determining the overall density of the development.
- (6) **Subdivision Lot Sizes.** Minimum area, width, depth and frontage requirements for subdivision lots in a PD Overlay District may differ from the Primary Zone if approved in accordance with proposed plan and program.
- (7) **Additional Standards and Controls.** The City may require additional standards or controls to protect adjacent property rights or the health, safety and welfare of the general public in compliance with the Comprehensive Plan based upon the specific development request. Additional standards and controls may include, but are not limited to, the following:
  - (a) Increasing the required setbacks to protect adjacent properties or solar access.
  - (b) Controlling the location and number of vehicular access points.
  - (c) Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and in general, improving the traffic circulation system.
  - (d) Requiring improvements for utilities or storm drainage facilities.
  - (e) Increasing the number of parking spaces and improving design standards for parking areas.
  - (f) Limiting the number, size, location, and lighting of signs.
  - (g) Designating sites for open space and recreation and, in general, improving landscaping requirements.
  - (h) Requiring view obscuring screening or fencing.
  - (i) Establishing time limits for completion of all or any portion of the project, including, but not limited to utilities, drainage facilities, streets, curbs, gutters, sidewalks, parking areas, landscaping, fencing, screening or recreation areas.

- (j) Requiring contractual agreements with the City to assure development of streets, sidewalks, drainage facilities, utilities, and other improvements to standards acceptable to the City.
- (8) **Phased Development.** The applicant may elect to develop the site in successive stages as proposed in the PD Development Plan.
  - (a) Each such stage shall be a substantially complete unit of development.
  - (b) The City may require that development be done in stages if public facilities are not adequate to service the entire development initially.
- (9) **Permitted Uses In Residential PD Overlay Districts.** The following uses and their accessory uses may be permitted in a PD Overlay District which has been combined with a Residential Zone.
  - (a) Residential use of land.
  - (b) Related commercial uses when approved by the City.
  - (c) Related community service uses when approved by the City.
  - (d) Proposed standards or controls shall be specified in the PD Development Plan and signed by the owners. Where applicable the requirements may be made part of the deed CC&R's.

#### **SECTION 4.212 PD CONCEPTUAL PLAN**

An applicant shall submit at least 15 copies of conceptual drawings and a written program to the City for review and acceptance of the proposed development in principle. An informal review by members of the Planning Commission and City Council will be scheduled to determine if the requested PD conforms to the City's PD requirements and is conceptually acceptable to the City. The proposal shall address the following elements.

- (1) **Elements of the Plan.**
  - (a) Vicinity map showing location of streets and lots in the area within 300 feet of the proposed development.
  - (b) Existing lands uses.
  - (c) Proposed land uses including residential, commercial facilities such as shopping and community facilities such as schools or parks.
  - (d) Building types and approximate bulk. Housing unit densities by number of units per net acre excluding streets. Number of bedrooms by type of residence.
  - (e) Vehicular and pedestrian access, circulation, and parking pattern. Status of street ownership.

- (f) Proposed Subdivision layout and property dimensions.
  - (g) Parks, playgrounds, and open spaces.
  - (h) Existing natural features such as trees, streams and topography.
  - (i) Landscaping, screening, and fencing proposals including exterior buffers.
  - (j) Proposed method of solid waste disposal.
  - (k) Proposed method for provisions of water supply and sewage disposal.
  - (l) Proposed method for the handling of surface water drainage.
  - (m) Proposed grading patterns.
  - (n) Street and open space lighting proposals.
- (2) **Elements of the Program.**
- (a) Proposed members of the Professional Design Team.
  - (b) Proposed ownership pattern.
  - (c) Operation and maintenance proposal, such as condominium, co-op, or homeowners association.
  - (d) Time table of the development, to include expected starting dates, projection of completion time, and project phasing, if anticipated.
  - (e) Method of public improvement financing, if any.
- (3) **Review of PD Conceptual Plan**
- (a) An informal review with the Applicant and City Officials will be scheduled to determine if the requested PD conforms to the City's PD requirements and is conceptually acceptable to the City.
  - (b) Members of the Planning Commission and City Council shall informally review the PD Conceptual Plan and may recommend either preliminary approval in principle, with or without modifications, or denial. Such action shall be based upon compliance with the intent of City's Comprehensive Plan, the intent of City development standards and the extent of deviation from City standards proposed in the PD.
  - (c) Approval in principle of the PD Conceptual Plan shall be limited to the preliminary acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse the precise location

of uses nor engineering feasibility. The City may require the submission of additional information for the PD Development Plan review.

- (d) The City shall review and may recommend expansion, additions, or modifications in the proposed design team for the preparation of the PD Development Plan.
- (e) The City shall determine the extent of any environmental assessment to be included with the PD Development Plan.

#### **SECTION 4.213 PD DEVELOPMENT PLAN**

- (1) After receiving approval in principle of the PD Conceptual Plan, the Applicant shall have a PD Development Plan prepared by a professional design team in such design-related fields as Architecture, Landscape Architecture, Urban Planning, and Civil Engineering.
- (2) An applicant for a PD Overlay District shall also petition for an amendment to the zoning map as specified in **Section 2.700**. Fifteen copies of the PD Development Plan shall be submitted to the Planning Commission and City Council at least 30 days prior to the date of public hearing.
- (3) Upon receipt of the PD Development Plan, the Planning Commission and City Council shall hold separate public hearings or a single joint public hearing in accordance with the provisions of **Section 3.510**. At the public hearing the applicant shall present the PD Development Plan.
- (4) **Plan Elements.** In addition to the Application Site Plan elements required in **Section 2.140**, the PD Development Plan shall contain the following elements:
  - (a) A complete development plan in conformance with the approved conceptual plan.
  - (b) Existing and proposed contour map of the site to a scale commensurate with the size of the development.
  - (c) Location, widths, and names of all existing or platted streets or other public ways, railroad and utility rights-of-way, parks, or other public open spaces and land uses within 300 feet of the development.
  - (d) Existing sewers, water mains, and other underground facilities within and adjacent to the development and their certified capacities.
  - (e) Proposed location and capacity of sewers or other disposal facilities, water mains and other underground utilities.
  - (f) Proposed system for the handling of storm drainage.

- (g) A proposed subdivision layout. A formal Subdivision Tentative Plan in conformance with **Section 2.300** may be submitted and requested for approval together with the PD Development Plan if desired by the Applicant, or the Subdivision Tentative Plan may be deferred until after approval of the PD Development Plan.
  - (h) A land use plan indicating the uses planned for the development.
  - (i) Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, school sites, public buildings, or other uses dedicated or reserved to the public, if any.
  - (j) Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof.
  - (k) A traffic flow map showing the circulation pattern within and adjacent to the proposed development.
  - (l) Location and dimensions of bikeways, pedestrian walkways, malls, trails, or easements.
  - (m) Location, arrangement, number and dimensions of automobile garages and parking spaces, width of aisles, bays, and angle of parking.
  - (n) Location, arrangement, and dimensions of truck loading and unloading spaces, if any.
  - (o) Preliminary architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance and number of dwelling units and bedrooms.
  - (p) A preliminary tree planting and landscaping plan. All existing trees over six (6) inches in diameter and groves of trees shall be shown. Trees to be removed by the proposed development shall be so marked.
  - (q) The approximate location, height, materials of all walls, fences, and screen plantings. Elevation drawings of typical walls and fences shall be included.
  - (r) The stages, if any, of development construction. Such stages shall be clearly marked on the PD Development Plan.
- (5) **Program Elements.**
- (a) Narrative description of the planned development including justifications for all deviations from the standards of the Primary Zone.

- (b) An environmental assessment if requested by the City during review of the PD Conceptual Plan.
- (c) Tables showing the total number of acres and the percentage of the total area which is designated for each type of use including each dwelling type, off-street parking, streets, parks, playgrounds, schools, and open spaces as shown on the proposed development plan.
- (d) Tables showing the overall density of the proposed residential development and showing density by dwelling types and any proposals for the limitation of density.
- (e) Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common open space, or required dedications or reservations of public open spaces and of any dedications of development rights.
- (f) A timetable indicating when utility and drainage facilities intended to serve the development are to be installed. If the development is to be constructed in stages, the timetable shall reflect this.

#### **SECTION 4.214 DECISION AND FINDINGS**

- (1) **Planning Commission Decision.** The Planning Commission, after a public hearing in accordance with the provisions of **Section 3.510**, may recommend approval, denial or approval with conditions of the PD Development Plan and the PD Overlay District.
- (2) **City Council Decision.** The City Council, after a public hearing in accordance with the provisions of **Section 3.510** and after receiving the recommendation from the Planning Commission on the PD Development Plan, shall either approve the application, deny the application or approve the application with conditions.
- (3) **Combined Hearings.** A single joint public hearing by the Planning Commission and City Council may be utilized in conformance with **Section 3.510 (3)**.
- (4) **PD Development Plan Components.** Approval of the PD Development Plan includes approval of all submitted components including the PD Overlay District, if applicable; a Subdivision Tentative Plan, if requested, and all Conditions of Approval.
- (5) **Decision Criteria.** The recommendation of the Planning Commission and decision by the City Council shall be based upon the following findings:
  - (a) That the proposed development is in conformance with the intent of the City's Comprehensive Plan.

- (b) That exceptions from the standards of the underlying Zone are warranted by the design and amenities incorporated in the proposed PD Development Plan.
- (c) That the proposed development is compatible with the purpose and intent of the Primary Zone and that adjacent properties are protected from potential adverse affects resulting from the proposed development by appropriate controls or development standards.
- (d) That the proposed development, or a unit thereof, can be substantially completed within two (2) years of final approval.
- (e) That the streets are adequate to support the anticipated traffic and that the development will not overload the streets outside the PD Overlay District.
- (f) That the proposed utilities and drainage facilities are adequate for the population densities and type of development proposed and will not create drainage or pollution problems outside the PD Overlay District.
- (g) That the timing of installation of utility and drainage facilities will be closely coordinated with development construction and will not create a hardship to residents either within or outside the PD Overlay District.
- (h) That the density in the proposed development will not result in any substantial negative impact on any public facility or utility.

#### **SECTION 4.215            OFFICIAL PD DEVELOPMENT PLAN**

- (1) Following approval of the PD Overlay District by the City Council, the applicant shall make changes in the PD Development Plan to comply with the Conditions of Approval and submit it to the City Administrator for verification of compliance with the PD Development Plan and Conditions of Approval applied by the City Council.
- (2) If the PD Development Plan is found to be in compliance with the approval conditions, it shall be so certified and dated by the City Administrator and place in the Record File of the Application as the Official PD Development Plan along with all documents relating to dedications, improvements, agreements, restrictions, and associations.
- (3) The Platting procedures set forth in **Section 2.300** shall be followed and included in the Record File if the property is to be divided or streets are to be dedicated unless private street exceptions have been approved by the City Council.
- (4) All public site dedications, development rights to open spaces or other dedications for the entire site or approved staged portion shall be certified and placed in the Record File prior to the issuance of any building permit.

- (5) Final copies of all approved articles governing operation and maintenance shall be placed in the Record File prior to the issuance of any building permit.
- (6) The PD Overlay District shall be adopted in conformance with the amendment procedure of **Section 2.700** City Code. The area shall henceforth be shown on the official zoning map as a PD Overlay District in addition to the Primary Zone. All building permits shall be issued only in conformance with the Official PD Development Plan recorded in the Record File.

#### **SECTION 4.216 BONDING**

- (1) A developer may be required to post one of the following instruments, to assure his full and faithful performance in completion of the Official Development Plan:
  - (a) A surety bond executed by a surety company authorized to transact business in the State of Oregon. The bond shall be in a form approved by the City.
  - (b) In lieu of said bonds:
    1. The developer may deposit with the City Recorder cash money in an amount specified by the City.
    2. The developer may provide certification by a bank or other reputable lending institution that money is being held to cover the cost of the improvement and that it will be released only upon authorization of the City.
    3. The developer may submit bonds acceptable to the City Council.
- (2) If the developer fails to carry out the Official PD Development Plan as approved and the City has unreimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursements. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the City, the City shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the developer shall be liable to the City for the difference.

#### **SECTION 4.217 PROPOSED CHANGES IN APPROVED PLANS**

- (1) **Major Changes.** Major changes in the Official Development Plan after it has been adopted shall require an amendment, public hearing and approval by the City in conformance with the procedures for a Quasi-judicial Amendment in conformance with **Section 2.700**.
- (2) **Minor Changes.** Minor changes in an approved Official Development Plan may be approved by the City Administrator, provided that such changes:

- (a) Do not change the character of the development or increase the population density.
- (b) Do not change the boundaries of the PD Overlay District.
- (c) Do not change any use, such as residential to commercial.
- (d) Do not change the general location or amount of land devoted to a specific land use.
- (e) Do not diminish dimensional standards or other specific requirements established by the City as a condition of approval.

#### **SECTION 4.218 EXPIRATION**

- (1) If substantial construction or development has not taken place within 2 years from the date of final approval and acceptance of the Official Development Plan, the City Administrator shall review the status with the owner and make a report of the findings to the Planning Commission and City Council. The Owner shall be required submit an amended development schedule for approval of the City.
- (2) Upon abandonment of a particular Planned Development, or if its development has not been substantially completed within the time specified in the Official Development Plan, the City may schedule public hearings to remove the PD Overlay District unless a request to extend the time limit is approved.
- (3) The procedure for removal of a PD Overlay District is essentially the same as for adoption. The proposed removal of the PD Overlay District shall be reviewed at a public hearings by the Planning Commission and City Council to determine whether or not its continuation in whole or in part is in the public interest. If the PD Overlay District is found not to be in the public interest, the PD Overlay District may be removed by amendment. If the PD Overlay District is repealed, further use of the property and future structures thereon shall be in accordance with the existing Primary Zone.