

ORDINANCE NO. 1488

An Ordinance Establishing Zoning Standards Regulations and Procedures; Providing Related Development Requirements; Providing Penalties and Repealing Ordinance No. 1006 and Amendments Thereto; And Declaring An Emergency.

The City of Hood River ordains as follows:

There is hereby added to the Hood River Municipal Code Title 17, Chapter 17.01 thru 17.10, Section 17.01.010 to 17.10.30, which is to read as follows:

CHAPTER 17.01 GENERAL PROVISIONS

SECTION 17.01.010 TITLE. This ordinance shall be known as the Zoning Ordinance of the City of Hood River and shall be referred to herein as "this ordinance".

SECTION 17.01.020 PURPOSE.

- A. This ordinance has been designed in accordance with the goals, policies and statements of intent of the City/Westside Comprehensive Plan. It is the purpose of this ordinance, therefore, to provide the principal means for the implementation of the Comprehensive Plan.

SECTION 17.01.030 COMPLIANCE WITH ORDINANCE PROVISIONS.

- A. No permit may be issued by the building official for the construction, reconstruction, or change of use of a structure or lot that does not conform to the requirements of this ordinance.
- B. A plot plan showing the proposed construction or structural alteration shall be required. The applicant shall be responsible for the accuracy of the plot plan.

SECTION 17.01.040 INTERPRETATION.

- A. The City Planner or other City official as designated by the City Council, shall have the initial authority and responsibility to interpret and enforce all terms, provisions and requirements of this ordinance. If requested, the Planner shall make his interpretation in writing.
- B. The Planner's decision may be appealed to the Planning Commission. The Planning Commission's decision may be appealed to the City Council.

SECTION 17.01.050 RELATIONSHIP TO OTHER REGULATIONS. Where this ordinance imposes a greater restriction upon the use of building or premises, the provisions of this ordinance shall govern.

SECTION 17.01.060 DEFINITIONS. As used in this ordinance the singular includes the plural and the masculine includes the feminine and neuter; the word "may" is discretionary, the word "shall" is mandatory. The following words and phrases shall mean:

Access. The way or means by which pedestrians and vehicles enter and leave property.

Accessory Use or Accessory Structure. A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main one.

Alley. A street which affords only a secondary means of access to the property.

Apartment. A building or portion thereof designed to contain five or more dwelling units.

Boarding House, Lodging or Rooming House. A building where lodging, with or without meals, is provided for compensation for over four guests.

Building. A structure used or intended for supporting or sheltering any use or occupancy.

Building Site. One or more lots or parcels grouped together to form a tract of land to be used for building one or more structures. The building site lines shall be those lines which bound the total area, exclusive of any dedicated public street.

Caretaker's Facility. A separate living quarters within an industrial building for caretaker or watchman.

City. City of Hood River.

City Council. Hood River City Council.

Condominium Unit. A part of the property consisting of a building or one or more rooms occupying one or more floors of a building or part or parts thereof, intended for any type of independent ownership, the boundaries of which are described pursuant to paragraph (c) of subsection (1) of ORS 91.509, and with a direct exit to a public street or highway or to a common area or areas leading to a public street or highway. An area used for the temporary parking or storage of automobiles, boats, campers or other similar recreational vehicles or equipment may be considered a unit even though consisting of air space only without any building or structure, when such area is auxiliary to a condominium in which the remainder of the units are in or are a part of a building or buildings.

Contiguous Land. Two or more parcels, excluding platted subdivisions, under a single ownership which are not separated by an intervening parcel of land under a separate ownership.

Dwelling Unit. Is a single unit providing complete, independent living facilities for one or more person including permanent provisions for living, sleeping, eating, cooking and sanitation.

Duplex. A building containing two dwelling units.

Fence, Sight Obscuring. A fence or planting arranged in such a way as to obscure vision.

Fourplex. A building designed to contain four dwelling units.

Grade. (Adjacent ground elevation) is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building between the building and a line five feet from the building.

Height of Building. Is a vertical distance above a reference datum measured to the highest point of a coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following which ever yields the greater height of the building: 1.) The elevation of the highest adjoining side or upper ground surface within five foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above the lowest grade. 2.) An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in item no. 1 above is more than ten feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

Home Occupation. The occupation carried on by a resident of a dwelling unit as an accessory use within the same dwelling unit, provided: 1.) The occupation is carried on in such a manner as not to impart the outward appearance of a business in an ordinary meaning of the term, or cause or lead to unreasonable increase of the flow of traffic in the neighborhood or production of noise.

Loading Space. An off-street space within a building or on the same lot with a building for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials, and which space has access to a street or alley.

Lot. A specific tract of land within a platted subdivision.

Lot Area. The total area of the lot or parcel measured in the horizontal plane within the lot or parcel boundary lines inclusive of public easements, private roads and the easement of access to other properties.

Lot of Record. A parcel or lot duly recorded by the Hood River County Department of Records and Elections at the time of the adoption of this ordinance.

Mobile Home (Single-wide). A vehicle or structure constructed for movement on the public highways, which has sleeping, cooking and plumbing facilities, is intended for human occupancy, and is being used for residential purposes.

Mobile Home (Double-wide). A factory built home that is the result of the combination of joining (at the time placed on the property) of two or more sections, to which wheels may be attached for the purpose of moving it to a concrete foundation.

Mobile Home Park. Any privately owned place where four or more mobile homes used for human occupancy are parked within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is the rental of spaces.

Multiple-family dwelling. A building designed or remodeled to contain five or more dwelling units.

Nonconforming structure or use. A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

Occupation. An endeavor for profit.

Owner. The owner of record or his authorized agent.

Parcel. A tract of land described by metes and bounds.

Person. A natural person, firm, partnership, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

Planning Commission. Hood River City Planning Commission.

Recreational Vehicle. A vehicle or trailer designed for highway use that is intended or used for human occupancy, to be used temporarily for recreational purposes.

Parking Space. A rectangle not less than 18 feet long and 8 feet wide for use by a vehicle, having an all-weather surface, and further, provided that such parking space shall have easy access to the street or alley by a driveway having an all-weather surface.

Setback. The least distance between the property line and the exterior of the structure.

Single-family dwelling. A detached residential dwelling unit.

Street. The entire width between the right-of-way lines of every public way, for vehicular and pedestrian traffic.

Structure. Is that which is built or constructed, 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. Driveways and walks less than 30" and fences 6' or less above the ground on which they rest shall not be considered structures.

Subdivide Land. The act of dividing an area or tract of land into four (4) or more lots within a calendar year, when such area or tract exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision. An act of subdividing land or an area or tract of land, subdivided as defined in this section.

Triplex. A building designed to contain three dwelling units.

Use. The proposed purpose for which land or structure is designed, arranged, or intended, or for which it is occupied or maintained.

CHAPTER 17.02 ESTABLISHMENT OF LAND USE ZONES

SECTION 17.02.010 ESTABLISHMENT AND DESIGNATION OF LAND USE ZONES. This ordinance hereby establishes the following land use zones.

<u>ZONES</u>	<u>MAP SYMBOL</u>
Urban Low Density	R-1
Urban Standard Density	R-2
Urban High Density	R-3
Office/Residential	C-1
General Commercial	C-2
Light Industrial	LI
Industrial	I
Open Space/Public Facilities	OS
Environmental Hazard	EH

SECTION 17.02.020 ZONING MAP AND TEXT.

- A. The boundaries of the zones established in this ordinance are indicated on a map entitled the "City Zoning Map".
- B. The official City Zoning Map indicating the zone boundaries or amendments thereto shall be signed by the Mayor and City Recorder, at the time of adoption. The official map shall be maintained on file by the City Recorder.
- C. Amendments to the official City Zoning Map shall be made by the City Administration within 30 days after the effective date of the amendment. Due to the wide distribution of copies of this ordinance, amendments to the zoning map or text of this ordinance may not always be reflected in every copy.

SECTION 17.02.030 INTERPRETATION OF ZONE BOUNDARIES. Where, due to the scale, lack of detail or legibility of the City Zoning Map, there is uncertainty, contradiction or conflict as to the intended location of any zoning boundary, the exact location may be determined by utilizing the following standards:

- A. Street Lines. Where zone boundaries are indicated as approximately following the centerline or right-of-way line of streets, such lines shall be construed to be such zone boundaries.
- B. Lot Lines. Individual property lines may be used to separate zoning boundaries. The zoning classification of a lot of record in which a zoning boundary divides the lot into two or more zones shall be determined by the Planning Commission and the owner.

SECTION 17.02.040 ZONING OF ANNEXED AREAS.

- A. Any land annexed to the City shall be zoned a city zone which corresponds to a Comprehensive Plan designation as shown below:

<u>DESIGNATION</u>	<u>CITY ZONE</u>
Medium Density	R-1 or R-2 at the option of Council
Multi-family	R-3
Commercial	C-2
Industrial	I
Light Industrial	LI

CHAPTER 17.03 LAND USE ZONES

SECTION 17.03.010 URBAN LOW-DENSITY RESIDENTIAL ZONE (R-1).

A. Permitted Uses.

1. Individual dwelling unit and accessory structures.

B. Conditional Uses.

1. Planned unit developments.
2. Schools and day care facilities.
3. Public parks, playgrounds and related facilities (Conditional Use permits are not required for normal maintenance and upkeep of improvements that do not increase the intensity of use).
4. Utility or pumping substations.
5. Churches.

C. Site Development Requirements. The minimum requirements for lot area per dwelling unit are as follows:

1. A minimum area of 7,000 square feet.
2. A minimum frontage of 20' (feet) on a dedicated public street.

D. Setback Requirements. The minimum setback requirements shall be as follows:

1. No structure shall be placed closer than 10' (feet) from the nearest public right-of-way line of a dedicated public street.
2. Garages that directly face adjacent streets shall be at least 20' (feet) from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed to not face an adjacent street may be 10' (feet) from the nearest right-of-way line of the dedicated public street.

3. Side Yard/Rear Yard. No structures shall be placed closer than 3' (feet) from the side and rear property lines. For structure units more than two stories in height, the minimum yard is increased one foot for each additional story. Projections may not encroach more than two inches for each foot of required yard width.
- E. Maximum Building Height. No structure shall be constructed in excess of 35' (feet) in height.
- F. Parking Regulations. Individual dwelling units shall be provided with at least two parking spaces on the building site, one of which may be within the required setback area.

SECTION 17.03.020 URBAN STANDARD DENSITY RESIDENTIAL ZONE (R-2).

A. Permitted Uses.

1. Individual dwelling unit and accessory structures.
2. Duplex.
3. Home Occupations, as defined.
4. Double-wide mobile homes meeting the criteria specified in Section 17.04.090 of this ordinance.

B. Conditional Uses.

1. Planned unit developments.
2. Schools and day care facilities.
3. Public parks, playgrounds and related facilities (Conditional Use permits are not required for normal maintenance and upkeep or improvements that do not increase the intensity of use).
4. Utility or pumping substations.
5. Churches.

C. Site Development Requirements. The minimum requirements for lot area per dwelling unit are as follows:

1. A minimum area of 5,000 square feet.
2. A minimum frontage of 20' (feet) on a dedicated public street.

D. Setback Requirements. The minimum setback requirements shall be as follows:

1. No structure shall be placed closer than 10' (feet) from the nearest public right-of-way line of a dedicated public street.
2. Garages that directly face adjacent streets shall be at least 20' (feet) from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed to not face an adjacent street may be 10' (feet) from the nearest right-of-way line of the dedicated public street.

3. Side Yard/Rear Yard. No structures shall be placed closer than 3' (feet) from the side and rear property lines. For structures more than two stories in height, the minimum yard is increased one foot for each additional story. Projections may not encroach more than two inches for each foot of required yard width.
- E. Maximum Building Height. No structure shall be constructed in excess of 35' (feet).
- F. Parking Regulations. Each dwelling unit shall be provided with at least two parking spaces on the building site, one of which may be in the required setback area.

SECTION 17.03.030 URBAN MEDIUM DENSITY RESIDENTIAL ZONE (R-3).

A. Permitted Uses.

1. Individual dwelling unit and accessory structures.
2. Duplex, triplexes, fourplexes.
3. Multiple-family dwellings.
4. Rooming and boarding homes.
5. Double-wide mobile homes meeting the criteria specified in Section 17.04.090 of this ordinance.
6. Home occupations, as defined.

B. Conditional Uses.

1. Hospitals, sanitarium, rest nursing or convalescent homes.
2. Schools and day care facilities.
3. Public parks, playgrounds and related facilities (Conditional Use permits are not required for normal maintenance and upkeep or improvements that do not increase the intensity of use).
4. Utility or pumping substations.
5. Churches.
6. Planned unit developments.
7. Mobile home parks in accordance with Section 17.04.100
8. Professional offices.

- C. Site Development Requirements. The minimum requirements for lot area per dwelling unit are as follows:
1. A minimum area of 5,000 square feet. The minimum lot area for one and two unit dwellings shall be 5,000 square feet, each unit thereafter shall require an additional 1,500 square feet.
 2. A minimum frontage of 20' (feet) on a dedicated public street.
- D. Setback Requirements. The minimum setback requirements shall be as follows:
1. No structure shall be placed closer than 10' (feet) from the public right-of-way line of a dedicated public street.
 2. Garages that directly face adjacent streets shall be at least 20' (feet) from the nearest public right-of-way lines of the dedicated public streets. Garages so constructed to not face an adjacent street may be 10' (feet) from the nearest right-of-way line of the dedicated public street.
 3. Side Yard/Rear Yard. No structure shall be placed closer than 3' (feet) from the side and rear property lines for one and two story residences. For dwellings more than two stories in height, the minimum yard is increased one foot for each additional story. Projections may not encroach more than two inches for each foot of required yard width.
- E. Maximum Building Height. No structure shall be constructed in excess of 35' (feet).
- F. Parking Regulations. All individual dwelling units, duplexes, triplexes, and fourplexes shall be provided with two parking spaces for each unit on the building site, one of which may be within the required setback area. Multiple-family dwellings shall be required to furnish 1-1/2 off-street parking spaces per dwelling unit on or adjacent to the building site. Required setback areas may be utilized for off-street parking for multiple-family dwellings.

SECTION 17.03.040 OFFICE/RESIDENTIAL ZONE (C-1).

- A. Permitted Uses.
1. Professional offices.
 2. Permitted uses allowed in the R-3 zone.
- B. Conditional Uses.
1. Any conditional uses allowed in the R-3 zone.

- C. Site Development Requirements. The minimum requirements for lot area are as follows:
1. Lot area requirements for the R-3 uses shall apply to residential uses.
 2. A minimum area of 5,000 square feet.
 3. A minimum frontage of 20' (feet) on a dedicated public street.
- D. Setback Requirements.
1. Professional Offices. The standards outlined in the C-2 zone shall apply.
 2. Residential Uses or a Combination of Professional Offices and Residential Uses. The standards outlined in the R-3 zone shall apply.
- E. Maximum Building Height. No structure shall be constructed in excess of 35' (feet).
- F. Parking Regulations.
1. Professional Offices. One off-street parking space shall be provided on the building site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele. In no case shall there be less than two off-street parking spaces. Existing platted areas at the time of adoption of this ordinance are excluded from these provisions.
 2. Residential Uses. The requirements of the R-3 zone shall apply.
- G. Artificial Lighting. Which may be provided, shall be so deflected as to not shine or create glare in any residential zone or on any adjacent dwelling.

SECTION 17.03.050 GENERAL COMMERCIAL ZONE (C-2).

- A. Permitted Uses.
1. Any permitted uses in the R-3 zone.
 2. All businesses, service, repair, processing and storage of materials, provided the operations are conducted wholly within an enclosed building. Manufacturing, compounding, assembly, processing or treatment of products other than those clearly incidental and essential to a retail business shall not be permitted.
- B. Conditional Uses.
1. Any conditional use allowed in the R-3 zone.
 2. Any proposed commercial activity that will occur outside a wholly enclosed building.

C. Site Development Requirements.

1. Area. None.
2. Minimum Yard Setbacks. Front, none required. Side and Rear, not required except in the case where the structure is adjacent to a residential zone in which case a three foot setback is required for structures up to two stories and increased one foot for each additional story above two stories.
3. Maximum Building Site Coverage. 100 percent, unless a side and rear yard are required as outlined above.
4. Maximum Building Height. No commercial structure shall exceed a height of 45' (feet). Residential uses shall comply to the standards of the R-3 zone.
5. Parking Regulations. One off-street parking space shall be provided on the building site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientel. In no case shall there be less than two off-street parking spaces. Existing platted areas at the time of adoption of this ordinance are excluded from these provisions. However, residential uses shall comply with the off-street parking standards of the R-3 zone. Off-street loading facilities shall be encouraged. Public alleys may be utilized for off-street loading facilities.
6. Artificial Lighting. Which may be provided, shall be so deflected as to not shine or create glare in any residential zone or on any adjacent dwelling.

SECTION 17.03.060 LIGHT INDUSTRIAL ZONE (LI).

A. Permitted Uses.

1. Subject to site plan review, the uses allowed include, limited industrial activities, such as manufacturing, processing, warehousing, outside storage, and commercial activities.. With the exception of a caretaker's facility, no residential use is allowed.
2. Temporary uses not exceeding thirty days.

B. Site Plan Review by Planning Commission.

1. The purpose of the site plan review shall be to insure compatibility of the site plan for the proposed activity with adjacent land uses. The Planning Commission shall have the authority to approve, disapprove or approve with conditions the site plan of all new buildings or structures within the zone. The site plan for a proposed industrial activity shall be drawn to scale and indicate the following:
 - a. Dimensions and orientation of the parcel.

- b. Locations and heights of buildings and structures, both existing and proposed.
- c. Location and layout of off-street parking and loading facilities.
- d. Location of points of entry and exit for motor vehicles, and internal circulation pattern.
- e. Location of walls and fences and indication of their height.
- f. Proposed locations and type of exterior lighting.
- g. Proposed location and size of exterior signs.
- h. Location of landscaping, if any.
- i. Indication of the proposed use of buildings shown on the site.
- j. Where an attachment or minor addition to an existing building or structure is proposed, the site plan shall indicate the relationship of said proposal to the existing development, but need not include other data required in paragraphs, "a." through "i." above.
- k. A statement of operations shall accompany the site plan. The statement should include a brief narrative on the nature of industry, including number of employees, method of import and export, waste materials, etc.

2. Procedures. Within 35 days after the submission of a complete site plan, the Planning Commission shall approve, approve with conditions, or disapprove the site plan. Failure to render a decision within the 35 day period shall be deemed approval of the plan as submitted. In approving the plan, the Commission shall find that all buildings and facilities, signs, lighting and walls or fences are so arranged that traffic congestion is avoided and pedestrian and vehicular safety and welfare are protected, and that adverse impacts on surrounding property will be minimized.

3. Revisions. Revisions made by the applicant to an approved site plan shall be made pursuant to the procedures set forth in this section. Where required site plan approval has been granted, it shall be unlawful for any person to cause or permit the proposed construction, alteration, improvement, or use in any manner except in complete and strict compliance with the approved site plan.

C. Site Development Requirements.

1. Each building site shall have a minimum frontage of 20' (feet) on a dedicated public street.

D. Setback Requirements. None required.

- E. Maximum Building Height. No building shall be considered in excess of 45' (feet) in height.
- F. Parking Regulations. One off-street parking space shall be provided on the building site for each employee. In addition, adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of anticipated clientele. In no case shall there be less than two off-street parking spaces. Existing platted areas at the time of adoption of this ordinance are excluded from these provisions. However, residential uses shall comply with the off-street parking standards of the R-3 zone. Off-street loading facilities shall be encouraged. Public alleys may be utilized for off-street loading facilities.

SECTION 17.03.070 INDUSTRIAL ZONE (I).

A. Permitted Uses.

- 1. Industrial activities, such as manufacturing, processing, warehousing, outside storage, and commercial activities subject to the same site plan review process and requirements of the LI zone. With the exception of a caretaker's facility, no residential use is allowed.
- 2. Temporary uses not exceeding thirty days.

SECTION 17.03.080 OPEN SPACE/PUBLIC FACILITIES ZONE (OS). The purpose of the Open Space/Public Facilities zone is to provide land areas for parks and other necessary public facilities. This zone is also intended to serve as the mechanism to implement the public parks land use designation of the Comprehensive Plan.

A. Permitted Uses.

- 1. Public Parks.
- 2. Municipal and governmental services and functions.

B. Site Development Requirements. None.

C. Setback Requirements. The minimum setback requirements shall be as follows:

- 1. No structure shall be placed closer than 10' (feet) from the public right-of-way line of a dedicated public street.
- 2. Side Yard/Rear Yard. No structure shall be placed closer than 10' (feet) from the property lines for one and two story structures and for structures more than two stories in height, the minimum yard is increased one foot for each additional story. Projections may not encroach more than two inches for each foot of required yard width.

D. Maximum Building Height. No structure shall be constructed in excess of 45' (feet).

- E. Parking Regulations. Municipal and governmental offices: One off-street parking space shall be provided on the building site for each permanent employee and adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of the proposed use.

SECTION 17.03.090 ENVIRONMENTAL PROTECTION ZONE (EH). The Environmental Protection Zone is an overlay zone that designates areas that may be hazardous to develop.

A. Permitted Uses.

1. Those which are allowed in the underlying zone designation, provided the proposed development has been reviewed and stamped by a competent registered professional engineer or architect. All requirements and standards for the underlying zone designation shall be met. In addition, lands which are determined to be unsuitable to develop may be used for computation of density allowances.
2. Areas designated as flood hazard areas by the Federal Emergency Management Agency may be developed only in accord with the U.S. Department of Housing and Urban Development standards for flood hazard areas.

CHAPTER 17.04 SUPPLEMENTARY PROVISIONS

SECTION 17.04.010 MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS. No lot area, yard, or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance, and no lot area, yard or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use.

SECTION 17.04.020 ACCESS. Every lot or parcel shall have access to a street other than an alley, for at least 20' (feet) of width.

SECTION 17.04.030 GENERAL PROVISIONS REGARDING ACCESSORY USES OR STRUCTURES. An accessory use or structure shall comply with the requirements for a principal use.

SECTION 17.04.040 FENCES. Fences and walls not more than 6' (feet) in height are permitted within or on all property lines, and on corner lots or parcels when vision clearance requirements are met.

SECTION 17.04.050 GENERAL REQUIREMENTS FOR PARKING LOTS. A parking lot, whether an accessory or principal use, intended for the parking of four or more automobiles or trucks shall comply with the following:

- A. Areas used for standing or maneuvering of vehicles shall have hard surfaces maintained adequately for all-weather use and be so designed as to avoid flow of water across sidewalks.
- B. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

- C. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access, and the maximum safety of pedestrians and vehicular traffic on the site.
- D. Service drives for parking lots shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points 12' (feet) from their intersection. Exceptions may be granted by the building official with the provision of safety devices.

SECTION 17.04.060 GENERAL EXCEPTIONS TO LOT AREA REQUIREMENTS. Lots of record existing at the time of adoption of this ordinance which are less than the required lot area specified in this ordinance may be utilized provided all other requirements of the zone are met.

SECTION 17.04.070 ILLEGAL OCCUPANCY. Any use of premises or building which deviates from or violates any of the provisions of this ordinance shall be termed an illegal occupancy and the persons responsible therefore shall be subject to the penalties herein provided.

SECTION 17.04.080 VISION CLEARANCE AREA. Corner lots or parcels in all residential zones shall be provided with and maintain a vision clearance area. A vision clearance area is defined as a triangular area formed at a corner lot or parcel by the intersection of dedicated public right-of-way lines and a straight line joining said lines through points 12' (feet) back from their intersection. The vision clearance area shall provide an area of unobstructed vision from 3-1/2' (feet) to 8' (feet) above the top of the curb. Natural topographic features, utility poles and tree trunks are excluded from this requirement.

SECTION 17.04.090 DOUBLE-WIDE MOBILE HOME PLACEMENT REQUIREMENTS.

- A. Only those mobile homes used as permanent residences; manufactured after June 15, 1976, which exhibit the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with Housing and Urban Development (HUD) standards shall be permitted. Such mobile homes shall be at least 24' (feet) wide. In addition, the mobile home shall have horizontal siding or other siding materials, similar to that presently used on houses constructed under the Uniform Building Code (UBC); a composition or wood shingle or shake roof, at a minimum slope of two inches in twelve inches (16 percent); and an exterior concrete or masonry foundation which appears to be an integral part of the adjacent exterior wall of the mobile home. All wheels and towing assemblies shall be removed.

SECTION 17.04.100 MOBILE HOME PARK DESIGN CRITERIA.

- A. New mobile home parks shall meet the requirements of the Oregon State Department of Commerce and the following additional criteria:
 - 1. New mobile homes shall be provided with skirting within thirty days after placement in the park.

2. Mobile homes and accessory buildings within a mobile home park shall not be closer than 10' (feet) from an exterior boundary line nor closer than 25' (feet) to a dedicated public street.
3. Underground utilities shall be required where practicable.
4. A 6' (foot) sight obscuring fence or screening along the exterior boundary of the park shall be required.

CHAPTER 17.05 EXCEPTIONS AND VARIANCES

SECTION 17.05.010 NON-CONFORMING USES.

- A. A non-conforming use or structure existing as of the effective date of this ordinance may be continued but may not be substantially altered or expanded. The expansion of a non-conforming use to a portion of a structure which was arranged or designed for the non-conforming use at the time of passage of this ordinance is not an enlargement or expansion of a non-conforming use. A non-conforming structure which conforms with respect to use may be altered or expanded if the alteration or expansion does not cause the structure to deviate further from the standards of this ordinance.
- B. If a non-conforming use is discontinued for a period of one year, further use of the property shall conform to this ordinance.
- C. If a non-conforming use is replaced by another use, the new use shall conform to this ordinance.
- D. If a non-conforming structure or a structure containing a non-conforming use is destroyed by any cause to an extent exceeding 80 percent of the structure's fair market value as indicated by the records of the county assessor, a future structure or use on the site shall conform to this ordinance.
- E. Nothing contained in this ordinance shall require any change in the plans, construction, alteration or designated use of a structure for which a permit has been issued by the City and construction has commenced prior to the adoption of this ordinance, provided the structure, if non-conforming or intended for a non-conforming use, is completed and in use within two years from the time the permit is issued.

SECTION 17.05.020 GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS. Vertical projections such as chimneys, spires, domes, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.

SECTION 17.05.030 PROJECTIONS FROM BUILDINGS. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than six inches into a required setback.

SECTION 17.05.040 AUTHORIZATION TO GRANT OR DENY VARIANCES. The Planning Commission may authorize a variance from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot area or permitted use, strict application of the ordinance would be inappropriate or cause hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

SECTION 17.05.050 CIRCUMSTANCES FOR GRANTING A VARIANCE. A variance may be granted in accordance with all the following criteria.

- A. Exceptional or extraordinary circumstances apply to the property which do not apply to most properties in the same zone or vicinity, and result from lot size or shape, topography, an existing structure, or other circumstances over which the owners of property since enactment of this ordinance have had no control.
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of the other property in the same zone or vicinity possess.
- C. The variance would not be materially detrimental to the purposes of this ordinance, nor to property in the same zone or vicinity in which the property is located.
- D. The variance requested is the minimum variance which would alleviate the hardship.

SECTION 17.05.060 PROCEDURE FOR TAKING ACTION ON A VARIANCE APPLICATION. The procedure for taking action on an application for a variance shall be as follows:

- A. The property owner may initiate a request for a variance by filing an application with the City Recorder, using forms prescribed pursuant to Section 17.09.030.
- B. Before the Planning Commission may act on a variance application, it shall hold a public hearing thereon; following procedure as established in Section 17.09.010.

SECTION 17.05.070 TIME LIMIT ON A PERMIT FOR A VARIANCE. Authorization of a variance shall be void within one year unless substantial construction has taken place. However, the Planning Commission may extend authorization for additional periods, on request for good cause shown.

SECTION 17.05.080 LIMITATION ON REAPPLICATIONS. No reapplication of a property owner for a variance shall be considered by the Planning Commission within a six month period immediately following a previous denial of such request.

CHAPTER 17.06 CONDITIONAL USES

SECTION 17.06.010 AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES.

- A. Conditional uses listed in this ordinance may be permitted, enlarged or otherwise altered upon authorization by the Planning Commission in accordance with the standards and conditions in this Chapter.
- B. The conditional uses listed in this ordinance are common types of land uses that may have an impact on a neighborhood. The need for the conditional use is demonstrated by the listing in the ordinance, therefore, the standards for granting a conditional use are:
 - 1. The proposal shall be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance.
 - 2. Taking into account location, size, design and operation characteristics, the proposal will have a minimal adverse impact on the (a) livability, (b) value, and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.
- C. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which the Planning Commission considers necessary to protect the best interests of the surrounding area or the City as a whole. These conditions may include but are not limited to the following:
 - 1. Increasing the required lot size or yard dimension.
 - 2. Limiting the height, size or location of buildings.
 - 3. Increasing the street width.
 - 4. Increasing the number of required off-street parking spaces.
 - 5. Limiting the number, size or location of artificial lighting.
 - 6. Required diking, fencing, screening, landscaping, or other facilities to protect adjacent property.
 - 7. Designating sites for open space.
- D. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or an alteration of a structure which results in a more intensive use shall require a new conditional use hearing and permit.

SECTION 17.06.20 PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE APPLICATION.

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

- A. A property owner may initiate a request for a conditional use by filing an application with the City Recorder following the procedure established in Section 17.09.030.
- B. Before the Planning Commission may act on a conditional use application, it shall hold a public hearing thereon, following procedure as established in Section 17.09.010.

SECTION 17.06.30 TIME LIMIT ON A PERMIT FOR A CONDITIONAL USE. Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction has taken place. However, the Planning Commission may extend authorization for additional periods on request for good cause shown.

SECTION 17.06.40 LIMITATION ON REAPPLICATIONS. No application of a property owner for a conditional use shall be considered by the Planning Commission within a six month period immediately following a previous denial of such request.

CHAPTER 17.07 PLANNED UNIT DEVELOPMENT

SECTION 17.07.010 APPLICABILITY OF PLANNED UNIT DEVELOPMENT REGULATIONS. The requirements for a planned unit development set forth in this chapter are in addition to the conditional use procedures and standards of Chapter 17.06 of this ordinance.

SECTION 17.07.020 PURPOSE FOR PLANNED UNIT DEVELOPMENT REGULATIONS. The planned unit development authorization serves to encourage developing as one project, tracts of land that are sufficiently large to allow a site design for a group of structures. Deviation from specific site development standards is allowable as long as the general purposes for the standards are achieved and the general provisions of the zoning regulations are observed. The planned approach is appropriate if it maintains compatibility with the surrounding area and creates an attractive, healthful, efficient and stable environment. It should either promote a harmonious variety or grouping of uses or utilize the economy of shared services and facilities. It is further the purpose of authorizing planned unit developments to take into account the following:

- A. Advances in technology and design.
- B. Recognition and resolution of problems created by increasing population density.
- C. A comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.
- D. The potential of sites characterized by special features of geography, topography, size or shape.

SECTION 17.07.030 FINDINGS FOR PROJECT APPROVAL. The Planning Commission may approve a planned unit development if it finds that the planned unit development will satisfy standards of both Chapter 17.06 of this ordinance and this Chapter and including the following:

- A. The proposed planned unit development is an effective design consistent with the comprehensive plan.
- B. The applicant has sufficient financial capability to assure completion of the planned unit development.

SECTION 17.07.040 DIMENSIONAL AND BULK STANDARDS. A tract of land to be developed as a planned unit development shall be of a configuration that is conducive to a planned unit development.

- A. The minimum lot area, width and frontage requirements otherwise applying to individual building sites in the zone in which a planned unit development is proposed do not apply within a planned unit development. Minimum setbacks from the planned unit development exterior property lines as required by the zone will be maintained.
- B. Buildings, off-street parking and loading facilities, open space, landscaping and screening shall provide protection to properties outside the boundary lines of the development comparable to that otherwise required of development in the zone.
- C. The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the planned unit development is proposed.

SECTION 17.07.050 PROJECT DENSITY.

- A. The planned unit development may result in a density 33% in excess of the density otherwise permitted within the zone in which the planned unit development is to be constructed.

SECTION 17.07.060 COMMON OPEN SPACE.

- A. Land shown on the final development plan as common open space shall be conveyed to an association of owners or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.

SECTION 17.07.070 DESIGN STANDARDS. Although the planned unit development concept is intended to provide flexibility of design, the following are the minimum design standards which will be allowed:

- A. Private streets shall have a minimum improved width of 10' (feet) for each lane of traffic. On-street parking spaces shall be improved to provide an additional 8' (feet) of street width. Rolled curbs and gutters may be allowed.
- B. Utilities shall be underground where practicable.

SECTION 17.07.080 ACCESSORY USES IN A PLANNED UNIT DEVELOPMENT. In addition to the accessory uses typical of the primary uses authorized, accessory uses approved as a part of a planned unit development may include the following uses:

- A. Golf course.
- B. Private park, lake or waterway.
- C. Recreation area.
- D. Recreation building, clubhouse or social hall.
- E. Other accessory structures which are designed to serve primarily the residents of the planned unit development, and are compatible to the design of the planned unit development.

SECTION 17.07.090 APPLICATION SUBMISSION. An applicant shall include with the application for approval of a planned unit development a preliminary development plan as described in this Chapter. The procedure for review and approval of a planned unit development is the same as contained in Chapter 17.06 of this ordinance.

SECTION 17.07.100 PRELIMINARY DEVELOPMENT PLAN. A preliminary development plan shall be prepared and shall include the following information.

- A. A map showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.
- B. Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds school sites, public buildings and similar public and semi-public uses.
- C. A plot plan for each building site and common open space area, showing the approximate location of buildings, structures and other improvements and indicating the open space around buildings and structures.
- D. Elevation and perspective drawings of proposed structures.
- E. A development schedule indicating:
 - 1. The approximate date when construction of the project can be expected to begin.
 - 2. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin. Buildings shall conform to the Uniform Building Code (UBC) as of date of issue of the building permit.
 - 3. The anticipated rate of development.
 - 4. The approximate dates when each stage in the development will be completed.
 - 5. The area, location and degree of development of common open space that will be provided at each stage.

- F. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas.
- G. The following plans and diagrams:
 - 1. An off-street parking and loading plan.
 - 2. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices shall be shown.
 - 3. A landscaping and tree plan.
- H. A written statement which is part of the preliminary development plan shall contain the following information:
 - 1. A statement of the proposed financing.
 - 2. A statement of the present ownership of all the land included within the planned unit development.
 - 3. A general indication of the expected schedule of development.

SECTION 17.07.110 APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN. The approval of the preliminary development plan by the Planning Commission shall be binding on both the City and the applicant. However, no construction shall commence on the property until approval of the final development plan is granted.

SECTION 17.07.120 APPROVAL OF THE FINAL DEVELOPMENT PLAN.

- A. The final development plan shall be submitted to the Planning Commission within six months of the date of approval of the preliminary development plan. The Planning Commission may extend for up to six months the period for filing of the final development plan. After review, the Planning Commission shall approve the final development plan if it finds the plan is in accord with the approved preliminary development plan.
- B. A material deviation from the approved preliminary development plan shall require the preliminary development plan to be re-examined by the Planning Commission.
- C. Within thirty days after approval of the final development plan, the applicant shall file and record the approved final development plan with the Hood River County Department of Records and Elections.

SECTION 17.07.130 CONTROL OF THE DEVELOPMENT AFTER COMPLETION. The final development plan shall continue to control the planned unit development after the project is completed and the following shall apply:

- A. The building official may issue a certificate of completion of the planned unit development shall note the issuance on the City's copy of the recorded final development plan.

- B. After the certificate of completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:
 - 1. Minor modifications of existing buildings or structures.
 - 2. A building or structure that is totally or substantially destroyed may be reconstructed.
- C. An amendment to a completed planned unit development may be approved if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the comprehensive plan or related use regulations. The procedure shall be as outlined in Section 17.07.090 of this Chapter.

CHAPTER 17.08 AMENDMENTS

SECTION 17.08.010 LEGISLATIVE AMENDMENTS TO TEXT OR MAP OF THIS ORDINANCE.

Amendments to the text or zoning map may be proposed by the Planning Commission of City Council. Such amendments shall be broad in scope and considered legislative actions. The City Council shall obtain a recommendation on the proposed amendment from the Planning Commission. The recommendation shall be forwarded to the City Council within sixty days after it is requested from the Commission. The Planning Commission may conduct public hearings as it deems necessary to assist in formulating its recommendation. Within sixty days after receipt of the Planning Commission's recommendation the City Council shall take final action on the proposed amendment. The City Council may conduct its own public hearing. Public notice of a legislative public hearing shall be published in a newspaper of general circulation in the City at least 10 days prior to the date of the hearing.

SECTION 17.08.020 AMENDMENT TO ZONING MAP. An amendment to the Zoning Map may be initiated by the Planning Commission, City Council or by application of the property owner.

- A. If the application is for a change of quasi-judicial nature, the Planning Commission shall conduct a public hearing on the proposed amendment in accordance with Section 17.09.010 and shall follow the adopted rules for quasi-judicial hearings. Within 60 days after the hearing, the Planning Commission shall render a decision.

SECTION 17.08.030 RECORD OF AMENDMENTS. The City Recorder shall maintain records of amendments to the text and zoning map of the ordinance.

SECTION 17.08.040 LIMITATION ON REAPPLICATIONS. No application of a property owner for an amendment to the zoning map shall be considered by the Planning Commission within a six month period immediately following a previous denial of such request.

CHAPTER 17.09 ADMINISTRATIVE PROVISIONS

SECTION 17.09.010 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS. (Quasi-Judicial)

- A. Notice of a quasi-judicial public hearing authorized by this ordinance shall be published in a newspaper of general circulation in the City at least 10 days prior to the date of hearing.

- B. In addition, a notice of hearing on conditional use, a variance or an amendment to the zoning map shall be mailed to owners of property within 250' (feet) of the property for which the variance, conditional use or zoning map amendment has been requested. The notice of hearing shall be mailed at least 10 days prior to the date of the hearing. A certificate of mailing may be obtained from the Post Office and made a part of the record.
- C. Failure of a person to receive the notice prescribed in this Section shall not impair the validity of the hearing.
- D. The Planning Commission and the City Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.
- E. Within five (5) days after a written decision has been rendered regarding a variance, conditional use or zoning map amendment application, the City Recorder shall provide the applicants with written notice of the decision of the Planning Commission.

SECTION 17.09.020 APPEALS.

- A. An appeal from a ruling of a city administrative officer regarding a requirement of this ordinance may be made only to the Planning Commission.
 - 1. An appeal to a ruling of a city administrative officer shall be in writing and filed with the City Recorder. No fee shall be required. The Planning Commission shall consider the appeal at its next meeting and by majority vote uphold, overturn or modify the city administrative officer's ruling. A public hearing is not required.
- B. An aggrieved party may appeal an action or ruling of the Planning Commission pursuant to this ordinance within 15 days after the Planning Commission has filed its written decision with the City Recorder. The appeal shall be filed in writing with the City Recorder. If the appeal is not filed within the 15 day period, the decision of the Planning Commission shall be final. If an appeal is filed, the City Council shall receive the decision and findings from the Planning Commission and shall conduct a public hearing in accord with the adopted appeal hearing procedures.
- C. The City Council may, on its own motion, review a decision of the Planning Commission provided the motion to review is made within 30 days of the Planning Commission's decision.

SECTION 17.09.030 FORM OF PETITIONS, APPLICATIONS AND APPEALS. Petitions, applications and appeals provided for in this ordinance shall be made on forms prescribed by the City.

SECTION 17.09.040 FILING FEES. The filing fees for variance, conditional uses, zoning map amendments and appeals shall be established by the City Council. The fees shall be paid to the City Recorder upon filing of an application. These fees may be changed by City Council resolution.

CHAPTER 17.10 GENERAL PROVISIONS

SECTION 17.10.010 SEVERABILITY. The provisions of this ordinance are severable. If a section, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 17.10.020 PENALTY AND ABATEMENT.

- A. Any person who violates or causes a violation of any provision of this ordinance shall be deemed guilty of an offense, and shall be subject to punishment as prescribed in Chapter 1.12 of the Hood River Municipal Code.
- B. In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered, or used, or land is or is proposed to be used, in violation of this ordinance, the building or land thus in violation shall constitute a nuisance and the City may, in addition to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

SECTION 17.10.030 ORDINANCE REPEALED. Ordinance number 1006, passed by the City Council on May 18, 1954, and all amendments thereto, and the district map made a part of said ordinance and all amendments thereto are hereby repealed.

SECTION 17.10.040 EMERGENCY DECLARED. Whereas, the City of Hood River is behind schedule and has passed the deadline set by the Oregon State Land Conservation and Development Commission for adopting a zoning ordinance and comprehensive plan in accordance with Oregon law and LCDC's Goals and Guidelines; and the City's old zoning ordinance, as amended, creates problems of interpretation and administration of building and planning within the City; therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of two-thirds of all the members of the Council and Mayor.

Read for the first time: December 9, 1980

Read for the second time: December 23, 1980

this 23rd day of December, 1980.

PASSED by the Council of the City of Hood River,

Dorothy M Swyers
City Recorder, Dorothy M. Swyers

this 23rd day of December, 1980.

APPROVED by the Mayor of the City of Hood River,

Charles F. Beardsley
Mayor, Charles F. Beardsley