

BY JE CODIFIED
Date 1/8/09

ORDINANCE NO. 1920

(An ordinance Sections 17.03.010—Urban Low Density Residential Zone (R-1), 17.03.020—Urban Standard Density Residential Zone (R-2), 17.03.030—Urban High Density Residential Zone (R-3) and 17.05.040—Non-Conforming Uses and Structures—Exceptions, of the Hood River Municipal Code)

WHEREAS, the City undertook a visioning process that involved a written survey and town hall meetings;

WHEREAS, the following amendments to Title 17 respond to issues raised during the visioning process;

WHEREAS, the following amendments are consistent with the City's Comprehensive Plan as set forth in the attached Findings of Fact and Conclusions of Law, which are approved and hereby incorporated by reference;

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Sections 17.03.010, .020, and .030 of the Hood River Municipal Code are amended to read as follows (additions shown in underline and deletions shown in strike out):

~~17.03.10~~ **Urban Low Density Residential Zone (R-1)**

A. Permitted Uses.

1. Single family dwellings and accessory structures
2. Home Occupations
3. Manufactured homes
4. Mobile home parks
5. Family day care
6. Residential care facilities
7. Transportation facilities pursuant to 17.20.050(A)

B. Conditional Uses.

In the R-1 zone the following uses are allowed subject to the provisions of Chapter 17.06:

1. Planned unit developments
2. Schools and child care centers
3. Public parks, playgrounds, and related facilities
4. Utility or pumping substations
5. Churches

C. Site Development Requirements.

1. Minimum Lot Size: The minimum lot or parcel size shall be 7,000 square feet.

2. The minimum requirements for building sites are as follows:
 - a. Per dwelling, unit a minimum of 7,000 square feet.
 - b. A minimum frontage of fifty (50) feet on a dedicated public street.
 - c. A minimum frontage of thirty (30) feet on a public dedicated cul-de-sac.
3. Lot Coverage: Pursuant to 17.04.120

D. Setback Requirements.

The minimum setback requirements shall be as follows:

1. No structure shall be placed closer than ten (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 twenty (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 ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
3. Side yard/rear yard.
 - a. No structure shall be placed closer than six (6) feet from the side property line.
 - b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.
 - c. No structure shall be placed closer than ten (10) feet from the rear property line.
 - d. Projections may not encroach more than three (3) inches for each foot of required yard setback width.

E. Maximum Building Height:

Thirty-five (35) feet for all uses except residential uses; twenty-eight (28) feet for all residential uses.

* * *

[the remainder of this section intentionally omitted]

17.03.20 Urban Standard Density Residential Zone (R-2)

A. Permitted Uses.

1. Single-family dwellings and accessory structures
2. Duplexes
3. Home occupations
4. Manufactured homes
5. Bed and breakfast facilities
6. Mobile home parks
7. Family day care
8. Residential care facilities

9. Group residential, if less than fifteen (15) persons
10. Transportation facilities pursuant to 17.20.050(A)

B. Conditional Uses.

1. Planned unit developments
2. Schools and child care centers
3. Public parks, playgrounds, and related facilities
4. Utility or pumping substations
5. Churches
6. Townhouse projects

C. Site Development Standards.

The minimum lot or parcel size shall be 5,000 square feet. The minimum requirements for building sites are as follows:

1. Per dwelling unit or duplex, a minimum of 5,000 square feet.
2. Per townhouse building, a minimum of 2,100 square feet.
3. A minimum frontage of fifty (50) feet on a dedicated public street.
4. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.
5. Lot Coverage: Pursuant to 17.04.120

D. Setback Requirements.

The minimum setback requirements shall be as follows:

1. No structure shall be placed closer than ten (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 twenty (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 ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
3. Side yard/ rear yard.
 - a. No structure shall be placed closer than five (5) feet from the side property line.
 - b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.
 - c. No structure shall be placed closer than ten (10) feet from the rear property line.
 - d. Projections may not encroach more than three (3) inches for each foot of required yard setback width.

E. Maximum Building Height.

Thirty-five (35) feet for all uses except residential uses; twenty-eight (28) feet for all residential uses.

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[the remainder of this section intentionally omitted]

17.03.30 Urban High Density Residential Zone (R-3)

A. Permitted Uses.

1. Single-family dwellings and accessory structures
2. Duplexes and triplexes
3. Multi-family dwellings, subject to site plan review
4. Rooming and boarding houses
5. Manufactured homes
6. Home occupations
7. Bed and breakfast facilities
8. Mobile home parks
9. Family day care
10. Residential care facilities
11. Group residential, if fifteen (15) or more persons, subject to site plan review
12. Transportation facilities pursuant to 17.20.050(A)

B. Conditional Uses.

1. Hospitals, sanitariums, rest homes, nursing or convalescent home
2. Schools and child care centers
3. Public parks, playgrounds, and related facilities
4. Utility or pumping substations
5. Churches
6. Planned unit developments
7. Professional offices
8. Hostels
9. Townhouse projects

C. Site Development Requirements.

1. Minimum Lot Size: Per dwelling unit or duplex, a minimum of 5,000 square feet. Each unit thereafter shall require an additional 1,500 square feet.
2. The minimum requirements for building sites are as follows:
 - a. Per dwelling unit or duplex: A minimum area of 5,000 square feet.
 - b. Per townhouse building: A minimum of 5,000 square feet for the first two (2) residential units and 1,500 square feet each for any additional residential units.
 - c. A minimum frontage of fifty (50) feet on a dedicated public street.
 - d. A minimum frontage of thirty (30) feet on a dedicated public cul-de-sac.
3. Lot coverage: Pursuant to 17.04.120

D. Setback Requirements.

The minimum setback requirements shall be as follows:

1. No structure shall be placed closer than ten (10) feet from the public right-of-way line of a public dedicated street.
2. Garages that directly face adjacent streets shall be at least twenty (20) feet from the nearest public right-of-way lines of the public dedicated streets. Garages so constructed to not face an adjacent street may be ten (10) feet from the nearest right-of-way line of the dedicated public street. Detached garages so constructed to not face an adjacent public dedicated alley may be five (5) feet from the right-of-way line.
3. Side yard/rear yard.
 - a. No structure shall be placed closer than five (5) feet from the side property line.
 - b. Structures greater than twenty-eight (28) feet in height shall be eight (8) feet from the side property line.
 - c. No structure shall be placed closer than five (5) feet from the rear property line.
 - d. Projections may not encroach more than three (3) inches for each foot of required yard setback width.
 - e. Structures greater than 28 feet in height shall be ten (10) feet from the rear property line.

E. Maximum Building Height.

Thirty-five (35) feet for all uses except residential uses; twenty-eight (28) feet for all residential uses. Multi-family dwellings are permitted up to thirty-five (35) feet. All other residential uses may be conditionally permitted up to thirty-five (35) feet pursuant to Chapter 17.06 (Conditional Uses).

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[the remainder of this section intentionally omitted]

Section 17.05.040 of the Hood River Municipal Code is amended to read as follows (additions shown in underline and deletions shown in strike out):

17.05.040 Exceptions

Any nonconforming structure being used for a residential use before the enactment of this ordinance may be

1. Rebuilt if damaged or destroyed for any reason, provided the reconstructed building has the same or fewer number of residential units, and serves the same use as the original structure.
2. Continued for residential use whether or not the structure is continuously occupied, provided that the residential use is not changed to some other use.
3. Modified and or enlarged provided that:

- a. The structure maintains the same or fewer number of residential units.
- b. The setback requirements for residential dwellings are met. In cases where the structure does not meet the residential zoning setback standards, the modification or enlargement to the structure is allowed provided that any expansion does not further encroach upon the setback requirements.
- c. The residential off-street parking requirement shall not be reduced.
- d. The nonconforming structure is not located in an existing City right-of-way.
- e. The modification or enlargement does not exceed the allowed maximum building height.

Read for the first time: November 27, 2006.

Read for the second time and passed: December 11, 2006, to become effective thirty (30) days hence.

Signed December 12, 2006.



Linda Streich, Mayor

ATTEST:



Jill Rommel, City Recorder

I. COMPREHENSIVE PLAN

GOAL 1 - CITIZEN INVOLVEMENT: Maintain a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

All applicable notice and public hearing procedures have been followed to process this legislative ordinance amendment.

GOAL 2 - LAND USE PLANNING: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

This legislative ordinance amendment follows the process and meets the applicable ordinance provisions.

GOAL 3 - AGRICULTURAL LANDS: To preserve and maintain agricultural lands.

Not applicable.

GOAL 4 - FOREST LANDS: To conserve forest lands for forest uses.

Not applicable.

GOAL 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES: To conserve open space and protect natural, historic, and scenic resources.

The ordinance amendments will not adversely impact any Goal 5 resources and will increase the amount of open space in development due to the lot coverage limitations.

GOAL 6 - AIR, WATER AND LAND RESOURCE QUALITY: To maintain and improve the quality of the air, water, and land resources of the planning area to provide a relatively pollution free environment.

The proposed ordinance amendments will not impact any Goal 6 resources.

GOAL 7 - NATURAL DISASTERS: To protect life and property from natural disasters and hazards.

Not applicable.

GOAL 8 - RECREATIONAL NEEDS: To satisfy the recreational needs of the citizens of the community and visitors to the area.

Not applicable.

GOAL 9 - ECONOMY: To diversify and improve the economy of the Hood River planning area.

Not applicable.

GOAL 10 - HOUSING: To provide for the housing needs of the residents of Hood River.

The proposed ordinance amendments will not reduce the amount of land available for housing.

GOAL 11 - PUBLIC FACILITIES AND SERVICES: To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Not applicable.

GOAL 12 - TRANSPORTATION: To provide and encourage a safe, convenient and economic transportation system, realizing maximum mobility for the citizens of the community.

Not applicable.

GOAL 13 - ENERGY CONSERVATION: To conserve energy and encourage the use of renewable energy resources.

Not applicable.

GOAL 14 - URBANIZATION: To provide for an orderly and efficient transition from rural to urban land use.

Not applicable.

4. STATEWIDE PLANNING GOALS & GUIDELINES:

GOAL 1 - CITIZEN INVOLVEMENT: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

All applicable notice and public hearing procedures have been followed to process these ordinance amendments.

GOAL 2 - LAND USE PLANNING: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The request has been evaluated and processed according to an acknowledged Comprehensive Plan and Zoning Ordinance.

GOAL 3 - AGRICULTURAL LANDS: To preserve and maintain agricultural lands.

Not applicable.

GOAL 4 - FOREST LANDS: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Not applicable.

GOAL 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES: To conserve open space and protect natural and scenic resources.

See comments under City Comprehensive Plan Goal 5.

GOAL 6 - AIR, WATER AND LAND RESOURCE QUALITY: To maintain and improve the quality of the air, water, and land resources of the state.

The proposed ordinance amendments do not impact any Goal 6 resources.

GOAL 7 - NATURAL DISASTERS: To protect life and property from natural disasters and hazards.

Not applicable.

GOAL 8 - RECREATIONAL NEEDS: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Not applicable.

GOAL 9 - ECONOMY: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Not applicable.

GOAL 10 - HOUSING: To provide for the housing needs of the citizens of the state.

See findings under City Goal 10 above.

GOAL 11 - PUBLIC FACILITIES AND SERVICES: To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Not applicable.

GOAL 12 - TRANSPORTATION: To provide and encourage a safe, convenient and economic transportation system.

Not applicable.

GOAL 13 - ENERGY CONSERVATION: To conserve energy.

Not applicable.

GOAL 14 - URBANIZATION: To provide for an orderly and efficient transition from rural to urban land use.

DECISION: Based on the above Findings and Conclusions, the City Council approves the proposed ordinance amendments as shown in Ordinance 1920.