

## Article 2 — Land Use Districts

### Chapter 2.1 — Organization of Land Use Districts 67

Sections:

- 2.1.100 Classification of Land Use Districts
- 2.1.200 Land Use District Map
- 2.1.300 Determination of Land Use District Boundaries

### Chapter 2.2 — Residential Land Use Districts 69

Sections:

- 2.2.100 Residential Districts – Purpose
- 2.2.110 Residential Districts – Allowed Land Uses
- 2.2.120 Residential Districts – Development Standards
- 2.2.130 Residential Districts – Setback Yards: Exceptions, Reverse Frontage Lots, Flag Lots
- 2.2.140 Residential Districts – Reserved
- 2.2.150 Residential Districts – Housing Density
- 2.2.160 Residential Districts – Lot Coverage
- 2.2.170 Residential Districts – Building Height: Measurement, Exceptions, R-LD Step-Down Requirement
- 2.2.180 Residential Districts – Building Orientation
- 2.2.190 Residential Districts – Architectural Design Standards
- 2.2.200 Residential Districts – Special Use Standards

### Chapter 2.3 — Commercial Districts 108

Sections:

- 2.3.100 Commercial Districts – Purpose
- 2.3.110 Commercial Districts – Allowed Land Uses
- 2.3.120 Commercial Districts – Development Standards
- 2.3.130 Commercial Districts – Setbacks
- 2.3.140 Commercial Districts – Lot Coverage
- 2.3.150 Commercial Districts – Building Orientation and Commercial Block Layout
- 2.3.160 Commercial Districts – Building and Structure Height; Bonus for Mixed-Use
- 2.3.170 Commercial Districts – Architectural Design Standards
- 2.3.180 Commercial Districts – Pedestrian Amenities
- 2.3.190 Commercial Districts – Special Use Standards

### Chapter 2.4 — Industrial (I) Districts 131

Sections:

## **2.1 – Organization of Land Use Districts**

- 2.4.100 Industrial Districts – Purpose
- 2.4.110 Industrial Districts – Allowed Land Uses
- 2.4.120 Industrial Districts – Setback Yards and Buffering
- 2.4.130 Industrial Districts – Lot Coverage
- 2.4.140 Industrial Districts – Site Layout and Design
- 2.4.150 Industrial Districts – Building and Structure Height
- 2.4.160 Industrial Districts – Special Standards

# Article 2 - Land Use Districts

## Chapters:

- 2.1. Organization of Land Use Districts
- 2.2. Residential (R) Districts
- 2.3. Commercial (C) Districts
- 2.4. Industrial (I) District

## Chapter 2.1 - Organization of Land Use Districts

### Sections:

- 2.1.100 Classification of Land Use Districts
- 2.1.200 Land Use District Map
- 2.1.300 Determination of Land Use District Boundaries

#### **2.1.100 Classification of Land Use Districts**

Every parcel, lot, and tract of land within the Urban Growth Boundary of the City of Baker City is designated with a land use (zoning) district. The use of land is controlled by the applicable land use district and/or overlay zone. Some uses are permitted “by-right” in a given district and are designated by a “P” in the following tables. Others uses are subject to special standards, designated at “S” in the following tables, or are only permitted at the discretion of the reviewing authority, designated as “CU” or conditional uses. The applicable land use districts and overlay zone(s) are determined based on the Land Use District Map and the provisions of this Chapter, which shall be consistent with the Baker City Comprehensive Plan, as indicated in Table 2.1.100.

**Table 2.1.100**

<b>Comprehensive Plan Designation</b>	<b>Applicable Land Use District</b>
Residential	Residential Low Density (R -LD)
Residential	Residential Medium Density (R-MD)
Residential	Residential High Density (R-HD)
Commercial	Central Commercial (C-C)
Commercial	Commercial General (C-G)
Industrial	Light Industrial (LI)
Industrial	General Industrial (I)
Residential-Commercial	Master Planned Development

#### **2.1.200 Land Use District Map**

**A. Consistency with Land Use District Map.** The boundaries of the land use districts contained within this chapter shall coincide with the land use district boundaries identified on the City’s official zoning map, retained by the City Recorder. Said map by this reference is made a part of this Development Code. The official zoning map, and any map amendments,

shall be maintained by the City.

- B. Applicability of land use standards.** Each lot, tract, and parcel of land or portion thereof within the land use district boundaries designated and marked on the zoning map, is classified, zoned and limited to the uses hereinafter specified and defined for the applicable land use district.

**2.1.300 Determination of Land Use District Boundaries**

Where due to the scale, lack of scale, lack of detail or illegibility of the City zoning map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of a district boundary line, the boundary line shall be determined by the Planning Director or his or her designee in accordance with all of the following criteria:

- A. Rights-of-way.** Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks, alleys, irrigation canals, bridges, or other right-of-way shall be construed to follow such center lines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use district designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a land use district boundary, the lands within the right-of-way now vacated shall be allocated proportionately among the subject land use districts;
- B. Parcel, lot, tract.** Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;
- C. Jurisdiction boundary.** Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary; and
- D. Natural features.** Boundaries indicated as approximately following a river, stream, drainage channel, drainage basin, topographic contour or other changeable natural feature not corresponding to any feature listed in subsection A-C, above, shall be construed as following such feature, except that the location may be corrected administratively through a Type I (Code Interpretation) procedure, in accordance with Chapter 4.8.

## Chapter 2.2 - Residential Land Use Districts

### Sections:

- 2.2.100 Residential Districts – Purpose
- 2.2.110 Residential Districts – Allowed Land Uses
- 2.2.120 Residential Districts – Development Standards
- 2.2.130 Residential Districts – Setback Yards: Exceptions, Reverse Frontage Lots, Flag Lots
- 2.2.140 Reserved
- 2.2.150 Residential Districts – Housing Density
- 2.2.160 Residential Districts – Lot Coverage
- 2.2.170 Residential Districts – Building Height: Measurement, Exceptions
- 2.2.180 Residential Districts – Building Orientation
- 2.2.190 Residential Districts – Architectural Design Standards
- 2.2.200 Residential Districts – Special Use Standards

### **2.2.100 Residential Districts – Purpose**

The Residential Districts are intended to promote the livability, stability and improvement of the City’s neighborhoods. Three districts are provided: 1) The Residential Low Density (R-LD) district is intended primarily for household living at lower densities, with parks, schools, places of worship, and other supportive services that are at an appropriate neighborhood scale; 2) The Residential Medium Density (R-MD) district is intended to accommodate a wider variety of housing types and more intensive land use than the R-LD district; and 3) The Residential High Density (R-HD) district is intended to combine a variety of housing variety similar to the R-MD district with public and limited commercial services at an appropriate neighborhood scale. This chapter provides standards for land use and development in each of the three districts, based on the following principles:

- Promote the orderly expansion and improvement of neighborhoods.
- Make efficient use of land and public services and implement the Comprehensive Plan.
- Designate land for the range of housing types and densities needed by the community, including owner-occupied and rental housing.
- Provide flexible lot standards that encourage compatibility between land uses, efficiency in site design, and environmental compatibility.
- Provide for compatible building and site design at an appropriate neighborhood scale; provide standards that are in character with the landforms and architecture existing in the community.
- Apply the minimum amount of regulation necessary to ensure compatibility with existing residences, schools, parks, transportation facilities, and neighborhood services.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling.
- Provide direct and convenient access to schools, parks and neighborhood services.
- Maintain and enhance the City’s historic architecture and historic neighborhoods.

**2.2.110 Residential Districts – Allowed Land Uses**

Table 2.2.110 identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and uses are defined in Chapter 1.3 and 1.4.

<b>Table 2.2.110 – Land Uses Allowed in Residential Districts (R-LD, R-MD, R-HD)</b>			
<b>Uses</b>	<b>Status of Use in District</b>		
<b>Use Categories</b> (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	<b>Low Density Residential (R-LD)</b>	<b>Medium Density Residential (R-MD)</b>	<b>High Density Residential (R-HD)</b>
<b>RESIDENTIAL CATEGORIES</b>			
<b>Household Living</b>			
Single Family Detached	P	P	P
Accessory Dwelling, per Section 2.2.200.A	S	S	S
Duplex (2 dwellings sharing a common wall on one lot) - One duplex on a corner - More than one duplex (4+ units) attached, per Section 2.2.200.C	P CU	P S	P S
Single Family Attached (2 or more common-wall single family dwellings), each on its own lot, per Section 2.2.200.C	S	S	S
Cottage Cluster (2-4 single family dwellings on one lot, oriented to an alley or common green, and each containing less than 700 square feet of floor area). <i>Exception: Cottage Clusters may be permitted in Master Planned Developments.</i>	N	P	P
Manufactured Home, per Section 2.2.200.G	S	S	S
Manufactured Home Park, per Section 2.2.200.H	N	CU	S
Zero Lot Line Housing (not common wall), per Section 2.2.200.K	S	S	S
Multi-Family (3 or more dwellings on lot), except as provided for Cottage Housing; includes Senior Housing, Assisted Living, and Single Room Occupancy Uses, but not Group Living). <i>Exception: May be permitted in R-LD as part of a Master Planned Development, per 2.2.200.I.</i>	N	CU	S
Bed and Breakfast Inn, per 2.2.200.D	CU	CU	S

**Key:**

- P = Permitted, subject to site/development review
- S = Permitted with standards (Section 2.2.200)
- CU = Conditional Use Permit required (Chapter 4.4)
- N = Not permitted

2.2 – Residential (R) Land Use Districts – Development Standards

<b>Table 2.2.110 – Land Uses Allowed in Residential Districts (R-LD, R-MD, R-HD)</b>			
<b>Uses</b>	<b>Status of Use in District</b>		
<b>Use Categories</b> (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	<b>Low Density Residential (R-LD)</b>	<b>Medium Density Residential (R-MD)</b>	<b>High Density Residential (R-HD)</b>
Home Occupation, - per the standards in Section 2.2.200.F - per the procedures in Section 4.9.200	S CU	S CU	S CU
<b>Group Living</b>			
Group Care Home (5 or less individuals), per Section 2.2.200.E	S	S	S
Group Care Facility (6 to 15 individuals), per Section 2.2.200.E	N	CU	S
Other Group Living. Exception: May be permitted in R-LD as part of a Master Planned Development. S is per 2.2.200.I (1), (2) and (4). - 5 or less individuals - 6 to 15 individuals - 16 or more individuals	P N N	P CU CU	P S CU
<b>COMMERCIAL CATEGORIES</b>			
Commercial Educational Services, not a school (e.g., tutoring or similar services), floor area limited to 2,000 square feet per use	N	N	CU
Commercial Outdoor Recreation. Exception: May be permitted in a Master Planned Development	N	N	N
Commercial Parking Facility	N	N	N
Drive-Up / Drive-In / Drive-Through (drive-up windows, drive-up kiosks, drive-up ATM's, similar uses/facilities), per Section 2.3.190.A	N	N	N
Home Occupation, - per the standards in Section 2.2.200.F - per the procedures in Section 4.9.200	S CU	S CU	S CU
Major Event Entertainment	N	N	N
Office, floor area limited to 2,000 square feet per use. Exceptions: May be permitted in R-LD if in a Master Planned Development; and, may be in excess of 2,000 square feet if approved.	N	CU	CU
Quick Vehicle Servicing or Vehicle Repair	N	N	N

**Key:**

- P = Permitted, subject to site/development review
- S = Permitted with standards (Section 2.2.200)
- CU = Conditional Use Permit required (Chapter 4.4)
- N = Not permitted

2.2 – Residential (R) Land Use Districts – Development Standards

<b>Table 2.2.110 – Land Uses Allowed in Residential Districts (R-LD, R-MD, R-HD)</b>			
<b>Uses</b>	<b>Status of Use in District</b>		
<b>Use Categories</b> (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	<b>Low Density Residential (R-LD)</b>	<b>Medium Density Residential (R-MD)</b>	<b>High Density Residential (R-HD)</b>
Retail Sales and Service, floor area limited to 2,000 square feet per use. Exceptions: May be permitted in a Master Planned Development; and, may be in excess of 2,000 square feet if approved.	N	N	N
Self-Service Storage. Exception: May be permitted in a Master Planned Development.	N	N	N
Short-Term Vacation Rental, per Section 2.2.200.J	CU	CU	S
<b>INDUSTRIAL CATEGORIES</b>			
Industrial Service, enclosed in primary building	N	N	N
Manufacturing and Production, enclosed in primary building	N	N	N
Warehouse and Freight Movement	N	N	N
Waste-Related	N	N	N
Wholesale Sales	N	N	N
<b>INSTITUTIONAL CATEGORIES</b>			
Basic Utilities	P	P	P
Colleges	CU	CU	CU
Community Service, no drive-up uses	CU	CU	CU
Daycare, adult or child day care; does not include Family Daycare (16 or fewer children) under ORS 657A.250 which is regulated as a home occupation.	CU	CU	CU
Detention Facilities and Correctional Institutions	N	N	N
Medical Centers	N	N	N
Parks and Open Areas	CU	CU	CU
Parks and Open Areas, when designated on an adopted Specific Area Plan, Open Space and Parks Plan, or when part of a subdivision application (Chapter 4.3) or master planned development application (Chapter 4.5)	P	P	P
Religious Institutions and Houses of Worship	CU	CU	CU
Schools	CU	CU	CU

**Key:**

- P = Permitted, subject to site/development review
- S = Permitted with standards (Section 2.2.200)
- CU = Conditional Use Permit required (Chapter 4.4)
- N = Not permitted

2.2 – Residential (R) Land Use Districts – Development Standards

<b>Table 2.2.110 – Land Uses Allowed in Residential Districts (R-LD, R-MD, R-HD)</b>			
<b>Uses</b>	<b>Status of Use in District</b>		
<b>Use Categories</b> (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	<b>Low Density Residential (R-LD)</b>	<b>Medium Density Residential (R-MD)</b>	<b>High Density Residential (R-HD)</b>
<b>OTHER CATEGORIES</b>			
Accessory Structures (with a permitted use) per Section 2.2.200.B			
- no taller than 18 ft. and no larger than 1,000 square feet of building footprint	S	S	S
- taller than 18 ft. or larger than 1,000 square feet of building footprint	CU	CU	CU
Agriculture – Animals as defined under “Farm Use” or “Farming” (Livestock, defined as a horse, mule, cow, sheep, pig or other animal of similar size or larger, shall not be kept within the boundaries of the area defined by Baker CityCode Chapter 90)	S	S	S
Agriculture – Retail nurseries and similar retail horticulture	CU	CU	N
Agriculture – Non-retail row and field crops, wholesale horticulture, and retail Christmas tree farms	P	P	P
Garage Sales (Yard Sales) (see definitions)	P	P	P
Mining	N	N	N
Radio Frequency Transmission Facilities			
- If lawfully existing as of [date of adoption], per Chapter 3.6	S	S	S
- Collocation of new equipment	P	P	P
- New Transmission Towers	N	N	N
Temporary Uses, per Section 4.9.100.	S	S	S
Transportation Facilities (operation, maintenance, preservation, and construction), in accordance with the Baker City Transportation System Plan	P	P	P
Utility Corridors, except those existing prior to effective date of Development Code are allowed	CU	CU	CU

**Key:**

- P = Permitted, subject to site/development review
- S = Permitted with standards (Section 2.2.200)
- CU = Conditional Use Permit required (Chapter 4.4)
- N = Not permitted

## 2.2 – Residential (R) Land Use Districts – Development Standards

### 2.2.120 Residential Districts – Development Standards

**Background:** The minimum lot sizes and other dimensions contained in 2.2.120 are based on modern zoning standards and current development practices in Oregon. The standards are also more flexible than conventional zoning, so that minor adjustments in lot size and building height, for example, through “lot size averaging” can be made without requiring variances or master planned developments. For the greatest degree of flexibility refer to Chapter 4.5 – Master Planned Developments.

The development standards in Table 2.2.120 apply to all uses, structures, buildings, and development, and major remodels in the Residential Districts.

<b>Table 2.2.120 – Development Standards for Residential Districts</b>			
<b>Standard</b>	<b>R-LD</b>	<b>R-MD</b>	<b>R-HD</b>
<b>Density (DU/acre) – Minimum and Maximum</b>	1.0 to 10	2.0 to 20	4.0 to 45
<b>Minimum Lot Area* (square feet)</b> Single Family Detached Single Family Attached Duplex Multi-Family or Cottage Cluster Group Living – 5 or less individuals Group Living – 6 to 15 individuals Group Living – 16 or more individuals Non-Residential Uses <i>*Lot size may be reduced through lot size averaging, clustering, Master Plan Development, and Coving. See related land division procedures in Chapter 4.3.115. Minimum lot sizes do not apply to open space tracts.</i>	7,500 3,000 per unit 7,500 Not permitted 7,500 Not permitted Not permitted 9,000	7,500 2,500 per unit 7,500 9,000* 7,500 12,000-30,000* 32,000* 9,000  <i>* Maximum density calculated on one unit per 2,000sq.ft.</i>	5,000 2,000 per unit 5,000 9,000* 5,000 6,000-15,000* 16,000* 9,000  <i>* Maximum density calculated on one unit per 1,000 sq .ft.</i>
<b>Minimum Lot Width</b> Single Family Detached Single Family Attached Duplex Multi-Family or Cottage Cluster Group Living – 5 or less individuals Group Living – 6 to 15 individuals Group Living – 16 or more individuals Non-Residential Uses <i>(For flag lots, width is measured at the front building line.)</i>	40 ft 20 ft 50 ft Not permitted 40 ft Not permitted Not permitted 50 ft	40 ft 20 ft 50 ft 50 ft 40 ft 50 ft 80 ft 50 ft	40 ft 20 ft 50 ft 50 ft 40 ft 50 ft 80 ft 50 ft
<b>Minimum Lot Depth</b> <i>*Lot area must conform to the standards above. Lot dimensions may be reduced for Flag Lots, Cul-de-sac lots, and other special circumstances (Section 4.3.115.)</i>	2 times min. width	2 times min. width	2 times min. width

2.2 – Residential (R) Land Use Districts – Development Standards

<b>Table 2.2.120 – Development Standards for Residential Districts</b>			
<b>Standard</b>	<b>R-LD</b>	<b>R-MD</b>	<b>R-HD</b>
<b>Building/Structure Height</b> <i>*(See also, Sections 2.2.130 Setback Yards; 2.2.170, R-LD Height Step-Down; 3.1.200, Clear Vision, and 3.2.500, Fences and Walls.)</i>			
<u>Level Site</u> (slope less than 15%) maximum height	35 ft	35 ft	35 ft
<u>Accessory Structure</u> (slope less than 15%) maximum height	18 ft	18 ft	18 ft
maximum eave height	12 ft	12 ft	12 ft
<u>Sloping Site</u> (15% or greater) maximum height	level site + 5ft	level site + 5ft	level site + 5ft
<u>Building Height Transition Required</u> <i>Adjacent to R-LD District, per Section 2.2.170</i>	No	No	No
<u>Fences and Garden Walls</u>			
Max. Height. – Front Yard	4 ft	4 ft	4 ft
Max. Height – Interior Side	6 ft	6 ft	6 ft
Max. Height – Rear Yard	6 ft	6 ft	6 ft
Max. Height – Street Side or Reverse Frontage Lot (rear)	4 ft, or 6 ft with 5 ft landscape buffer	4 ft, or 6 ft with 5 ft landscape buffer	4 ft, or 6 ft with 5 ft landscape buffer
<i>(Note: Structural retaining walls required for site development are exempt)</i>			
<b>Lot Coverage:</b>			
<u>Max. Building Coverage</u> <i>(foundation plane as % of site area)</i>			
Single Family Detached	50%	50%	50%
Single Family Attached	60%	70%	70%
Duplex	60%	60%	60%
Multi-Family Use or Cottage Cluster	Not permitted	60%	60%
Group Living – 5 or less individuals	50%	50%	50%
Group Living – 6 to 15 individuals	Not permitted	60%	60%
Group Living – 16 or more individuals	Not permitted	60%	60%
Civic/Institutional/Open Space	60%	60%	60%
<b>Min. Landscape Area (% site area):</b> <i>(does not apply to single-family dwellings). Landscape area may include plant areas and some non-plant areas as allowed under Section 3.2.300.D.</i>			
	10%	7%	7%
<u>Parking Lots</u> (See detailed requirements under Section 3.2.300.E(2))	5%	5%	5%
<b>Minimum Setbacks (feet):</b> <i>Note: Always check true alley location and avoid utility easements when building near property lines. See also, Sections 2.2.130 Setback Yards; , 3.1200 Clear Vision, and 3.2.500, Fences and Walls)</i>			

2.2 – Residential (R) Land Use Districts – Development Standards

<b>Table 2.2.120 – Development Standards for Residential Districts</b>			
<b>Standard</b>	<b>R-LD</b>	<b>R-MD</b>	<b>R-HD</b>
<b>Front/Street Setback</b>			
Structure, <i>except</i>	15 ft	15 ft	15 ft
Detached garages and Carport entries	20 ft	20 ft	20 ft
Open structures (e.g., porch, balcony, portico, patio), where structure is less than 50% enclosed on side elevations	10 ft	10 ft	10 ft
<b>Side Setback</b>			
Primary/Accessory structure	5 ft	5 ft	5 ft
Garage/Carport entry, Open structures (e.g. porch, balcony, portico, patio), except alley	5 ft	5 ft	5 ft
<b>Exceptions:</b>			
Corner Lot side-yard facing row	10 ft	10 ft	10 ft
Alley	1 ft	1 ft	1 ft
Common Walls/Zero Lot Line	0 ft	0 ft	0 ft
<b>Rear Setbacks, except alley</b>			
Primary/Accessory structure	10 ft	10 ft	10 ft
Detached garage or Carport entry	10 ft	10 ft	10 ft
<i>Reductions:</i>			
Open structures (e.g., porch, balcony, portico, patio wall), where structure is less than 50% enclosed on side elevations	5 ft min. on side with open structure	5 ft min. on side with open structure	5 ft min. on side with open structure
Common Walls/Zero Lot Line	0 ft	0 ft	0 ft
<b>Alley Garage Setbacks</b>	1 ft	1 ft	1 ft
<b>Farm Structure Setbacks – to any property line</b>	20 ft	20 ft	20 ft

**2.2.130 Residential Districts – Setback Yards: Exceptions, Reverse Frontage Lots, Flag Lots**

**Background:** The following supplements the dimensional standards in Table 2.2.120.

**A. Residential Yard Setbacks – Purpose.** Residential setback yards provide space for private yards and building separation for fire protection/security, building maintenance, sunlight and air circulation. The setback yard standards contained in Table 2.2.120 are also intended to promote human-scale design and traffic calming by diminishing the visual presence of garages along the street and encouraging the use of pedestrian amenities, such as extra-wide sidewalks and street furnishings in multiple family developments and in residential-commercial projects. The standards also encourage the orientation of buildings to provide street visibility for public safety and neighborhood security.

**B. Setback Yards– Exceptions.** The following architectural features may encroach into the

## 2.2 – Residential (R) Land Use Districts – Development Standards

setback yards as noted below subject to meeting all applicable building and fire codes and the clear vision standards in Section 3.1.2. Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into a setback yard by not more than 36 inches. Porches, decks and similar structures not exceeding 36 inches in height may encroach into setbacks as provided in Table 2.2.120. Walls and fences built on property lines are subject to the height standards in Table 2.2.120 and the provisions of Sections 3.1.200, Vision Clearance, and 3.2.500, Fences and Walls.

**C. Setback Yards – Reverse Frontage Lots.** Reverse frontage lots are subject to the fence height and setback requirements in Section 2.2.120 and the landscape buffer requirements in Chapter 3.2.300.

**D. Setback Yards – Flag Lots.** The front yard of a flag lot shall conform to one of the following two options:

1. parallel to the street from which access is taken, or
2. parallel to the flag pole from which access is taken.

The applicant for a building permit may choose either Option 1 or Option 2, except as otherwise prescribed by conditions of a partition or subdivision approval. [Note: The City may impose such conditions as provided under Section 4.3.115.

### 2.2.140 Reserved

### 2.2.150 Residential Districts – Housing Density

**1. Residential Density Standard.** To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the Comprehensive Plan, all new developments and subdivisions in the Residential Districts shall conform to the minimum and maximum dwelling units per acre densities prescribed in Table 2.2.120, except as may be approved under the master plan overlay provisions and in the subsections below. Redevelopment or expansion of existing uses within older areas of existing land use patterns shall comply with the maximum and minimum dwelling units per acre to the extent practical. The density standards in Table 2.2.120 are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.

1. Residential subdivisions where the average slope exceeds 20% are exempt from the minimum density standard.
2. The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex lots used to comply with the density standard shall be so designated on the final subdivision plat.
3. Partitions and construction of single-family homes on lots exceeding 25,000 square feet shall be planned so that the land is used efficiently and future development on these lots

## 2.2 – Residential (R) Land Use Districts – Development Standards

or parcels can occur based on the minimum lot size and other dimensional standards of the district.

4. The following types of housing are exempt from the minimum and maximum dwelling units per acre standards of Table 2.2.120:
  - a. Redevelopment within a residential neighborhood with an existing pattern of development;
  - b. Infill development on a vacant platted lot consistent with the adjacent existing pattern of development;
  - c. Residential care homes/facilities;
  - d. Accessory dwellings;
  - e. Bed and breakfast inns; and
  - f. Buildings that are listed in the inventory of Historic Sites or buildings designated on the Historic National Landmarks Register.

### **B. Residential Density Calculation.**

1. Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density standard. For the purpose of calculating the density for partition lots only, the area of ½ of right of way abutting the proposed partition lots shall be added to the gross areas.
2. Areas reserved for flag lot access (flag poles) are not counted for the purpose of calculating minimum densities.

### **2.2.160 Residential Districts – Lot Coverage**

**A. Lot Coverage Calculation.** The maximum allowable lot coverage shall be as provided in Table 2.2.120. Lot coverage is calculated as the percentage of a lot or parcel covered by buildings or structures (as defined by the foundation plan area) and other structures with surfaces greater than 36 inches above the finished grade. It does *not* include paved surface-level developments such as driveways, parking pads, and patios.

### **2.2.170 Residential Districts – Building Height: Measurement, Exceptions**

Building heights shall conform to the standards in Table 2.2.120, and subsections A-B, below:

**A. Building Height Measurement.** Building height is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof, or to the deck line

## 2.2 – Residential (R) Land Use Districts – Development Standards

of a mansard roof, or to the ridgeline or highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be either 1 or 2, whichever yields a greater height:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade;
2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection 1 is more than 10 feet above the lowest grade.

**B. Exclusions from Maximum Building Height Standards.** Chimneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy are exempt from the maximum building heights, provided that all applicable fire and building codes are met.

### 2.2.180 Residential Districts – Building Orientation

<p><b>Background:</b> The following supplements the standards in Table 2.2.120. This section addresses some of the Transportation Planning Rule site design requirements under OAR 660-012-0045.</p>
--

**A. Purpose.** The following standards are intended to orient buildings close to streets to promote pedestrian-oriented development where walking is encouraged, and to discourage automobile-oriented development. Placing residences and other buildings close to the street also encourages crime prevention, natural surveillance or security, and safety by having more “eyes-on-the-street.”

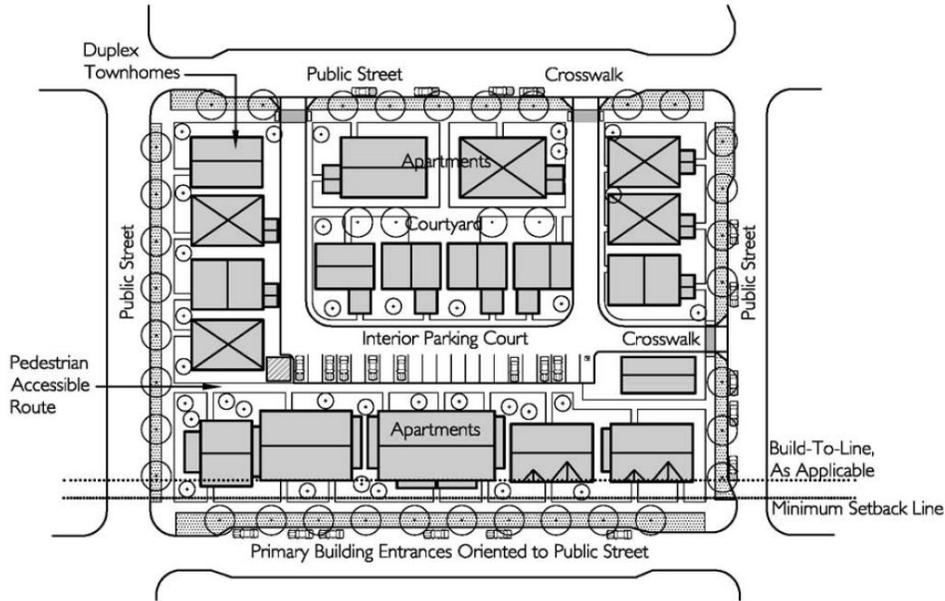
**B. Applicability.** Section 2.2.180 applies to all developments that are subject to Site Design Review, including developments that are reviewed as part of a Master Planned Development or Conditional Use application. The Planning Director or his or her designee in the case of Type I and Type II developments subject to these standards, or the Planning Commission in the case of Type III developments, may waive or modify these requirements if physical site conditions or City urban design objectives make their application impractical or undesirable from the perspective of public planning objectives.

**C. Building orientation standards.** All developments that are subject to Section 2.2.180 shall have buildings that are oriented to a street. This standard is met when all of the following criteria are met:

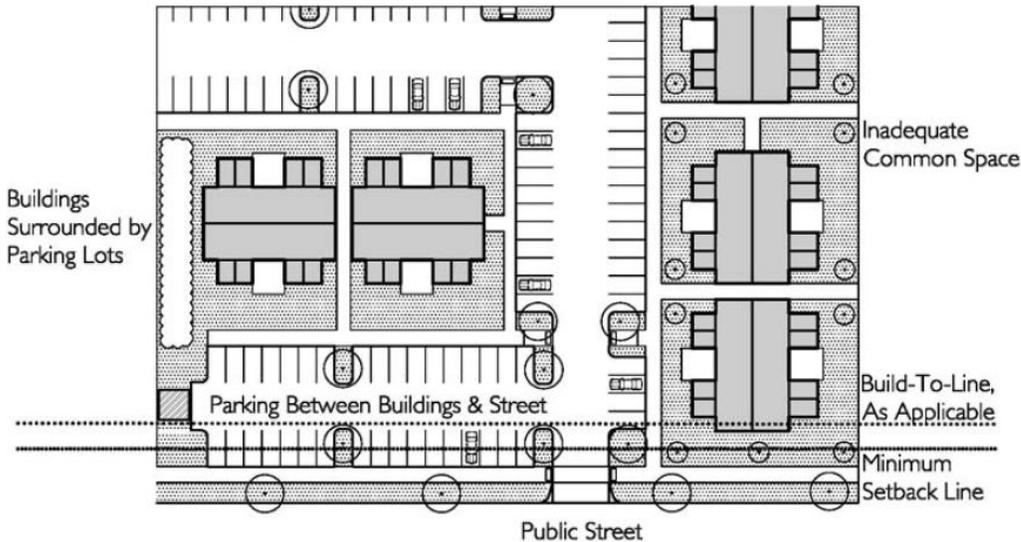
1. Compliance with the setback;
2. Except as provided in subsections 3 and 4, below, all buildings in the Residential Districts shall have at least one primary building entrance (i.e., dwelling entrance, a tenant space entrance, a lobby entrance, or breezeway/courtyard entrance serving a cluster of units or commercial spaces) facing an adjoining street, or if on a side elevation, not more than 40 feet from a street sidewalk. See Figure 2.2.180.C(1);

Figure 2.2.180.C(1) – Residential District Building Orientation

**Examples of Code Compliant Features:**



**Example of Non-Compliant Features:**



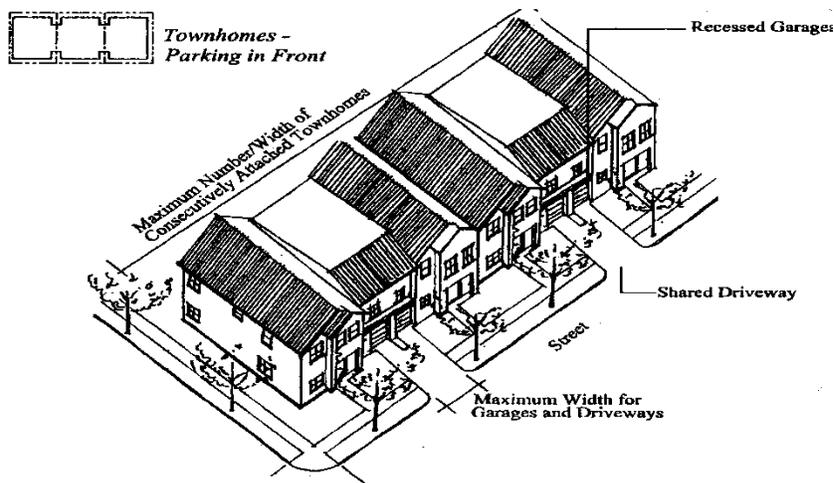
3. Off-street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented, as per subsection 2 and Figure 2.2.180.C(1); except the following vehicle areas are allowed where the approval body finds that they will not adversely affect pedestrian safety and convenience:
  - a. Schools, multiple family buildings, assisted living facilities, and other institutional uses may have one driveway not exceeding 20 feet in width plus parallel parking, including ADA accessible spaces, located between the street and the primary building entrance, provided that the building's primary entrance is connected to an adjacent

## 2.2 – Residential (R) Land Use Districts – Development Standards

street by a pedestrian walkway and the driveway/parking area is crossed by a clearly defined pedestrian walkway, as required by Section 3.1.300. The intent of this exception is use driveways that have street-like features;

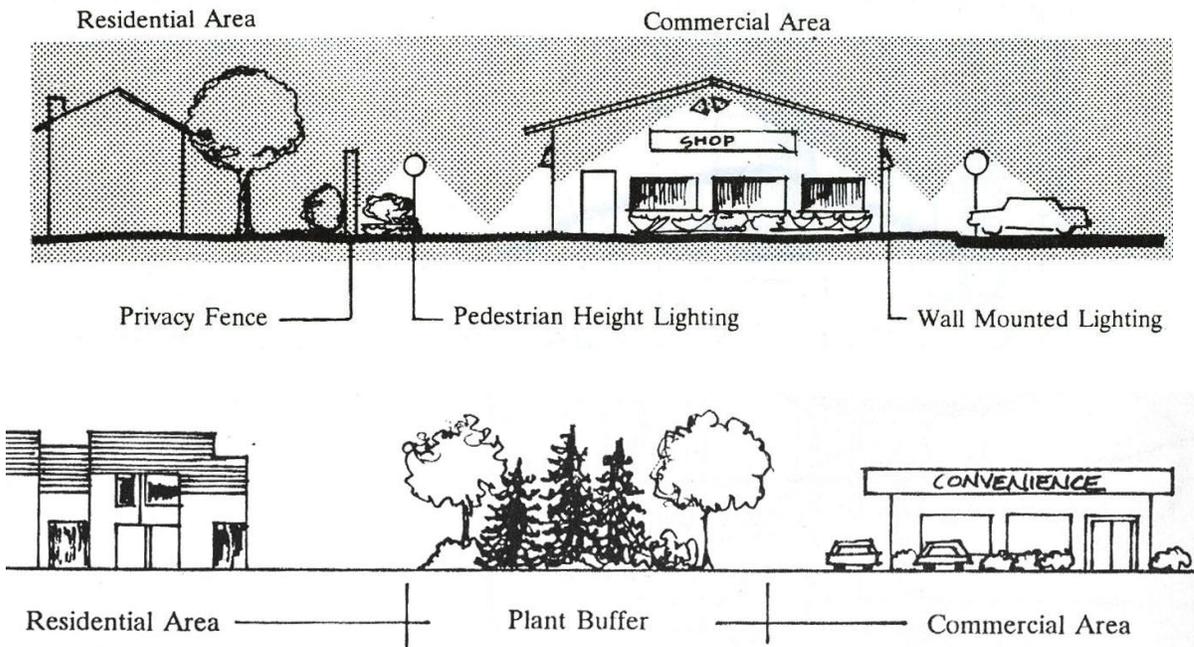
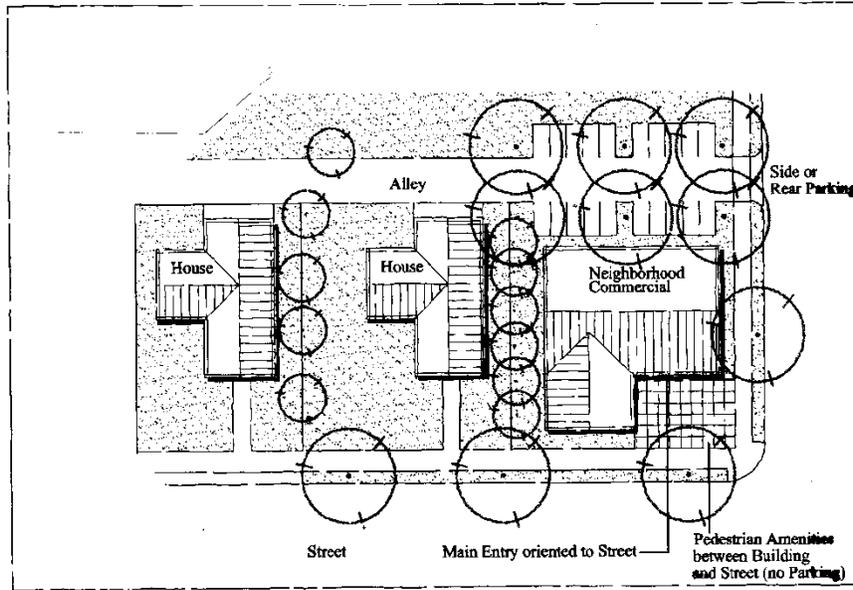
- b. Attached single family housing developments (townhomes) with street-facing garages may have one driveway access located between the street and the primary building entrance for every two dwelling units, provided they meet the following criteria, as generally shown in Figure 2.2.180.C(2):
  - (i) Where two abutting townhomes have street-facing garages, they shall share one driveway access that does not exceed 16 feet in width where it crosses the sidewalk and intersects the street;
  - (ii) All primary building entrances shall be connected to a driveway (and sidewalk) via a pedestrian walkway that is not less than three (3) feet wide;
  - (iii) The maximum number of consecutively attached townhomes with garages facing the same street is four (4) (two driveways). The maximum number of consecutively attached townhouses without garages facing the same street is six (6); and
  - (iv) Street-facing garages shall be setback at least 20 feet from the street; where a building is placed less than 20 feet from the street, the 20-foot garage setback may be accomplished recessing the garage behind the front building elevation.

**Figure 2.2.180.C (2) – Townhome Building Orientation**



- c. Commercial buildings and uses (e.g., neighborhood commercial or mixed-use) shall have all of their off-street parking located behind or to the side of such buildings and uses and screened from abutting properties in accordance with Chapter 3.2, as generally shown in Figure 2.2.180.C(3). Off-street parking shall not be located between any building and any street.

Figure 2.2.180.C(3) – Commercial Orientation in a Residential District



4. Where a development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to common green, open space, plaza, or courtyard. When oriented in this way, the primary entrance(s) and green, plaza, or courtyard shall be connected to the street by a pedestrian walkway meeting the standards in Section 3.1.300. See example in Figure 2.2.180.C(1) “Code Compliant Features.”

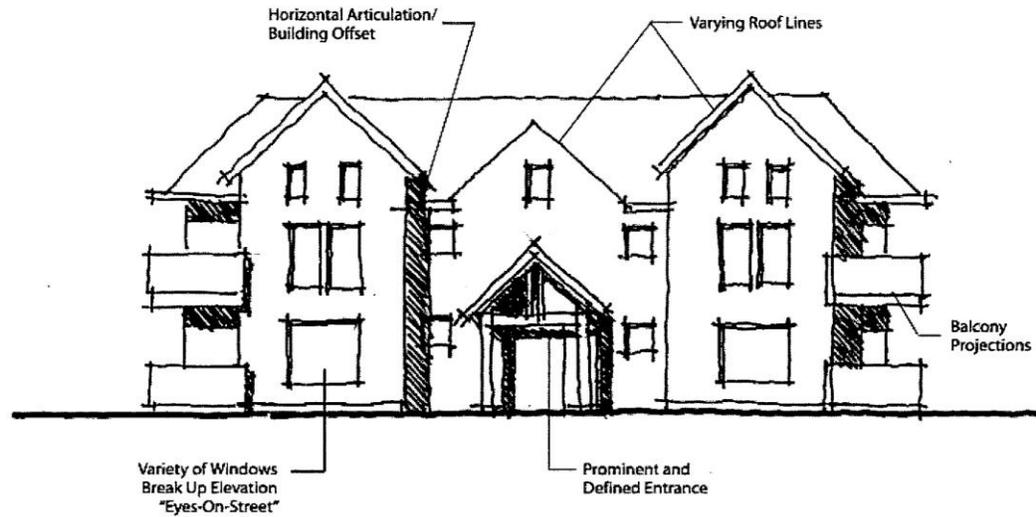
### 2.2.190 Residential Districts – Architectural Design Standards

**Background:** The following supplements the standards in Table 2.2.120. This section provides minimum, clear and objective standards for residential architecture which are intended to promote a human scale. This section also addresses some of the Transportation Planning Rule site design requirements under OAR 660-012-0045 by requiring prominent building entrances that face streets.

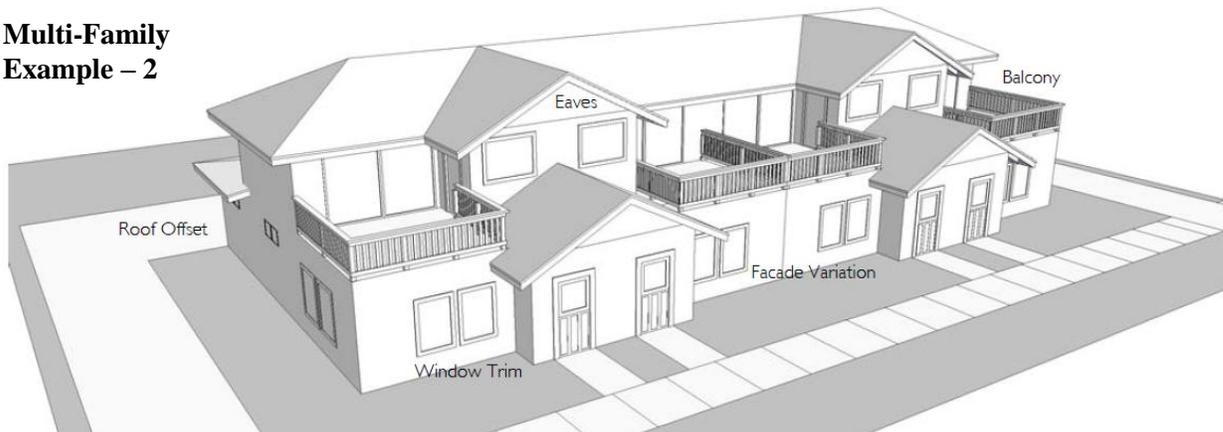
- A. Purpose.** The architectural design standards require a minimum level of design on every building, which is intended to promote attention to detail, human-scale design and street visibility, while affording flexibility to use a variety of building styles.
- B. Applicability.** Section 2.2.190 applies to all new buildings subject to Site Design Review, except accessory structures. It is applied through the Site Design Review procedure, as applicable, prior to building permit review and approval.
- C. Standards.** All projects that are subject to Section 2.2.190 shall meet all of the standards in subsections 1-3. The graphics provided with each standard are intended to show examples of how to comply and should not be interpreted as requiring a specific architectural style. Other building styles and designs can be used to meet the standards when the approval body finds they are consistent with the text. An architectural feature (*i.e.*, as shown Figures 2.2.190.C(1) and (2)) may be used to comply with more than one standard.
1. **Building Length.** The continuous horizontal distance, as measured from end-wall to end-wall, of individual buildings shall not exceed 120 feet.
  2. **Articulation.** All buildings shall incorporate design features such as varying roof lines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements to break up large expanses of uninterrupted building surfaces (blank walls). Along the vertical face of a structure, and on all building stories, such elements shall occur at a minimum interval of 30 feet, and each floor shall contain at least two elements, as generally shown in Figure 2.2.190.C(2):
    - a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet;
    - b. Extension (e.g., floor area, deck, patio, entrance, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
    - c. Offsets or breaks in roof elevation of 2 feet or greater in height;

Figure 2.2.190.C(1) - Building Length and Articulation

**Multi-Family  
Example – 1**



**Multi-Family  
Example – 2**



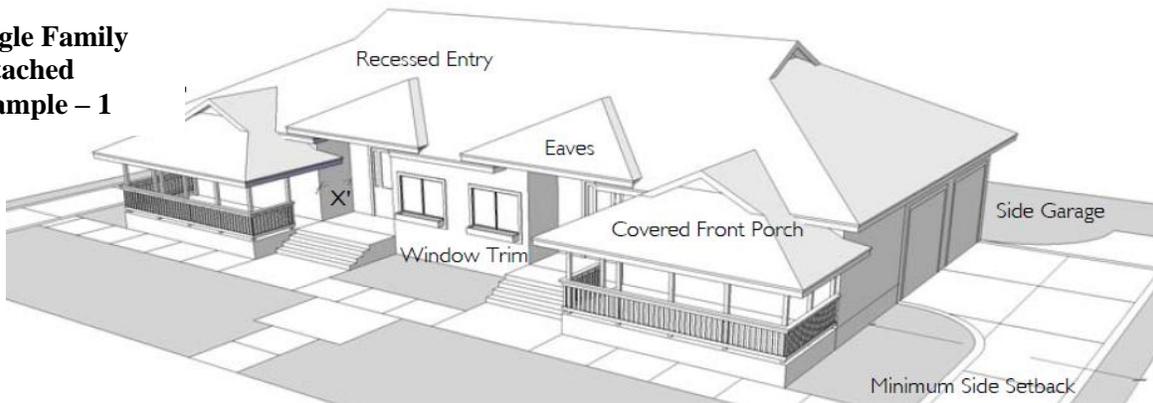
3. Detailed Design. All buildings shall provide detailed design on all street-facing walls (45 degrees or less from street lot line). Detailed design shall be provided by using at least 5 of the architectural features in items “a” through “m,” below, as is appropriate for the proposed building type and style. The applicant may select the elements that he or she wants, and it is not within the approval body’s authority to prescribe specific elements; except when the project is being reviewed as part of a Master Planned Development, Conditional Use Permit, or Site Design Review (item “n”), the approval body may require specific design elements or changes to promote compatibility with adjacent uses and to achieve the desired community character or pedestrian-orientation.
  - a. Dormers
  - b. Gables
  - c. Recessed entries
  - d. Covered porch entries or portico

## 2.2 – Residential (R) Land Use Districts – Architectural Design

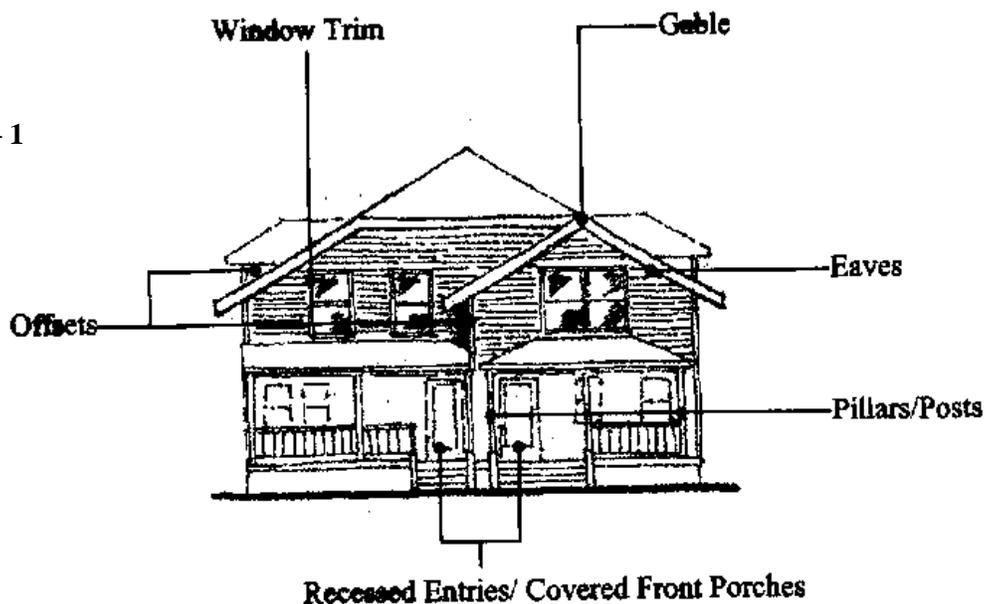
- e. Cupolas or towers
- f. Pillars or posts
- g. Eaves (minimum 6-inch projection)
- h. Off-sets in building face or roof (minimum 16 inches)
- i. Window trim (minimum 3 inches wide)
- j. Bay windows
- k. Balconies
- l. Decorative patterns on exterior finish (*e.g.*, scales/shingles, wainscoting, ornamentation, and similar features)
- m. Decorative cornice or pediment (*e.g.*, for flat roofs)
- n. An alternative feature providing visual relief, similar to options a.-m., as approved through Site Design Review.

**Figure 2.2.190.C(2) - Examples of Architectural Elements (illustrative only)**

### Single Family Detached Example – 1



### Duplex Example – 1

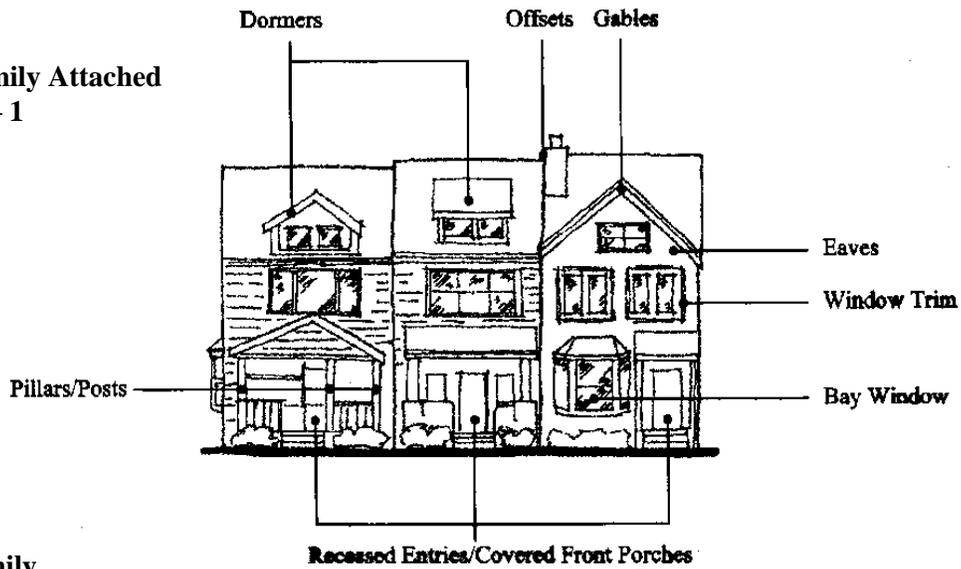


2.2 – Residential (R) Land Use Districts – Development Standards/Architectural Design

Single Family Detached  
Example – 2



Single Family Attached  
Example – 1



Multi-Family  
Example – 3



### 2.2.200 Residential Districts – Special Use Standards

**Background:** The following use standards supplement Table 2.2.110, which identifies land uses that are permitted with “Special Use (“S”) Standards.”

**Statutes and Regulations:** Sections 2.2.110 and 2.2.200 address relevant parts of the following urban planning statutes and regulations: ORS 197.295-197.314 (Needed Housing, including Clear and Objective Standards for Housing); ORS 197.475-197.490 (Manufactured Housing); ORS 197.660-197.670 (Residential Homes and Facilities; and Bed and Breakfast Inns); and OAR 660—12-045 (Transportation Planning Rule Implementation (*i.e.*, site design provisions).

Section 2.2.200 provides standards for specific land uses and building types, as identified in Table 2.2.110, that control the scale and compatibility of those uses within the Residential District. The standards in Section 2.2.200 supplement (are in addition to and do not replace) the standards in Sections 2.2.100 through 2.2.190. This Section applies to the following uses and building types, as specified in subsections A-M:

- A. Accessory Dwelling
- B. Accessory Uses and Structures
- C. Single Family Attached (Townhomes or Rowhouses) and Attached Duplexes
- D. Bed and Breakfast Inns
- E. Group Living (Residential Care Homes and Facilities)
- F. Home Occupations
- G. Manufactured Homes
- H. Manufactured/Mobile Home Parks
- I. Multi-Family Housing
- J. Short-Term Vacation Rentals
- K. Zero-Lot Line Housing (not common wall)
- L. Agriculture and Horticulture
- M. Public and Institutional Uses

**A. Accessory Dwelling (attached, detached, or above detached garage).** Accessory dwellings shall conform to all of the following standards:

1. Floor Area. Accessory dwellings shall not exceed 700 square feet of floor area. The unit can be a detached unit, a unit attached to a garage, or in a portion of an existing house;
2. Exempt from Density. Accessory dwellings are exempt from the housing density standards of the Residential District, due to their small size and low occupancy levels;
3. Oregon Structural Specialty Code. The structure complies with the Oregon Structural Specialty Code;
4. Owner-Occupied. The primary residence or accessory dwelling shall be owner-occupied. [Alternatively, the owner may appoint a family member as a resident caretaker of the principal house and manager of the accessory dwelling];
5. One Unit. A maximum of one accessory dwelling unit is allowed per lot;

## 2.2 – Residential (R) Land Use Districts – Special Use Standards

6. Building Height. The building height of a detached accessory dwelling shall not exceed 18 feet in height without first obtaining a Conditional Use Permit. The eave height of an accessory dwelling shall not exceed 12 feet in height without first obtaining a Conditional Use Permit. Any accessory dwelling requiring a Conditional Use Permit shall, among other possible considerations, be reviewed based upon the following criteria:
  - a. The building mass is an appropriate scale with surrounding residential buildings and with the neighborhood in which the building is to be located;
  - b. The building mass is an appropriate scale for the size of the lot and the building's location on a lot. Building proposals that loom over adjacent properties or residences may be inappropriate while the same building located on a larger lot away from property boundaries may be appropriate; and
  - c. The building's architecture and exterior construction materials compliment and do not detract from the character of the surrounding neighborhood;
7. Buffering. The approval body may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single family dwelling, unless the applicant and the owner of the abutting single family dwelling agree in writing not to install the hedge or fence; and
8. Short-Term Vacation Rental Prohibited. Accessory dwellings shall not be utilized as short-term vacation rentals.

**B. Accessory Uses and Structures.** Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use of a structure on the same or an adjacent lot held in common ownership. Typical accessory structures in the residential districts include detached garages, sheds, workshops, green houses and similar structures (see definitions). All accessory structures shall comply with all of the following standards:

1. Primary use required. An accessory structure shall not be allowed without another principal permitted use on the same parcel or an adjacent parcel held in common ownership. The accessory use may be constructed after the establishment of a principal use or in conjunction with the establishment of a principal use;
2. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way. No accessory structure or combination of such structures shall have a footprint any larger than 1.5 times the primary structure. This requirement may be waived by the Planning Director in the case of established and significant agricultural operations if the accessory structure is a barn or other similar structure;
3. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure

**2.2 – Residential (R) Land Use Districts – Special Use Standards**

is necessary to comply with setback standards;

4. Set-back Requirements. Accessory structures shall only be allowed in side or rear yards in the residential districts as established in the Table 2.2.120;
5. Building Height and Size. An accessory structure shall not exceed 1,000 square feet in size or 18 feet in height without first obtaining a Conditional Use Permit. The eave height of an accessory structure shall not exceed 12 feet in height without first obtaining a Conditional Use Permit. Any accessory structure requiring a Conditional Use Permit shall, among other possible considerations, be reviewed based upon the following:
  - a. The building mass is an appropriate scale with surrounding residential buildings and with the neighborhood in which the building is to be located;
  - b. The building mass is an appropriate scale for the size of the lot and the building’s location on a lot. Building proposals that loom over adjacent properties or residences may be inappropriate while the same building located on a larger lot away from property boundaries may be appropriate; and
  - c. The building’s architecture and exterior construction materials compliment and do not detract from the character of the surrounding neighborhood.

<b>ACCESSORY BUILDINGS</b>	<b>Less than 1,000 sq.ft. and 18 ft. in height or less</b>	<b>More than 1,000 sq.ft. or more than 18 ft. in height</b>
Process time	Priority – normally less than 10 days	120 days
Permit rights	By-Right	Discretionary
Public Notice/Hearing	None	Neighbor notification & Hearing
Permit Cost	Minimal	Substantial

**C. Single Family Attached (Townhomes or Rowhouses) and Attached Duplexes.** Single family attached housing with three or more dwellings (lots), and attached duplex housing (two or more consecutively attached duplexes), shall comply with the standards in sections 1-2, below, which are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

1. Alley Access Required for Subdivisions Principally Containing Townhomes or Duplexes. Subdivisions, or phases of subdivisions, proposed to contain three (3) or more consecutively attached single family dwellings, and developments with two (2) or more attached duplexes (4+ dwelling units), shall provide vehicle access to all such lots and units from an alley or parking courts, as described in Chapter 3.1.200. Alley(s) and parking court(s) shall be created at the time of subdivision approval, and may be contained in private tracts or, if approved by the City, in public right-of-way, in accordance with Chapter 3.4, Transportation Standards, and Chapter 4.3, Land Divisions.

## 2.2 – Residential (R) Land Use Districts – Special Use Standards

2. Common Areas. Any common areas (e.g., landscaping, private tracts, common driveways, private alleys, building exteriors, and/or similar common areas) shall be owned and maintained by a homeowners association or other legal entity. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

**D. Bed and Breakfast Inns.** Bed and Breakfast Inns are permitted or are conditional uses in the residential districts, and shall comply with all of the following standards. (See also, Vacation Rentals, which are different than Bed and Breakfast Inns, under Section 2.2.200.J.)

1. Accessory Use. The use must be accessory to a household already occupying the structure as a residence.
2. Maximum Size. In the residential districts, four (4) bedrooms for guests, and a maximum of eight (8) guests are permitted per night. No separate structures are permitted, except for customary residential accessory structures as defined above.
3. Length of Stay. Maximum length of stay is 28 days per guest; anything longer is classified as a hotel or commercial lodging.
4. Employees. Up to two (2) non-resident employees. There is no limit on residential employees.
5. Food Service. May be provided only to overnight guests of the business.
6. Owner-Occupied. Shall be owner-occupied.
7. Signs. Signs shall not exceed a total of four (4) square feet of surface area on all sides.

**E. Group Living (Residential Care Homes and Facilities).** Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for 5 or fewer individuals (“homes”) or 6 to 15 individuals (“facilities”) who need not be related. Staff persons required to meet State licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards, consistent with ORS 197.660-.670:

1. Licensing. All residential care homes and facilities shall be duly licensed by the State of Oregon.
2. Parking. Parking in accordance with Chapter 3.3.
3. Site Design Review. Site Design Review shall be required for new structures to be used as residential care facilities, to ensure compliance with the licensing, parking, and other

requirements of this Code. Residential care homes are exempt from this requirement.

**F. Home Occupations.** The purpose of this Section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. Two types of home occupations are contemplated by this Code: 1) Home Occupations meeting the standards in subsections 1-9, below, are allowed by right, provided the owner has a current business license and all other uses and structures on the subject property are in conformance with the applicable zoning; and 2) Home Occupations exceeding any of the threshold standards in subsections 1-9 may receive approval through the Type III Home Occupation Permit procedure under Section 4.9.200.

### **Type I Standards for Home Occupations**

#### 1. Appearance of Residence:

- a. The home occupation shall be restricted to lawfully-built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- c. The home occupation shall not violate any conditions of development approval (*i.e.*, prior development permit approval).
- d. No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

#### 2. Storage:

- a. Outside storage, visible from the public right-of-way or adjacent properties, that exceeds what is customary for a single family residence in the vicinity, is prohibited.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

#### 3. Employees:

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be not more than one (1) full time equivalent employee at

## 2.2 – Residential (R) Land Use Districts – Special Use Standards

the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the legal lot on which the home occupation is conducted.

- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home occupation site.
  - c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.
4. Advertising and Signs: Signs shall comply with all applicable sign regulations. In no case shall a sign in the Residential District exceed four (4) square feet of surface area on all sides.
5. Vehicles, Parking and Traffic:
- a. One (1) commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
  - b. There shall be no more than three (3) commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 8:00 *p.m.* to 6:00 *a.m.*
  - c. There shall be no more than one (1) client's or customer's vehicle at any one time and no more than eight (8) per day at the home occupation site.
6. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 6:00 *a.m.* to 8:00 *p.m.* only, Monday through Friday, subject to subsections 1 and 5, above.
7. Prohibited Home Occupation Uses:
- a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line; is prohibited.
  - b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business is allowed subject to 1-6, above.
  - c. The following uses and uses with similar objectionable impacts because of motor

## 2.2 – Residential (R) Land Use Districts – Special Use Standards

vehicle traffic, noise, glare, odor, dust, smoke or vibration, are prohibited:

- (i) Ambulance service;
  - (ii) Animal hospital, veterinary services, kennels or animal boarding;
  - (iii) Auto and other vehicle repair, including auto painting; and
  - (iv) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.
8. Enforcement: The Planning Director or his or her designees may visit and inspect the site of a home occupation in accordance with this chapter periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice, in accordance with Chapter 1.5.
9. Family child care and In-home tutoring: These types of home occupations are not subject to the above subsections (5) and (6); however, they shall conform to the state licensing requirements and standards under ORS 657A.

**G. Manufactured Homes.** Manufactured homes are permitted on individual lots, subject to all of the following design standards. Exception: The following standards do not apply to units that existed within the City prior to the effective date of this Code, October 21, 2009.

1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet;
2. Roof. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);
3. Residential Building Materials. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (*e.g.*, horizontal wood or wood-appearance siding is considered “superior” to metal siding and roofing);
4. Garages and Carports. If the manufactured home has a garage or carport, the garage or carport shall be constructed of materials like those used on the house;
5. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets “Energy Star” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer certification shall not be required;
6. Placement. The manufactured home shall be placed on an excavated and back-filled

## 2.2 – Residential (R) Land Use Districts – Special Use Standards

permanent foundation of concrete or cinder blocks, and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complies with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home;

7. Prohibited. The manufactured home shall not be located in a designated historic district.
8. Year Built. The home shall have been manufactured after 1976 and bear the “Insignia of Compliance” issued by the Oregon Department of Commerce showing the unit met the state construction standards in effect at the date of construction. Older mobile homes can be upgraded to “substantial equivalence” of 1976 standards.

**H. Manufactured/Mobile Home Parks.** Manufactured/mobile home parks (not including recreational vehicles) are permitted on parcels of one (1) acre or larger, subject to compliance with subsections 1-10, below:

1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 750 square feet;
2. Permitted uses. Single family residences, manufactured home park manager’s office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (*e.g.*, landscape maintenance).
3. Space. The minimum size pad or space for each dwelling is 2,500 square feet, provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide and 40 feet long, in accordance with ORS 446.100(c).
4. Setbacks and Building Separation. The minimum setback between park structures and abutting properties is 10 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.
5. Perimeter landscaping. When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 10 foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.
6. Utilities. Each site shall be adequately served by City water and sewer, sidewalks and paved streets. Each mobile home unit shall be provided with a water, sewer and electrical connection. The electrical connection shall provide for 120 and 240 volt services.

## 2.2 – Residential (R) Land Use Districts – Special Use Standards

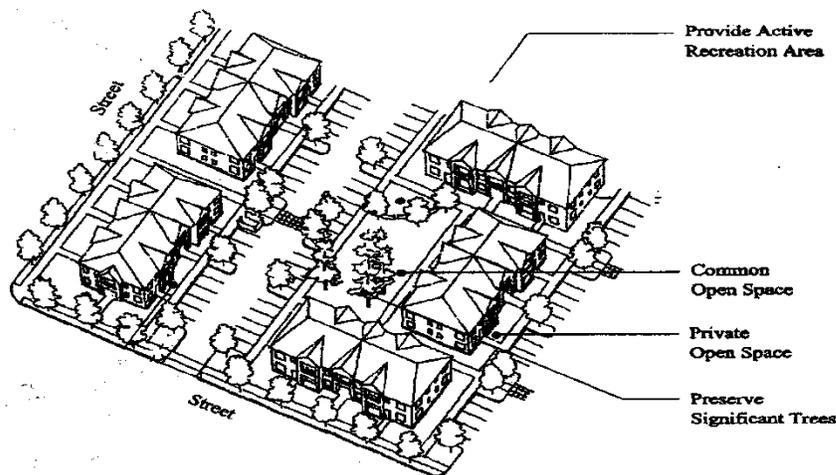
7. Minimum Frontage. Each mobile home park shall have a minimum frontage of 100 feet, a minimum depth of 150 feet, and an area of not less than one (1) acre.
8. Outdoor Recreation Area. A minimum of 100 square feet of outdoor area, suitably improved for recreation use, shall be provided for each manufactured home unit exclusive of required yards. Each recreation area shall have a minimum size of 2,500 square feet and a minimum width of 25 feet. No more than 10% of the recreation area may exceed a 10% slope.
9. Parking. There shall be a minimum of two off-street parking spaces for every manufactured dwelling. Parking may be located on each site or in community parking lots.
10. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted;

**I. Multi-Family Housing.** Where multi-family housing is allowed, it shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with nearby uses. Figure 2.2.200.I provides a conceptual illustration of the requirements listed below.

1. Building mass. The maximum width or length of a multiple family building shall not exceed 120 feet from end-wall to end-wall, not including outdoor living areas (*e.g.*, porches, balconies, patios, and similar unenclosed spaces). The City shall determine on a case-by-case basis, taking into consideration the principles of urban design, the appropriate spacing between structures to maintain a human scale in site development.
2. Common open space. A minimum of 15 percent of the site area shall be designated and permanently reserved as common open space in all multiple family developments, in accordance with all of the following criteria:
  - a. The site area is defined as the lot or parcel on which the development is to be located, after subtracting any required dedication of street right-of-way and other land for public purposes (*e.g.*, public park or school grounds, etc.);
  - b. In meeting the common open space standard, the multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (*e.g.*, trees preserved), play fields, outdoor playgrounds, outdoor sports courts, swim pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents;
  - c. Historic buildings or landmarks that are open to the public may count toward meeting the common open space requirements when approved by the Planning Director;
  - d. To receive credit under Section 2.2.200.I, a common open space area shall have an average width that is not less than 20 feet and an average length that is not less than 20 feet;

- e. The approval body may waive the common open space requirement for the first 20 dwelling units in a multiple family project that is located within one-quarter mile (measured walking distance) of a public park, and there is a direct, accessible (*i.e.*, Americans With Disabilities Act-compliant), pedestrian walkway or multi-use pathway connecting the site to the park. If the park is not developed, or only partially developed, the approval body may require the multiple family housing developer to improve park land in an amount comparable to that which he or she would otherwise be required to provide in his or her development.
3. Private open space. Private open space areas shall be required for ground-floor and upper-floor housing units based on all of the following criteria:
- a. A minimum of 50 percent of all ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground-floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (*i.e.*, after grading and landscaping);
  - b. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches measuring at least 48 square feet. Upper-floor housing means housing units that are more than 5 feet above the finished grade; and
  - c. In the Residential-High Density District multiple family dwellings are exempt from the private open space standard where the development contains pedestrian amenities located between primary building entrance(s) and adjoining streets of 5 percent of the site or greater.

**Figure 2.2.200.I – Examples of Multiple Family Open Space**



4. Trash receptacles. Trash receptacles shall be oriented away from building entrances, setback at least ten (10) feet from any public right-of-way and adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height. Receptacles must be accessible to trash pick-up trucks.

**J. Short-Term Vacation Rentals.** Short-term vacation rentals shall conform to all of the following criteria:

1. Vacation rentals allowed under this subsection are those with 28 or fewer days continuous occupancy by the same tenant;
2. A Business License is required to operate one or more short-term vacation rentals. The license application shall identify all short-term rental properties under the same ownership or management, and shall provide the City with information regarding the name, address and telephone number of a contact person who can be on the vacation home rental site within four (4) hours to respond to problems.
3. A Conditional Use Permit is required to operate one or more short-term vacation rentals in any R-LD or R-MD district;
4. The vacation rental unit shall provide two (2) off-street parking spaces, as is required for a single family dwelling;
5. In the R-LD and R-MD districts, all required parking shall be provided on the same lot as the vacation home rental unit;
6. All vacation home rentals shall have a maximum occupancy of one person per 200 square feet or not more than 8 people, whichever is more restrictive; and
7. The scale, building materials, and colors of the building shall be consistent with the neighborhood.
8. Accessory dwellings shall not be utilized as short-term vacation rentals.

**K. Zero-Lot Line Housing.** Zero-lot line houses are subject to the same standards as detached single family housing, except that a side yard setback is not required on one side of the lot, as generally shown in Figure 2.2.200.K. The standards for zero-lot line housing are intended to ensure adequate outdoor living area, compatibility between adjacent buildings, and access to side yards for building maintenance. All zero-lot line houses shall conform to all of the criteria in subsections 1-5, below:

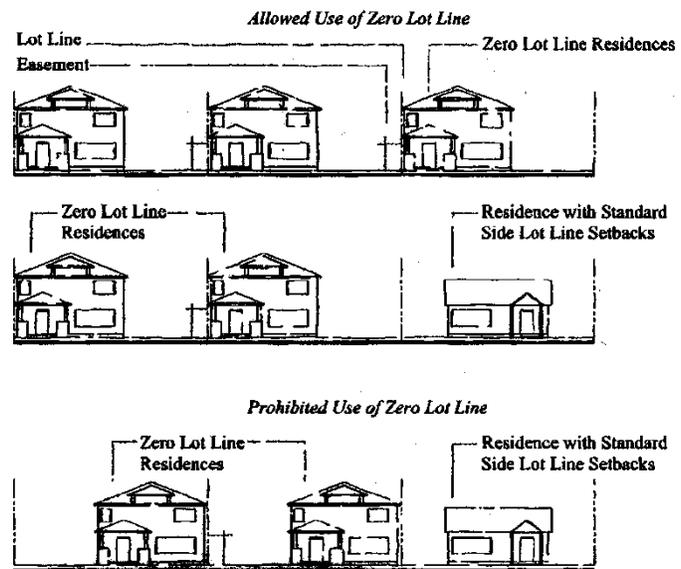
1. Site Design Review Required. Site Design Review is required for new zero-lot line developments. When a zero-lot line development is proposed as part of a Land Division, Master Planned Development, or other application, the Site Design Review may be combined with the other application(s).
2. Setbacks for Primary and Accessory Structures. The allowance of a zero (0) side yard setback is for one single family dwelling on each lot; it does not extend to accessory structures which shall conform to the applicable setback requirements of the zone;

2.2 – Residential (R) Land Use Districts – Special Use Standards

3. Setbacks Adjacent to Non-Zero Lot Line Development. When a zero-lot line house shares a side property line with a non-zero lot line development, the zero-lot line building shall be setback from that common property line by not less than 5 feet;
4. Building Orientation and Design. The building placement and/or design shall encourage privacy for the occupants of abutting lots. For example, this standard can be met by staggering foundation plans, by placing windows (along the zero lot line) above sight lines with direct views into adjacent yards, by using frosted/non-see-through windows, by avoiding placement of windows on the zero lot line, or other designs approved by the approval body through Site Design Review; and

5. Construction and Maintenance Easement. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees access onto adjoining lot for the purpose of construction and maintenance of the zero-lot line house. The easement shall require that no fence or other structure shall be placed in a manner that would prevent maintenance of the zero-lot line house. The easement shall not preclude the adjoining owner from landscaping the easement area.

Figure 2.2.200.K – Zero-Lot Line Housing



- L. Agriculture and Horticulture.** The City allows for agriculture and horticulture uses outside of the special prohibition overlay subject to the following standards that are intended to provide buffering between these uses and residences:

1. Prohibited Areas. Livestock, defined as a horse, mule, cow, sheep, pig, or other animal of similar size or larger, shall not be kept within the boundaries of the area defined by Baker City Code Chapter 90.
2. Standards. No livestock, fowl, or bees shall be kept on any lot unless the livestock is for personal, non-commercial use (4-H exempted) and:
  - a. In the case of horses, cows, and similar sized animals, the animals are kept in an enclosed area having at least 2,500 square feet for each animal over 6 months of age;
  - b. In the case of sheep, goats, pigs, and similarly sized animals, the animals are kept in an enclosed area having at least 1,000 square feet for each animal over 6 months of

## 2.2 – Residential (R) Land Use Districts – Special Use Standards

- age.
- c. No exotic species that may pose a risk to human safety or that may pose a risk to the natural environment if intentionally or accidentally released, shall be kept.
  - d. The number of colonies of bees allowed on a lot shall be limited to one colony for each 5,000 square feet of lot area up to a maximum of three. Colonies shall be set back a minimum of 20 feet from any property line with the hive entrance/exit facing the interior of the property. In any instance in which a colony exhibits aggressive behavior, such as stinging or attacking without provocation, the beekeeper must ensure that the colony is re-queened. Every beekeeper shall maintain an adequate supply of water for the bees located close to each hive.
3. Farm Structures. New barns, stables, corrals, or enclosures used to house livestock shall not be developed closer than 20 feet to any property line.
  4. Permits. No person shall cause or allow the keeping of any livestock or bees on real property without a current, valid livestock permit. A livestock permit is not required for fowl.
  5. Permit Issuance. The City Police Chief or his or her designee shall issue a permit for keeping livestock and bees upon application on a form prescribed by the City and payment of the permit fee as set by Council resolution, if:
    - a. The premises where the livestock will be kept are sanitary and adequately enclosed from other person's property and all other conditions as set forth in this section have been met.
    - b. As a condition of the issuance of a permit, the premises shall remain open for inspection at reasonable times by the Police Chief for compliance with this Chapter.
  6. Permit Revocation or Denial – Appeal.
    - a. Any person whose application for a permit is denied or whose permit is revoked by the Police Chief may seek review of the denial or revocation by filing a written appeal with the City Manager not more than ten days after receiving notice of denial or revocation. The written appeal shall state:
      - (i) The name and address of the appellant;
      - (ii) A description of the livestock being kept or desired to be kept and the facilities for livestock;
      - (iii) A map showing the location of the livestock in relation to the permittee's property lines, abutting properties and all structures used for human occupancy;
      - (iv) The reason given by the Police Chief for denying the application or revoking the

permit; and

- (v) The reason the determination is incorrect.
- b. If a written appeal from a revocation is timely filed, the permittee shall be allowed to continue to keep the livestock for which the permit was obtained, pending the determination of the appeal, unless the Police Chief determines that the livestock present an unreasonable threat to the public health or safety, in which case the revocation of the permit shall become effective immediately.
- c. The City Manager shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence the City Manager deems appropriate. If the City Manager decided to take oral argument or evidence at the hearing, the appellant may present testimony and oral argument personally or by counsel. The rules of evidence as used by courts of law do not apply.
- d. The appellant shall have the burden of proving the error in the Police Chief's determination.
- e. The City Manager shall issue a written decision within twenty days of the hearing date.
- f. Any person whose appeal has been denied may petition the City Council requesting it review the record in the proceedings before the Police Chief and City Manager. Such petition shall be in writing and filed with the City Manager not more than ten days after receiving the City Manager's decision. The petition shall specify the reason why the City Manager's decision is erroneous and state the desired result.
- g. Upon receiving a petition for review the Council may, in its sole discretion, decline to review the City Manager's decision, review the decision on the written record before it or invite oral argument before rendering a decision on the record. The decision of the Council is final.

**M. Institutional and Civic Uses.** Institutional and civic uses are allowed in the residential districts as specified in Table 2.2.110 subject to the following requirements and where applicable, Conditional Use Permit requirements.

1. Development Site Area. The maximum development site area shall be 8 acres, except that this standard shall not apply to parks and open space uses. Larger developments may be approved as a Conditional Use.
2. Vehicle Areas and Trash Receptacles. All vehicle areas (i.e. parking, drives, storage, etc.) and trash receptacles shall be oriented away from adjacent residences to the greatest extent practicable, and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height.

## Chapter 2.3 — Commercial Districts

### Sections:

- 2.3.100 Commercial Districts – Purpose
- 2.3.110 Commercial Districts – Allowed Land Uses
- 2.3.120 Commercial Districts – Development Standards
- 2.3.130 Commercial Districts – Setbacks
- 2.3.140 Commercial Districts – Lot Coverage
- 2.3.150 Commercial Districts – Building Orientation and Commercial Block Layout
- 2.3.160 Commercial Districts – Building and Structure Height; Bonus for Mixed-Use
- 2.3.170 Commercial Districts – Architectural Design Standards
- 2.3.180 Commercial Districts – Pedestrian Amenities
- 2.3.190 Commercial Districts – Special Use Standards

### **2.3.100 Commercial Districts – Purpose**

Commercial districts are centers of business and civic life. This Chapter provides two commercial districts to accommodate the range of commercial land uses in the community. The Central Commercial District (C-C) is focused on the core commercial and historic district of the community. The General Commercial District (C-G) regulations apply to those commercial areas outside or adjacent to the central business area. Both districts are intended to:

- Promote efficient use of land and urban services;
- Create a mixture of land uses that encourages employment and housing options in close proximity to one another;
- Provide formal and informal community gathering places and opportunities for socialization (*i.e.*, along an active street front);
- Encourage pedestrian-oriented development in all commercial areas;
- Create a distinct storefront character in the Historic District;
- Provide connections to, and appropriate transitions between, residential areas and commercial areas;
- Discourage automobile-oriented and automobile-dependent uses in the Central Commercial District, and accommodation for those uses with appropriate design standards in the General Commercial District;
- Implement design standards / guidelines that maintain and enhance the City’s historic architecture.

#### RESIDENTIAL DEVELOPMENT INCENTIVES

Second story residential development is strongly encouraged in Baker City’s historic core commercial areas. It is recognized as a “by-right” use. Height bonus densities are also provided along with a special prescriptive path building code program to assist conversion of older buildings. Contact the City Planning or Building Departments for more details

**2.3.110 Commercial Districts – Allowed Land Uses**

**Background:** The new code is designed to make it easier to mix compatible uses, and provide a greater variety of housing than is typically allowed under conventional zoning. Baker City strongly encourages 2<sup>nd</sup> story residential development in the historic downtown commercial core. Contact the Planning or Building Department for special building code assistance for downtown residential projects.

**Statutes and Regulations:** Sections 2.3.110 and 2.3.190 address parts of OAR 660-012-0045 and 0060 by recommending design standards and procedures for uses that are likely to have a negative impact on the transportation system.

Table 2.3.110 identifies the land uses that are allowed in the Commercial Districts. The specific land use categories are described and uses are defined in Chapters 1.3 and 1.4.

<b>Table 2.3.110 – Land Uses Allowed in Commercial Districts (C-C, C-G)</b>		
<b>Uses</b>	<b>Status of Use in District</b>	
<b>Use Categories</b> (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	<b>Central Commercial (C-C)</b>	<b>General Commercial (C-G)</b>
<b>RESIDENTIAL CATEGORIES</b>		
<b>Household Living</b>		
Single Family Detached		
- If lawfully existing as of 2/13/04 (including replacement not exceeding footprint area)	P	P
- Expansion (including the addition of an accessory structure or accessory dwelling) per Section 2.3.190.E	CU	CU
- New	N	N
Single Family Attached (2 or more common-wall single family dwellings) and Duplexes (2 dwellings sharing a common wall on one lot), per Section 2.2.200.C	CU + S	CU + S
Multi-family (3 or more dwellings on a lot), per Section 2.2.200.I	CU + S	CU + S
Conversion of an existing street level commercial use to a new dwelling unit, per Section 2.3.190.F	CU + S	CU + S
New dwelling built in conjunction with a permitted commercial use (residential use above ground floor commercial only)	P	P
Bed and Breakfast Inn, per Section 2.2.200.D	P	P
<b>Group Living</b>		
Group Care Home (5 or less individuals), per Section 2.2.200.E	N	N
Group Care Facility (6 to 15 individuals), per Section 2.2.200.E	S	S

**Key:**

- P = Permitted, subject to site/development review
- S = Permitted with standards per Sections referenced
- CU = Conditional Use Permit required (Chapter 4.4)
- N = Not permitted

2.3 – Commercial (C) Land Use Districts – Development Standards

<b>Table 2.3.110 – Land Uses Allowed in Commercial Districts (C-C, C-G)</b>		
<b>Uses</b>	<b>Status of Use in District</b>	
	<b>Central Commercial (C-C)</b>	<b>General Commercial (C-G)</b>
<b>Use Categories</b> (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)		
Other Group Living., S is per 2.2.200.I (1), (2) and (4). - 5 or less individuals - 6 to 15 individuals - 16 or more individuals	N S CU	N S CU
<b>COMMERCIAL CATEGORIES</b>		
Commercial Educational Services, not a school (e.g., tutoring or similar services)	P	P
Commercial Outdoor Recreation	CU	CU
Commercial Parking Facility (when not an accessory use)	CU	P
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, similar uses/facilities), per Section 2.3.190.A	Banks- CU Other Uses - N	S
Major Event Entertainment	CU	CU
Offices	P	P
Quick Vehicle Servicing or Vehicle Repair. (See also Drive-Up/Drive-In/Drive-Through Uses, per Section 2.3.190.A) - fully enclosed (e.g., garage) - not enclosed	CU N	S S
Retail Sales and Service (See also Drive-Up Uses)	P	P
Self-Service Storage	N	CU
Shopping Center (three or more establishments on same parcel) and Box Stores of 80,000 square feet or larger, per Section 2.3.190.C	N	CU
Multi-story Department Store 80,000 sq. ft. or larger	CU	CU
Short Term Vacation Rental, per Section 2.2.200.J	P	P
<b>INDUSTRIAL CATEGORIES</b>		
Industrial Service (See also Drive-Up Uses) - fully enclosed (e.g., office) - not enclosed	P N	P CU
Manufacturing and Production - fully enclosed - not enclosed	CU N	P CU
Warehouse and Freight Movement	N	CU
Waste-Related	N	N

**Key:**

- P = Permitted, subject to site/development review  
S = Permitted with standards per Sections referenced  
CU = Conditional Use Permit required (Chapter 4.4)  
N = Not permitted

2.3 – Commercial (C) Land Use Districts – Development Standards

<b>Table 2.3.110 – Land Uses Allowed in Commercial Districts (C-C, C-G)</b>		
<b>Uses</b>	<b>Status of Use in District</b>	
	<b>Central Commercial (C-C)</b>	<b>General Commercial (C-G)</b>
<b>Use Categories</b> (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)		
Wholesale Sales		
- fully enclosed, less than 40,000 square feet of floor area	CU	P
- fully enclosed, equal to or greater than 40,000 square feet of floor area	N	CU
- not enclosed	N	CU
<b>INSTITUTIONAL CATEGORIES</b>		
Basic Utilities	P	P
Colleges	P	P
Community Service	P	P
Daycare, adult or child day care; does not include Family Daycare (16 or fewer children) under ORS 657A.250	P	P
Detention Facilities and Correctional Institutions	N	CU
Medical Centers	P	P
Parks and Open Areas		
- pedestrian amenities	P	P
- parks and recreation facilities	P	P
- other open space	P	P
Religious Institutions and Houses of Worship,		
- lawfully existing as of 2/13/04	P	P
- new	CU	CU
Schools		
- lawfully existing as of 2/13/04	P	P
- new	CU	CU
<b>OTHER CATEGORIES</b>		
Accessory Structures (with a permitted use)	P	P
Agriculture – Animals (See Section 2.2.200.L)	S	S
Agriculture – Nurseries and similar horticulture (See also, Wholesale and Retail Uses)	P	P
Buildings and Structures Exceeding the Height Limits in Table 2.3.120	CU	CU
Mining	N	N
Radio Frequency Transmission Facilities	CU	CU
Temporary Uses, per Section 4.9.100.	S	S
Transportation Facilities (operation, maintenance, preservation, and construction [in accordance with the City’s Transportation System Plan])	P	P

**Key:**

- P = Permitted, subject to site/development review
- S = Permitted with standards per Sections referenced
- CU = Conditional Use Permit required (Chapter 4.4)
- N = Not permitted

2.3 – Commercial (C) Land Use Districts – Development Standards

Uses	Status of Use in District	
Use Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	Central Commercial (C-C)	General Commercial (C-G)
Utility Corridors, except those existing prior to effective date of Development Code are allowed.	CU	CU

**Key:**

- P = Permitted, subject to site/development review
- S = Permitted with standards per Sections referenced
- CU = Conditional Use Permit required (Chapter 4.4)
- N = Not permitted

**2.3.120 Commercial Districts – Development Standards**

The development standards in Table 2.3.120 apply to all new structures, buildings, and development, and major remodels, in the Commercial Districts.

<b>Table 2.3.120 – Development Standards for Commercial Districts</b>		
<b>Standard</b>	<b>C-C</b>	<b>C-G</b>
<b>Minimum Lot Area* (square feet)</b> <i>*Development must conform to lot width, depth, yard setback and coverage standards.</i>	No Standard	No Standard
<b>Minimum Lot Width</b> Single Family, attached Multiple-Family Non-Residential Uses <i>For flag lots, width is measured at the front building line.</i>	20 ft 50 ft 20 ft	20 ft 50 ft 20 ft
<b>Minimum Lot Depth</b>	[2 times min. width]	[2 times min. width]
<b>Structure Height</b> <i>*Height may be exceeded with approval of a Conditional Use Permit, per Chapter 4.4</i> <u>Level Site</u> (slope less than 15%) maximum height <u>Sloping Site</u> (15% or greater) maximum height <u>Height Bonus</u> for Residential Use in Upper Building Story, per Section 2.3.160 <u>Fences, Retaining/Garden Walls</u> Max. Height. – Front Yard Max. Height. – Interior Side Max. Height – Rear Yard Max. Height – Street Side or Reverse Frontage Lot (rear) <i>(See also, Sections 3.1.200.N, Vision Clearance; and 3.2.500, Fences and Walls)</i>	50 ft  level site + 5ft 10 ft 6 ft 8 ft 8 ft 6 ft, or 8 ft with 5 ft landscape buffer	40 ft  level site + 5ft 10 ft 6 ft 8 ft 8 ft 6 ft, or 8 ft with 5 ft landscape buffer
<b>Lot Coverage:</b> Max. Building Coverage (Foundation plane as % of site area)	100% - 95%	93% -90%
<b>Min. Landscape Area (% site area)</b> , except does not apply to Single Family Dwellings. Landscape area may include plant areas and some non-plant/hardscape areas, as allowed under Section 3.2.300.D.	0%-5% depending on lot configuration and Site Plan Review	10% Campbell Street and Freeway Area 7% Other Commercial General areas
<b>Minimum Setbacks (feet):</b> <u>Front, Street, Side, and Rear</u> property lines, except garage or carport <u>Garage/Carport Entry</u> , setback from street <u>Alley</u>	0 ft 20 ft 1 ft	0 ft 20 ft 1 ft

### 2.3.130 Commercial Districts – Setbacks

**Background:** Section 2.3.130 supplements the dimensional standards in Table 2.3.120.

**Statutes and Regulations:** Section 2.3.130 addresses parts of OAR 660-012-0045 by encouraging buildings oriented to the street with minimal or no front setbacks, allowing increased setbacks when plazas and other pedestrian amenities are provided, and requiring a build-to line in the main street/downtown district.

**A. Zero Setbacks – Purpose; Fire Code; and Clear Vision.** Zero setbacks are intended to encourage pedestrian-oriented development, while providing more flexibility in site design than what is possible with large setbacks. With buildings placed close to the street, a development can afford good access for emergency service providers in the case of a fire or other emergency. Where no minimum setback is required, all structures and buildings shall conform to the vision clearance standards in Chapter 3.1 and the applicable fire and building codes (e.g., for attached structures, fire walls, and related requirements).

**B. Setback Yards – Reverse Frontage Lots.** Reverse frontage lots are subject to the fence height and setback requirements in Section 2.3.120 and the landscape buffer requirements in Chapter 3.2.300.

**C. Setback Yards – Flag Lots.** The front yard of a flag lot shall conform to one of the following two options:

1. Parallel to the street from which access is taken; or
2. Parallel to the flag pole from which access is taken.

The applicant for a building permit may choose either Option 1 or Option 2, except as otherwise prescribed by conditions of a partition or subdivision approval. Note: The City may impose such conditions as provided under Section 4.3.115.

**2.3.140 Commercial Districts – Lot Coverage.** Lot coverage and impervious surfaces are calculated as provided under Section 2.2.160. The maximum allowable lot coverage shall be as provided in Table 2.3.120.

### 2.3.150 Commercial Districts – Building Orientation and Commercial Block Layout

**Background:** Section 2.3.150 is to be used in conjunction with Table 2.3.120 (Development Standards), 2.3.180 (Pedestrian Amenities) and Section 3.4.100 (Transportation Design Standard).

**Statutes and Regulations:** Section 2.3.150 addresses parts of OAR 660-012-0045 by requiring the formation of short, walkable blocks, allowing accesways in lieu of street connections, encouraging minimal or no front setbacks, allowing increased setbacks when plazas and other pedestrian amenities are provided, and requiring buildings and their entrances orientation to a street (parking placed behind or to the sides of buildings).

**A. Purpose.** Section 2.3.150 orients buildings close to streets to promote pedestrian-oriented development where walking is encouraged, and to discourage automobile-oriented development. Placing residences and other buildings close to the street also encourages crime prevention, natural surveillance or security, and safety by having more “eyes-on-the-street.”

**B. Applicability.** Section 2.3.150 applies to projects that are subject to Site Design Review or Land Division Review, including those reviewed as part of a Master Planned Development.

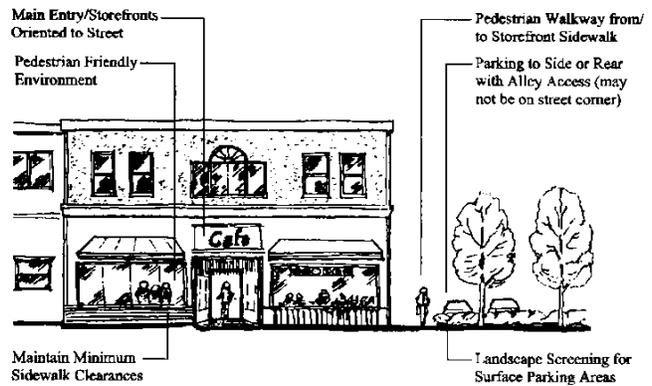
**C. Building orientation standards.** Developments subject to this Section shall have their buildings oriented to a street, as generally shown in Figure 2.3.150.C(1). This standard is met when all of the following criteria are met:

1. Compliance with the setback standards in Section 2.3.120, where applicable.

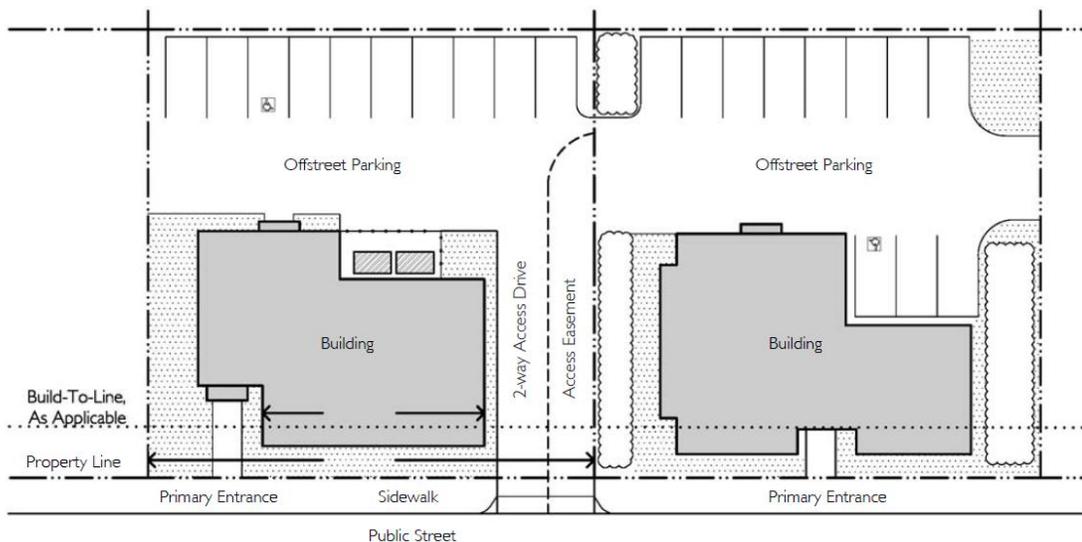
2. Except as provided in subsections 2.3.150.C(4) and (5), below, all buildings shall have at least one primary building entrance (i.e., dwelling entrance, a tenant entrance, lobby entrance, or breezeway/courtyard entrance) facing an adjoining street (i.e., within 45 degrees of the street property line), or if the building entrance is turned more than 45 degrees from the street (i.e., front door is on a side elevation), the primary entrance shall not be more than 30 feet from a street sidewalk, except to provide pedestrian amenities; a walkway shall connect the primary entrance to the sidewalk in this case.

3. In the C-C District, off-street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented; except as provided under subsection 2.3.150.C(4). Off-street parking in the C-C District shall be oriented internally to the site and divided by landscape areas into bays of not more than 24 parking spaces per bay, as generally shown in Figures 2.3.150.C(2).

**Figure 2.3.150.C(1) – Building Orientation**



**Figure 2.3.150.C(2) – Building Orientation With Internal Parking**



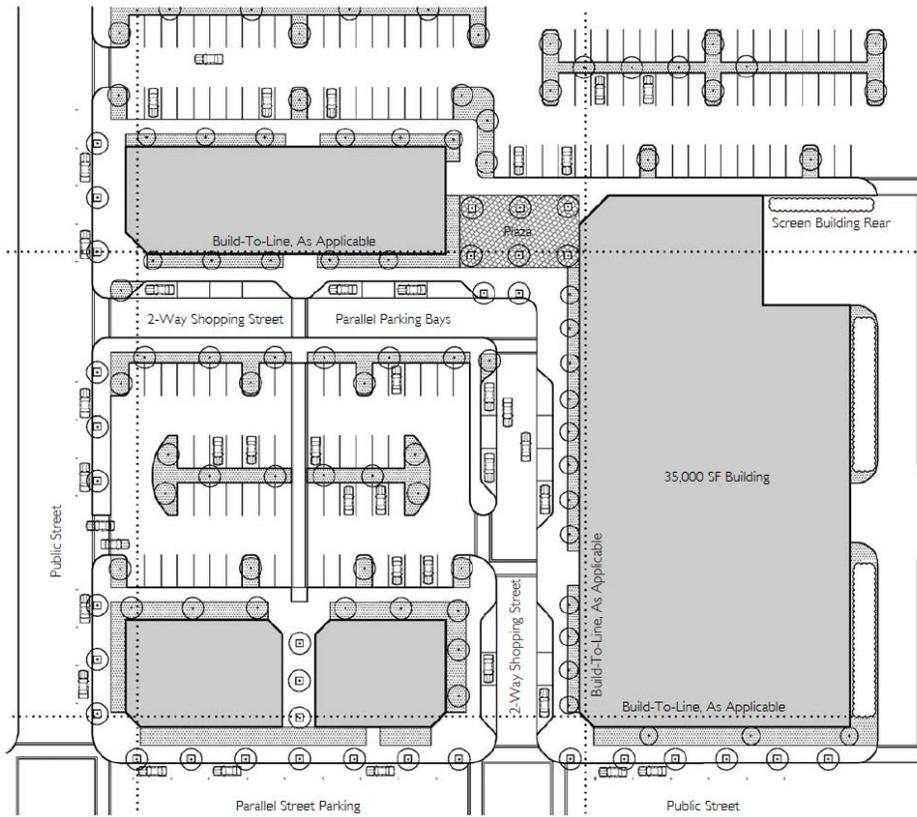
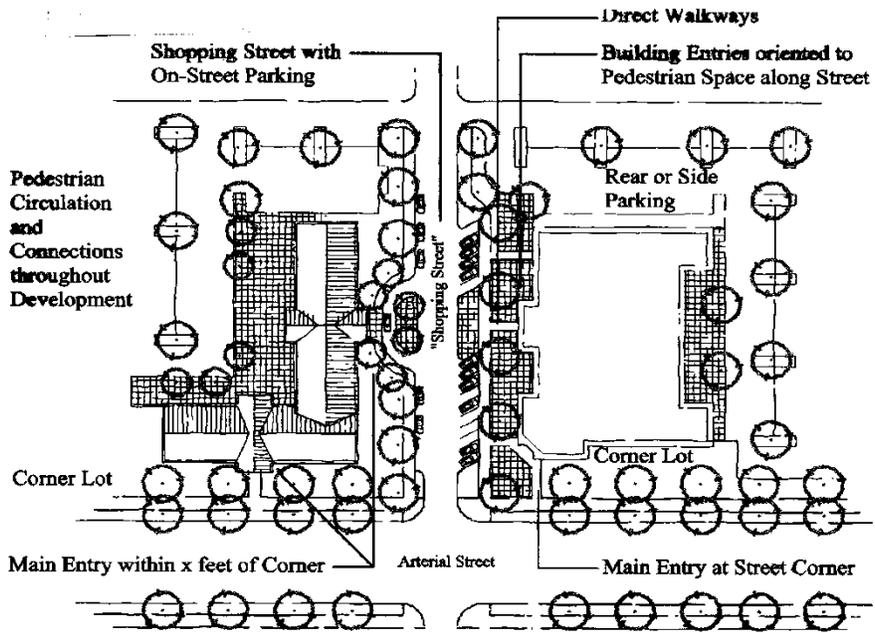
## 2.3 – Commercial (C) Land Use Districts – Development Standards

4. In the C-G District, the building orientation standard may be met with vehicle areas allowed between the street right-of-way and a building's primary entrance when the approval body finds that the following criteria are met:
  - a. Placing vehicle areas between the street right-of-way and building's primary entrance will not adversely affect pedestrian safety and convenience, based on the distance from the street sidewalk to the building entrance, projected vehicle traffic volumes, and available pedestrian walkways;
  - b. The proposed vehicle areas are limited to one drive aisle with adjoining bays of not more than eight (8) consecutive parking spaces per bay (including ADA accessible spaces) on the side(s) of the drive aisle. (The intent is to create a drive aisle that is street-like, and break up parking into small bays with landscaping;
  - c. The building's primary entrance is connected to an adjoining street by a pedestrian walkway that meets the standards for pedestrian walkways under Section 3.1.300; and
  - d. Appropriate sight distances can be maintained for vehicular safety when exiting the internal streets.
5. Where a development contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to common green, plaza, or courtyard. When oriented in this way, the primary entrance(s) and green, plaza, or courtyard shall be connected to the street by a pedestrian walkway meeting the standards in Section 3.1.300.

**D. Block Layout Standard.** Developments containing 80,000 square feet or more building floor area shall meet all of the following standards:

1. The site shall be configured into blocks that have frontage onto streets, interior parking courts (as generally shown in Figure 2.3.150.C(2), above), or shopping streets (as generally shown in Figure 2.3.150.C(3), below). All parking courts and shopping streets shall contain on-street parking (parallel or angled parking), street- or court-facing building entrances and entrances at or near (i.e., within 40 feet of) block corners, sidewalks, street trees, and pedestrian lighting;
2. Blocks shall not exceed 400 feet in length, and shall have a perimeter not exceeding 1,400 feet;
3. Pedestrian pathways shall connect the street right-of-way to building entrances and the interior parking courts between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking;

Figure 2.3.150.C(3) – Shopping Street Examples

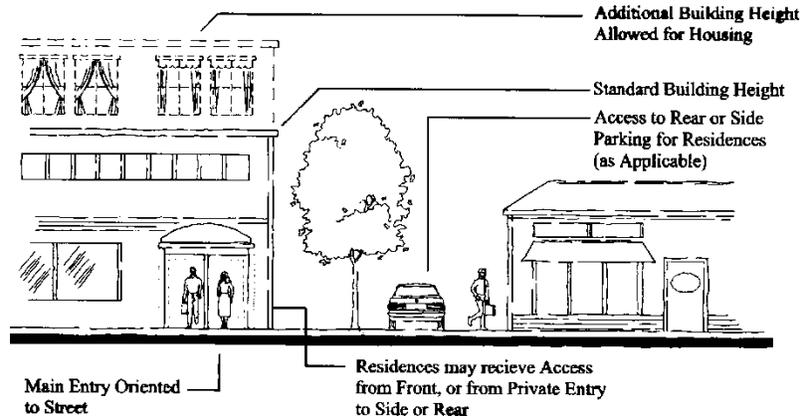


### 2.3.160 Commercial Districts – Building and Structure Height; Bonus for Mixed-Use

**Background:** Section 2.3.160 is to be used in conjunction with Table 2.3.120 (Development Standards), 2.3.150 (Building Orientation), Section 2.3.170 (Architectural Design) and Section 3.4.100 (Transportation Design Standards). Section 2.3.160 encourages compact, pedestrian-oriented development in the downtown/main street district by allowing building height bonuses for mixed-use projects.

- A. Method of Measurement.** Building and structure heights shall conform to the standards in Table 2.3.120; height is measured in conformance with Section 2.2.170.
- B. Height Bonus for Housing.** The building height in the C-C and C-G Districts may be increased by 10 feet when housing is provided above ground floor commercial use(s), as generally shown in Figure 2.3.160.B. Where a second egress is required for fire safety, residences may have their entrances/egress oriented to any yard; such entrances need not be oriented to the street yard.

**Figure 2.3.160.B - Building Height Bonus for Housing**



### 2.3.170 Commercial Districts – Architectural Design Standards

**Background:** Section 2.3.170 is to be used in conjunction with Table 2.3.120 (Development Standards), 2.3.150 (Building Orientation), Section 2.3.180 (Pedestrian Amenities) and Section 3.4.100 (Transportation Design Standards). This section provides minimum design standards for commercial and mixed-use buildings. The standards are intended to promote compatibility with adjacent buildings, break up large building elevations, and promote human scale design. This section also addresses some of the Transportation Planning Rule site design requirements under OAR 660-012-0045 by requiring prominent building entrances that face streets.

- A. Purpose and Applicability.** Section 2.3.170 is intended to provide detailed, human-scale design that is characteristic of Baker City, while affording flexibility to use a variety of architectural building styles. All new buildings and major remodels shall meet the standards of subsections 2.3.170.B-D., which are applied through Site Design Review. The applicant demonstrates that the standards are met by complying with the criteria under each standard.
- B. Pedestrian-Oriented.** The design of all buildings on a site shall support a safe and attractive pedestrian environment. This standard is met when the approval body finds that all

### 2.3 – Commercial (C) Land Use Districts – Special Use Standards

of the criteria in 1-6, below, are met. Alternatively, the approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard.

1. The building orientation standards under Section 2.3.150 are met; and
2. Primary building entrances shall open directly to the outside and, if not abutting a street, shall have walkways connecting them to the street sidewalk; every building shall have at least one primary entrance that does not require passage through a parking lot or garage to gain access; and
3. Corner buildings (i.e., buildings within 20 feet of a corner as defined by the intersecting curbs) shall have corner entrances, or shall provide at least one entrance within 20 feet of the street corner or corner plaza; and
4. Ground floor windows or window displays shall be provided along at least 30 percent of the building's (ground floor) street-facing elevation(s); windows and display boxes shall be integral to the building design and not mounted to an exterior wall; and
5. Primary building entrance(s) are designed with weather protection, such as awnings, canopies, overhangs, or similar features; and
6. Drive-up and drive-through facilities, when allowed, shall conform to Section 2.3.190.A; the provisions of which shall not be modified without a variance (Chapter 5.1).

**C. Compatibility.** All new buildings and major remodels shall be designed consistent with the architectural context in which they are located. This standard is met when the approval body finds that all of the criteria in 1-6, below, are met.

1. There is continuity in building sizes between new and existing buildings;
2. The ground floor and upper floor elevations and architectural detailing are compatible with adjacent commercial buildings;
3. Roof elevation is compatible with adjacent commercial buildings (roof pitch, shape, height step-down);
4. There is continuity of building sizes on the site, if more than one building is proposed;
5. There is continuity in the rhythm of windows and doors on the proposed building(s);
6. The relationship of buildings to public spaces, such as streets, plazas, other areas, and public parking, including on-street parking, is strengthened by the proposed building(s).

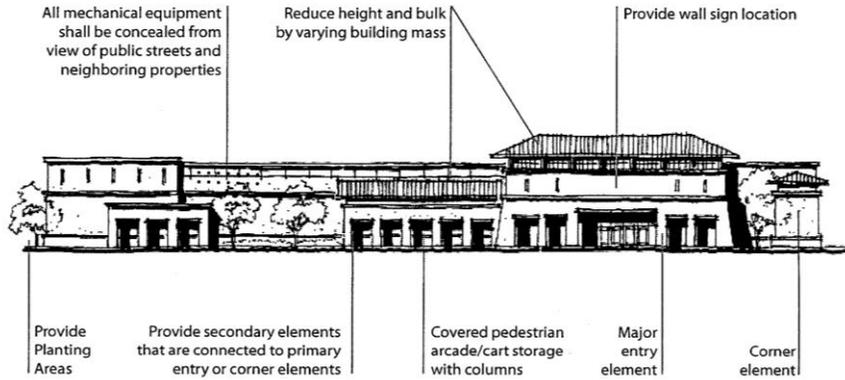
**D. Human Scale.** The design of all buildings shall be to a human-scale. This standard is met when the approval body finds that all of the criteria in 1-8, below, are met. Alternatively, the

### 2.3 – Commercial (C) Land Use Districts – Special Use Standards

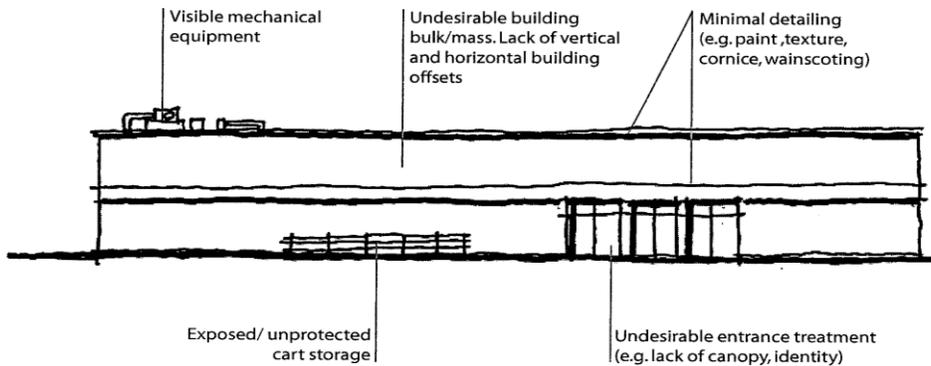
approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard. Figure 2.3.170.D contrasts examples of building elevations that are consistent/inconsistent with human scale criteria.

1. Regularly spaced and similarly-shaped windows are provided on all building stories;
2. Ground floor retail spaces have tall ceilings (i.e., 12 feet or higher) with display windows on the ground-floor;
3. Display windows are trimmed, recessed, or otherwise defined by wainscoting, sills, water tables, or similar architectural features;
4. On multi-story buildings, ground floors are defined and separated from upper stories by appropriate architectural features (*e.g.*, cornices, trim, awnings, canopies, arbors, trellises, overhangs, or other features) that visually identifies the transition from ground floor to upper story; such features should be compatible with the surrounding architecture;
5. The tops of flat roofs are treated with appropriate detailing (*i.e.*, cornice, pediment, flashing, trim, or other detailing) that is compatible with the surrounding architecture;
6. Pitched roofs have eaves, brackets, gables with decorative vents, or other detailing that is consistent with the surrounding architecture;
7. Historic design and compatibility requirements, where applicable, are met; and
8. Where buildings with greater than 20,000 square feet of enclosed ground-floor space are proposed, they shall provide articulated facades on all street-facing elevations. This criterion is met when an elevation contains at least one of the following features for every 40 feet of building (horizontal length): windows; primary entrances; weather protection (awnings, canopies, arbors, trellises), building offsets; projections; changes in elevation or horizontal direction; sheltering roofs; terraces; a distinct pattern of divisions in surface materials; ornamentation; screening trees; small-scale lighting (*e.g.*, wall-mounted lighting, or up-lighting); and/or similar features as generally shown in Figure 2.3.170.D. Note: Figure 2.3.170.D should not be interpreted as a required architectural style.

Figure 2.3.170.D – Examples of Large Commercial Design Elements



**Large Commercial Massing - Acceptable**



**Large Commercial Massing - Unacceptable**

**2.3.180 Commercial Districts – Pedestrian Amenities**

**Background:** Section 2.3.180 is to be used in conjunction with Table 2.3.120 (Development Standards), 2.3.150 (Building Orientation), and Section 2.3.170 (Architectural Standards) and Section 3.4.100 (Transportation Design Standards). This section also supports implementation of the Transportation Planning Rule site design requirements under OAR 660-012-0045 by supporting attractive and comfortable streets for pedestrians.

**A. Purpose and Applicability.** Section 2.3.180 provides standards for pedestrian amenities when pedestrian amenities are required as part of new developments and major remodels in the Central-Commercial and Commercial-General Districts, and when pedestrian amenities are provided to meet the requirements of other code sections. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment along street frontages and contribute to a walkable district.

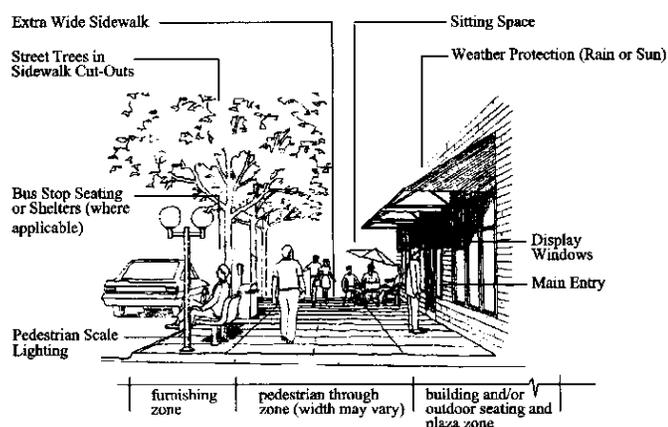
**B. Standards.** New developments and major remodels in the Central-Commercial and

## 2.3 – Commercial (C) Land Use Districts – Special Use Standards

Commercial-General Districts and other developments subject to the provisions of this section shall provide one or more of the “pedestrian amenities” listed below, and as generally illustrated in Figure 2.3.180.B. Pedestrian amenities may be provided within a street furnishing zone, building frontage zone, or plaza, or within the pedestrian through zone, as shown in Figure 2.3.180.B. Use of the public right-of-way requires approval by the roadway authority. Within the furnishing zone a 2’ setback clearance for car doors shall be maintained.

**Figure 2.3.180.B – Examples of Pedestrian Amenities**

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 6 feet);
2. Sitting space (i.e., dining area, benches, garden wall or ledges between the building entrance and sidewalk) with a minimum of 16 inches in height and 30 inches in width;



3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space). The vertical clearance from the sidewalk to the lowest stationary structural support shall be 8 feet minimum. Non-rigid awning valance heights shall be at least 7 feet above the sidewalk;
4. Public art that incorporates seating (*e.g.*, fountain sculpture);
5. Bus waiting shelter with schedule information and seating, per the standards of the transit service provider.

### 2.3.190 Commercial Districts – Special Use Standards

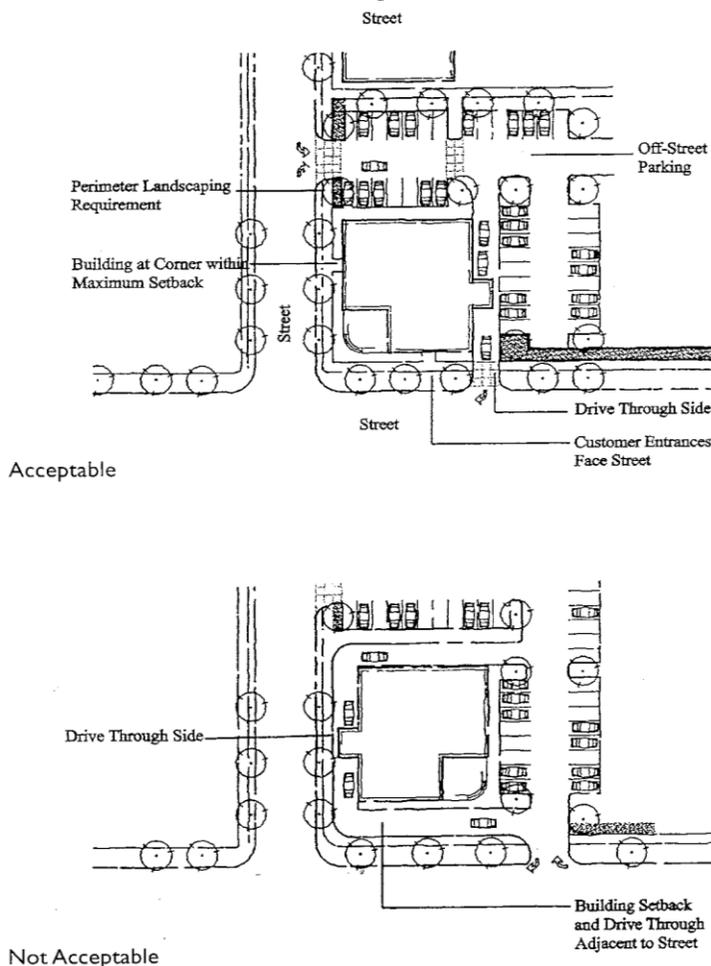
This section supplements the standards contained in Sections 2.3.110 through 2.3.180. It provides standards for the following land uses to control the scale and compatibility of those uses:

- A. Drive-up/Drive-In/Drive-Through Uses and Facilities
- B. Adult Entertainment Establishments and Adult Stores
- C. Large Format Retail Stores located in one structure in excess of 80,000 square feet
- D. Formula Business Design Standards
- E. Expansion of Single Family Detached Structures, if lawfully existing as of 2/13/04 (including the addition of accessory structures and dwellings), in Commercial and Industrial Districts

**A. Drive-Up/Drive-In/Drive-Through Uses and Facilities.** When drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, and protect pedestrian comfort and safety.

1. The drive-up/drive-through facility shall orient to, and receive access from, a driveway, or interior parking area, and not a street [Figure 2.3.190.A(1)];
2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, kiosks, drop-boxes, or similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner);
3. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.

**Figure 2.3.190.A(1) – Drive-Up and Drive-Through Facilities**



**B.**

**C. Adult Entertainment Establishments and Adult Stores.** When adult entertainment establishments and adult stores are allowed, they shall conform to all of the following standards, which are intended to protect the public safety, welfare, and morals.

1. An adult store or adult entertainment establishment shall be located at least 500 feet from any Religious Assembly; Educational facility, Primary/Secondary; Public Parks and Recreational Areas; Public Recreation Assembly; Day Care Center; Public Assembly; Cultural Services; Homes for Adults, Life Care Facility; or Residential Zoning District.
2. Any Adult Entertainment Establishment or Adult Store must be at least 1,000 feet from any other Adult Entertainment Establishment or Adult Store.

## 2.3 – Commercial (C) Land Use Districts – Special Use Standards

3. No Adult Store or adult entertainment establishment shall display adult media, depictions or specified sexual activities or specified anatomical areas, sexually oriented goods or depictions or sexually oriented goods, in its window, in a manner visible (by normal unaided vision) from the street, highway, public sidewalk, or the property of others. Window areas shall remain transparent and shall not be made opaque.

**D. Large Format Retail Sales located in one structure in excess of 80,000 square feet** (See definition in Chapter 1.3). When large format retail sales are located in one structure in excess of 80,000 square feet, or which exceed 80,000 square feet in contiguous lots, they shall conform to all of the following standards and considerations in addition to the standards contained in Sections 2.3.110 through 2.3.180 when considered under both Conditional Use and Site Plan Review;

1. Working with a consultant selected and paid for by the applicant, the applicant may be required to provide the following detailed analyses in addition to the other requirements of the Baker City Development Code:
  - a. Impact on employment in the greater Baker City area, including number of jobs gained and/or lost, and effect on salaries and benefits;
  - b. Estimated costs of public services and improvements attributable to the project;
  - c. Impact on commercial and residential property values in the City with an emphasis on the immediate area around the project;
  - d. Extent to which the project will contribute to or draw business from existing businesses in the greater Baker City area;
  - e. Estimate of how much revenue generated by the project will be retained and redirected to the economy of the community; and
  - f. A traffic analysis study.
2. The use of alternative pavements, such as stenciled concrete and porous pavement is encouraged.
3. Multistory retail development and mixed-use multistory development is encouraged and strongly preferred.
4. The street elevation of each large format retail sales structure shall have at least one street-oriented primary entrance and contain the principal windows of the store.
5. The hours of operation may be restricted through the Conditional Use Permit.
6. Exterior lighting shall be compatible with the surrounding neighborhood.

### 2.3 – Commercial (C) Land Use Districts – Special Use Standards

7. Entrances to the site should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any adjacent residential neighborhood.
8. The scale, massing, and building design shall be compatible with surrounding developments, and shall constitute a significant contribution in urban design and regional architecture for the enhancement of the City. The structure and site shall be street-oriented with the pedestrian entrances from the street. The standard architectural designs of regional or national businesses shall be modified in such a way as to be compatible with the scale, massing and design of the surroundings and City design preferences. The building shall be designed in order to reduce the appearance of massive scale or a uniform and impersonal appearance and to provide visual interest. Long building walls (front, side, and rear) shall be broken up with projections or recessions. Architectural detailing, including entrances and fenestration, shall be incorporated into all facades so as to avoid blank or monotonous appearance. Predominate exterior building materials shall not include smooth-faced concrete block or prefabricated steel panel. The roof design shall provide variations in roof lines and heights to add interest and to reduce the massive scale of large buildings.
9. The location, dimensions, and design concept of any proposed signage shall be provided at the time of the Conditional Use Permit application.
10. Loading areas shall be sited in such a way so as to minimize the impact on any surrounding neighborhood.
11. Parking shall be located behind the front line of the principle building. The Planning Commission may grant an exception to this requirement where necessary due to the shallow depth of a parcel, the location of existing mature trees, or other similar circumstances.
12. Project review shall balance the potential negative and positive impacts on existing local businesses, commercial districts, and area consumers in the consideration of granting a Conditional Use Permit. A qualified third party economic and land-use analysis may be required of the applicant as part of the application. Said study, at applicant's expense, may be undertaken by the City or a consultant selected by the City as agreed to by the applicant. Mitigation measures to reduce or eliminate negative impacts may be proposed by the applicant or required by the City. Approval of a Conditional Use Permit and Site Plan Review requires that the Planning Commission find that the proposed establishment will:
  - a. Complement existing uses and enhance the economic health of the surrounding area;
  - b. Be operated in a non-obtrusive manner that preserves the City's distinctive character, ambiance, and small-sized city and historic nature;
  - c. Promote diversity and variety to assure a balanced mix of commercial uses available

## 2.3 – Commercial (C) Land Use Districts – Special Use Standards

- to serve both resident and visitor populations;
- d. Contribute to an appropriate balance of local, regional, or national-based businesses in the community;
  - e. The use will be compatible with the neighborhood, particularly with regard to traffic circulation, parking, buffering and appearance; and
  - f. Avoid an appearance commonly associated with strip retail, shopping centers, or large box stores.

**E. Formula Business Design Standards** (See definition in Chapter 1.3). In order to maintain Baker City's unique historic small city character, the diversity and economic vitality of the community's commercial districts, and the quality of life of Baker City residents and visitors, supplemental design criteria are considered in conjunction with the other site design review or land use review requirements of this Code in the establishment of a formula business. Approval of a site plan review or land use review for a formula business requires that the appropriate approval entity (Planning Director or Planning Commission) find that the proposed establishment will:

1. Complement and advance the architectural character and theme of the given commercial area;
2. Avoid the appearance commonly associated with franchised establishments including the widespread application of large scale bright color schemes and associated signage except that the design may continue to employ in an understated and architecturally compatible fashion trademark, logo, service mark, or symbols associated with the franchise so long as the design is judged to meet the design theme of the given commercial area. In some commercial districts a 1950s retro theme may specifically encourage older franchise designs;
3. The design preserves a balanced mix or the appearance of a balanced mix of locally, regionally, and nationally based businesses; and
4. Be designed and operated in a non-obtrusive manner that preserves the City's distinctive character.

**F. Expansion of Single Family Detached Structures, if lawfully existing as of 2/13/04 (including the addition of accessory structures and accessory dwellings), in Commercial and Industrial Districts.** The expansion of a single family detached structure, if lawfully existing as of 2/13/04, including the addition of an accessory structure or an accessory dwelling, may be permitted in a commercial or industrial district by Conditional Use Permit subject to, but not exclusive of, the following criteria and considerations:

1. Any expansion to an existing primary structure or addition of an accessory structure or accessory dwelling shall be compatible with surrounding commercial or industrial uses,

### 2.3 – Commercial (C) Land Use Districts – Special Use Standards

and shall not increase the potential for any land use conflicts with adjacent uses or contribute to the perpetuation of existing conflicts, if they so exist.

2. Any expansion shall be incidental in nature to the primary structure.
3. Any addition to an existing primary structure shall not exceed 20 percent of the primary structure's building footprint.
  - a. Expansion of an existing primary structure is permitted to occur only one time during the life of the structure.
  - b. Upon approval of a Conditional Use Permit, it shall be required that, at applicant's expense, descriptive language be recorded with the Baker County Clerk's Office reflecting the one-time expansion limitation on the existing single family detached structure.
4. Any accessory dwelling that may be permitted must either be a second-story addition to an existing component of a garage or contained within the primary residence, and shall comply with the requirements related to such accessory dwellings under Section 2.2.200.A.
5. Any accessory structure that may be permitted must comply with the requirements related to such structures under section 2.2.200.B.

**G. Home Occupation – Home Occupations are permitted in pre-existing non-conforming residences in the Commercial Zone subject to criteria and standards in Section 2.2.200 (F) and Section 4.9.200.**

## Chapter 2.4 —Industrial (I) Districts

### Sections:

- 2.4.100 Industrial Districts – Purpose
- 2.4.110 Industrial Districts – Allowed Land Uses
- 2.4.120 Industrial Districts – Setback Yards and Buffering
- 2.4.130 Industrial Districts – Lot Coverage
- 2.4.140 Industrial Districts – Site Layout and Design
- 2.4.150 Industrial Districts – Building and Structure Height

### **2.4.100 Industrial Districts – Purpose**

Chapter 2.4 accommodates a range of industrial and commercial land uses in two Industrial Districts, Light Industrial (LI) and General Industrial (I). Both districts are intended to provide for land use compatibility while providing a high-quality environment for businesses and employees. The I district is also intended to provide suitable locations for heavy industrial uses (e.g., raw materials processing; and manufacturing, assembly, packaging or distribution of heavy or large goods) that would not otherwise be compatible in other districts. The Light Industrial (LI) district is intended to provide for those uses with relatively less impact, primarily where adjacent to residential zones. Chapter 2.4 guides the orderly development of industrial areas based on the following objectives:

- Provide for efficient use of land and public services;
- Provide appropriately zoned land with a range of parcel sizes for industry;
- Provide transportation options for employees and customers;
- Locate business services close to major employment centers;
- Ensure compatibility between industrial uses and nearby commercial and residential areas;
- Provide appropriate design standards to accommodate a range of industrial users;
- Provide attractive locations for business to locate; and
- Accommodate mixed-use development of light industrial areas.

### **2.4.110 Industrial Districts –Allowed Land Uses**

**Background:** This code is designed to make it easier to mix compatible uses than is typically allowed under conventional zoning.

**Statutes and Regulations:** Sections 2.3.110 and 2.3.190 address parts of OAR 660-012-0045 and 0060 by recommending design standards for commercial uses (e.g., offices and limited retail) where these uses are allowed in an industrial district.

Table 2.4.110 identifies the land uses that are allowed in the Industrial Districts. The specific land use categories are described and uses are defined in Chapter 1.3 and 1.4.

<b>Table 2.4.110 – Land Uses Allowed in Industrial Districts</b>		
<b>Uses</b> <b>Use Categories</b> (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	<b>Status of Use in District</b>	
	<b>General Industrial (I)</b>	<b>Light Industrial (LI)</b>
<b>RESIDENTIAL CATEGORIES</b>		
<b>Household Living</b>		
All Residential Uses (Household Living and Group Living) allowed, if: <ul style="list-style-type: none"> <li>- lawfully existing as of 2/13/04</li> <li>- May be expanded including the addition of accessory structures, and accessory residential dwellings when in association with a principal use single family detached house per section 2.2.200 and 2.3.190(E) by Conditional Use Permit.</li> <li>- new dwelling built in conjunction with a permitted commercial or industrial use (residential use is allowed above ground floor only), or</li> <li>- one industrial watchman’s caretaker unit subject to the standards of Section 2.4.160.B</li> </ul> <i>Group Care Living Uses shall conform to the provisions in Section 2.2.200.E.</i>	P  CU  N  P	P  CU  P  P
Bed and Breakfast Inn	N	N
<b>COMMERCIAL CATEGORIES</b>		
Commercial Educational Services, not a school (e.g., tutoring or similar services)	N	CU
Commercial Outdoor Recreation	N	CU
Commercial Parking Facility (when not an accessory use)	CU	CU
Drive-Up / Drive-In / Drive-Through (drive-up windows, kiosks, ATM’s, similar uses/facilities), per Section 2.3.190.A	CU	CU
Home Occupation, <ul style="list-style-type: none"> <li>- per the standards in Section 2.2.200.F</li> <li>- per the procedures in Section 4.9.200</li> </ul>	S CU	S CU
Major Event Entertainment	N	CU
Offices	P	P
Quick Vehicle Servicing or Vehicle Repair (See also Drive-Up Uses 2.3.190(A))	P	S
Retail Sales and Service, <i>See also, Drive-Up Uses</i> <ul style="list-style-type: none"> <li>- less than [10,000] square feet floor area</li> <li>- greater than [10,000] square feet floor area (per Section 2.4.140)</li> </ul>	P N	P N

**Key:**

- P = Permitted, subject to site/development review
- S = Permitted with standards per Sections referenced
- CU = Conditional Use Permit required (Chapter 4.4)
- N = Not permitted

<b>Table 2.4.110 – Land Uses Allowed in Industrial Districts</b>		
<b>Uses</b>	<b>Status of Use in District</b>	
	<b>General Industrial (I)</b>	<b>Light Industrial (LI)</b>
<b>Use Categories</b> (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)		
Self-Service Storage	P	P
Short Term Vacation Rental	N	N
<b>INDUSTRIAL CATEGORIES</b>		
Industrial Service (See also Drive-Up Uses)		
- fully enclosed (e.g., office)	P	P
- not enclosed	P	CU
Manufacturing and Production		
- fully enclosed	P	P
- not enclosed	P	CU
Warehouse and Freight Movement	P	P
Waste-Related	CU	N
Wholesale Sales, per Section 2.4.140		
- fully enclosed	S	S
- not enclosed	S	S
<b>INSTITUTIONAL CATEGORIES</b>		
Basic Utilities	P	P
Colleges	N	CU
Community Service	CU	CU
Daycare, adult or child day care; does not include Family Daycare (12 or fewer children) under ORS 657A.250	N	CU
Detention Facilities and Correctional Institutions	P	CU
Medical Centers	P	P
Parks and Open Space		
- pedestrian amenities	P	P
- parks and recreation facilities	CU	CU
- other open space	P	P
Religious Institutions and Houses of Worship,		
- lawfully existing as of 2/13/04	P	P
- new	N	N
Schools		
- lawfully existing as of 2/13/04	P	P
- new	N	N
<b>OTHER CATEGORIES</b>		
Accessory Structures (with a permitted use)	P	P
Agriculture – Animals, when		
- existing use as of 2/13/04	P	P
- accessory to a permitted industrial use	CU	CU
- new use	CU	CU

**Key:**

P = Permitted, subject to site/development review

S = Permitted with standards per Sections referenced

CU = Conditional Use Permit required (Chapter 4.4)

N = Not permitted

Uses	Status of Use in District	
	General Industrial (I)	Light Industrial (LI)
<b>Use Categories</b> (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)		
Agriculture – Nurseries and similar horticulture (See also, Wholesale and Retail Uses)	P	P
Buildings and Structures Exceeding the Height of 50 ft (Section 2.4.150)	CU	CU
Mining	CU	N
Radio Frequency Transmission Facilities <ul style="list-style-type: none"> <li>- within structure height limit of district</li> <li>- exceeds zone structure height limit (free-standing or building-mounted facilities)</li> </ul>	P CU	P CU
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	CU	CU
Temporary Uses, per Section 4.9.100.	P	P
Transportation Facilities (operation, maintenance, preservation, and construction [ <i>in accordance with the City's Transportation System Plan</i> ])	P	P
<b>Minimum Setbacks (feet)</b>		
Front and Street side setback	20 ft	20 ft
Rear Yard where adjacent to a commercial or industrial district, except common wall buildings with 0-setback are allowed	10 ft	10 ft
Industrial district abutting a residential district (Front, Rear, or Side)	25 ft	25 ft
Alley	1 ft	1 ft
<b>Structure Height</b>		
Maximum structures height, except where taller structures are allowed by CU	50 ft	50 ft
Buildings within 100 ft of a residential district	38 ft	38 ft
<b>Lot Coverage</b>	90%	80%

**2.4.120 Industrial Districts – Setback Yards and Buffering**

**Background:** Section 2.4.120 is intended to provide flexibility in development. The standards ensure compliance with fire and building codes, separation between industrial district uses and adjacent residential areas, and pedestrian connections through large developments.

**A. Purpose.** Setback yards and buffers provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation.

**Key:**

- P = Permitted, subject to site/development review
- S = Permitted with standards per Sections referenced
- CU = Conditional Use Permit required (Chapter 4.4)
- N = Not permitted

**B. Applicability.** The setback yard and buffer standards in subsections 2.4.120.C-F are minimum standards that apply to buildings, accessory structures, parking areas, mechanical equipment, and other development, but not buffers as required under subsection F). In granting a Conditional Use Permit, the approval body may increase the standard yards and/or buffers consistent with the criteria in Chapter 4.4. The approval body may also decrease the standard yards and/or buffers through the CUP process, provided that all applicable building and fire safety codes (subsection G) are met.

**C. Front and Street Yard Setbacks.**

1. General Industrial (I) District: Minimum of 20 feet
2. Light Industrial (LI) District: Minimum of 20 feet

**D. Rear Yard Setbacks.**

1. General Industrial (I) District: Minimum of 10 feet where adjacent to a Commercial or Industrial District, except common wall buildings with 0-setback are allowed;
2. Light Industrial (LI) District: Minimum of 10 feet where adjacent to a Commercial or Industrial District, except common wall buildings with 0-setback are allowed;
3. Industrial District (I or LI) Abutting a Residential District: Minimum of 25 feet.

**E. Side Yard Setbacks.** There are no required side-yard setbacks, except a minimum of 25 feet is required when an Industrial District (I or LI) abuts any residential district.

**F. Other Yard Requirements.**

1. Buffering. The approval body may require landscaping, fences, walls or other buffering that exceed the landscaping standards in Chapter 3.2 when it finds through Site Design Review (Chapter 4.2), Conditional Use Permit review (Chapter 4.4), and/or Master Planned Development review (Chapter 4.5), as applicable, that more or different buffering is necessary to mitigate adverse noise, light, glare, and/or aesthetic impacts to adjacent properties.
2. Pedestrian Access. The approval body may require the construction of pedestrian access ways through required buffers to ensure pedestrian connections within large developments, between multiple development phases, or connecting to public sidewalks, walkways, or multi-use pathways. The design of access ways shall conform to Section 3.1.300.

**G. Building and Fire Codes.** All developments shall meet applicable fire and building code standards which may require setbacks different from those listed above (e.g., combustible materials, etc.)

**2.4.130 Industrial Districts – Lot Coverage**

<p><b>Background:</b> Section 2.4.130 is intended to provide flexibility in development while ensuring some provision of open space for landscaping and stormwater management.</p>
--

**A. General Industrial (I) District:** Maximum lot coverage, including all impervious surfaces, 90 percent.

**B. Light Industrial (LI) District:** Maximum lot coverage, including all impervious surfaces, 80 percent.

#### 2.4.140 Industrial Districts – Site Layout and Design

**Background:** Section 2.4.140 is intended to provide flexibility in development while providing for compatibility of industrial uses through the application of discretionary standards. This section also ensures the creation of a local street network in large developments (LI District only).

**Statutes and Regulations:** Section 2.4.140 implements parts of Transportation Planning Rule (OAR 660-012-0045) related to the formation of connected street systems.

**A. Development Compatibility.** Industrial uses and developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) and to provide compatibility with adjacent uses to the extent practicable. The following standards shall apply to all development in the General Industrial and Light Industrial Districts:

1. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks and other non-industrial areas to the maximum extent practicable; and
2. The City may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), to mitigate adverse impacts that cannot be avoided, as provided in Section 2.4.120.
3. Junk as defined by ORS 377.605(5) and Junk yards as defined in Section 1.3.300 shall be fenced, screened, or limited in height so as to block substantially any view of such material from any point located on an abutting street or from any point less than eight feet above grade within any abutting residential or commercial zone. However, this section shall not be deemed to require more than an opaque fence or screen not more than ten feet in height and not longer than the full perimeter of the subject development site. No outdoor storage of materials which could be blown into the air or strewn about by wind shall be permitted.

**B. Large-Scale Commercial Development – LI District Only.** Developments containing 50,000 square feet or more commercial, retail, wholesale, or office floor area in a Light Industrial District shall have pedestrian-oriented design. This standard is satisfied when the approval body finds that a development meets all of the following criteria:

1. The commercial block layout standards in Section 2.3.150.D are met; and
2. The architectural standards in Section 2.3.170 are met.

**2.4.150 Industrial Districts – Building and Structure Height.** The maximum allowable height of buildings and structures in the I and LI districts is 50 feet, except that taller buildings and structures are allowed when approved as part of a Conditional Use Permit. Buildings within 100 feet of a residential zone shall not exceed a height of 38 feet.

**2.4.160 Industrial Districts – Special Standards**

**A.** Uses with significant noise, light/glare, dust, vibration, odor, or traffic impacts as defined below shall require Conditional Use Permit approval, in addition to Development Review or Site Design Review:

1. Noise: The noise level beyond the property line exceeds 85 dBA at any time.
2. Light and Glare: Lighting and/or reflected light from the development exceeds ordinary ambient light and glare levels (i.e. levels typical of the surrounding areas).
3. Dust and/or Exhaust: Dust and/or exhaust emissions from the development exceeds ambient dust or exhaust levels that existed prior to development.
4. Odor and other Air Emissions: Odors and other air emissions that are generally recognized to be a risk to human health, a potential impact on individuals with respiratory illnesses, or which hold the potential to negatively impact the enjoyment of adjacent properties.
5. Traffic: Uses which are likely to generate unusually high levels of vehicle traffic due to shipping and receiving.

**B. Residential Caretakers Units.** One residential caretaker unit shall be permitted for each primary industrial use, subject to the following conditions:

1. The primary industrial use shall be an active on-going business, occupied during working hours with employee activity, and shall have an industrial building footprint of no less than 5,000 square feet. If a primary industrial use ceases to exist the caretaker unit shall be removed. If a primary industrial use is closed for more than 24 months the caretaker unit shall not be occupied.
2. The unit shall be served with public water and sanitary sewerage disposal, in conformance with city engineering requirements. It may be a stick-built house, or a single-wide manufactured home newer than 1990. The unit shall be at least 760 square feet, but no larger than 1,000. It must be located within 150' and in sight of the principle industrial use.
3. Caretaker units shall be required to meet applicable fire safety and building code requirements, in addition to the applicable setback standards of this chapter.

- C. Home Occupation – Home Occupations are permitted in pre-existing non-conforming residences in the Industrial Zone subject to criteria and standards in Section 2.2.200 (F) and Section 4.9.200.**