

Chapter 2.2 - Residential Land Use Zones

Sections:

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

2.2.100 Purpose. The Residential Zones are intended to promote the livability, stability and improvement of the City’s neighborhoods. Three zones are provided: 1) The Residential Low Density (R-LD) Zone 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) Zone is intended to accommodate a wider variety of housing types and more intensive land use than the R-LD Zone; and 3) The Residential High Density (R-HD) Zone is intended to combine a variety of housing variety similar to the R-MD Zone 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 zones, 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 Allowed Land Uses. Table 2.2.110 identifies the land uses that are allowed in the Residential Zones. The specific land use categories are described and uses are defined in Chapters 1.3 and 1.4.

Table 2.2.110 – Land Uses Allowed in Residential Zones (R-LD, R-MD, R-HD)			
Uses	Status of Use in Zone		
Use Categories (Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3.)	Residential Low- Density (R-LD)	Residential Medium- Density (R-MD)	Residential High- Density (R-HD)
RESIDENTIAL CATEGORIES			
Household Living			
Single-Family Detached	P	P	P
Accessory Dwelling, per Section 2.2.200(A)	S	S	S
Duplexes	P	P	P
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 ft ² 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 Dwelling Park/Mobile Home Park, per Section 2.2.200(H)	S	S	S
Zero Lot Line Housing (not common wall), per Section 2.2.200(J)	S	S	S
Multi-Family (3 or more dwellings on lot) per Section 2.2.200(I), 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 Section 2.2.200(I)</i>	N	S	S
Bed and Breakfast Inn, per Section 2.2.200(D)	S	S	S
Hostels, per Section 2.2.200(D)	S	S	S
Group Living			
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	S	S

Table 2.2.110 – Land Uses Allowed in Residential Zones (R-LD, R-MD, R-HD)			
Uses	Status of Use in Zone		
Use Categories (Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3.)	Residential Low- Density (R-LD)	Residential Medium- Density (R-MD)	Residential High- Density (R-HD)
Other Group Living <i>per 2.2.200(l)(1), (2) and (4). Exception: May be permitted in R-LD as part of a Master Planned Development.</i>			
- 5 or less individuals	P	P	P
- 6 to 15 individuals	N	S	S
- 16 or more individuals	N	S	S
COMMERCIAL CATEGORIES			
Commercial Educational Services, not a school (e.g., tutoring or similar services), floor area limited to 2,000ft ² per use	N	N	N
Commercial Outdoor Recreation. <i>Exception: May be permitted in a Master Planned Development</i>	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	S	S	S
- per the procedures in Section 4.9.200	CU	CU	CU
Major Event Entertainment	N	N	N
Mobile Vending Units, per standards in Section 4.9.300	N	N	N
Office, floor area limited to 2,000ft ² per use. <i>Exceptions: May be permitted in R-LD if in a Master Planned Development; and, may be in excess of 2,000ft² if approved.</i>	N	CU	CU
Quick Vehicle Servicing or Vehicle Repair	N	N	N
Retail Sales and Service, floor area limited to 2,000ft ² per use. <i>Exceptions: May be permitted in a Master Planned Development; and, may be in excess of 2,000 ft² if approved.</i>	N	N	N
Self-Service Storage. <i>Exception: May be permitted in a Master Planned Development.</i>	N	N	N
INDUSTRIAL CATEGORIES			
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

Table 2.2.110 – Land Uses Allowed in Residential Zones (R-LD, R-MD, R-HD)			
Uses	Status of Use in Zone		
Use Categories (Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3.)	Residential Low- Density (R-LD)	Residential Medium- Density (R-MD)	Residential High- Density (R-HD)
Wholesale Sales	N	N	N
INSTITUTIONAL CATEGORIES			
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.	P	P	P
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
OTHER CATEGORIES			
Accessory Structures (with a permitted use) per Section 2.2.200(B)			
- less than 20 feet tall and less than 1,200ft ² of building footprint, or less than 1.5 times the size of the primary structure, whichever is greater	S	S	S
- taller than 20 feet or larger than 1,200ft ² of building footprint	CU	CU	CU
Agriculture – Animals as defined under “Farm Use” or “Farming” (<i>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</i>)	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, per Section 2.2.200(I)	S	S	S
Garage Sales (Yard Sales) (<i>see definitions</i>)	P	P	P

Table 2.2.110 – Land Uses Allowed in Residential Zones (R-LD, R-MD, R-HD)			
Uses	Status of Use in Zone		
Use Categories (Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3.)	Residential Low- Density (R-LD)	Residential Medium- Density (R-MD)	Residential High- Density (R-HD)
Mining	N	N	N
Radio Frequency Transmission Facilities			
- If lawfully existing as of August 27 th , 2015, 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 TSP	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 and subject to site/development review

CU = Conditional Use Permit required (Chapter 4.4)

N = Not permitted

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

Background: The minimum lot sizes and other dimensions contained in Section 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.

Table 2.2.120 – Development Standards for Residential Zones			
Standard	R-LD	R-MD	R-HD
Density (DU/acre) – Minimum and Maximum	1.0 to 10* Maximum densities do not apply to duplexes	2.0 to 20* Maximum densities do not apply to duplexes	4.0 to 45* Maximum densities do not apply to duplexes
Minimum Lot Area*			
- Single-Family Detached	7,500 ft ²	7,500 ft ²	5,000 ft ²
- Single-Family Attached	3,000 ft ² /unit	2,500 ft ² /unit	2,000 ft ² /unit
- Duplex	7,500 ft ²	7,500 ft ²	5,000 ft ²
- Multi-Family or Cottage Cluster	Not permitted	9,000 ft ² *	9,000 ft ² *
- Group Living – 5 or less individuals	7,500 ft ²	7,500 ft ²	5,000 ft ²
- Group Living – 6 to 15 individuals	Not permitted	12,000 ft ² to 30,000 ft ² *	6,000 ft ² to 15,000 ft ² *
- Group Living – 16 or more individuals	Not permitted	32,000 ft ² *	16,000 ft ² *
- Non-Residential Uses	9,000 ft ²	9,000 ft ²	9,000 ft ²
<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>		<i>* Maximum density calculated on one unit per 2,000 ft²</i>	<i>* Maximum density calculated on one unit per 1,000 ft²</i>

Table 2.2.120 – Development Standards for Residential Zones			
Standard	R-LD	R-MD	R-HD
Minimum Lot Width* <ul style="list-style-type: none"> - 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 	<p>40 ft</p> <p>20 ft</p> <p>40 ft</p> <p>Not permitted</p> <p>40 ft</p> <p>Not permitted</p> <p>Not permitted</p> <p>50 ft</p>	<p>40 ft</p> <p>20 ft</p> <p>40 ft</p> <p>50 ft</p> <p>40 ft</p> <p>50 ft</p> <p>80 ft</p> <p>50 ft</p>	<p>40 ft</p> <p>20 ft</p> <p>40 ft</p> <p>50 ft</p> <p>40 ft</p> <p>50 ft</p> <p>80 ft</p> <p>50 ft</p>
<p><i>* For flag lots, width is measured at the front building line</i></p>			
Minimum Lot Depth* <p><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></p>	<p>2 times min. width</p>	<p>2 times min. width</p>	<p>2 times min. width</p>
Building/Structure Height* <p><u>Level Site</u> (slope less than 15%) maximum height</p> <p><u>Accessory Structure</u> (slope less than 15%)</p> <p><u>Sloping Site</u> (15% or greater) maximum height</p> <p><u>Building Height Transition Required Adjacent to R-LD Zone, per Section 2.2.170</u></p> <p><u>Fences and Garden Walls</u></p> <ul style="list-style-type: none"> - Max. Height – Front Yard - Max. Height – Interior Side - Max. Height – Rear Yard - Max. Height – Street Side or Reverse Frontage Lot (rear) <p><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></p> <p><i><u>Note:</u> Structural retaining walls required for site development are exempt</i></p>	<p>35 ft</p> <p>20 ft</p> <p>level site + 5ft</p> <p>No</p> <p>4 ft</p> <p>6 ft</p> <p>6 ft</p> <p>4 ft, or 6 ft with 5 ft landscape buffer</p>	<p>35 ft</p> <p>20 ft</p> <p>level site + 5ft</p> <p>No</p> <p>4 ft</p> <p>6 ft</p> <p>6 ft</p> <p>4 ft, or 6 ft with 5 ft landscape buffer</p>	<p>35 ft</p> <p>20 ft</p> <p>level site + 5ft</p> <p>No</p> <p>4 ft</p> <p>6 ft</p> <p>6 ft</p> <p>4 ft, or 6 ft with 5 ft landscape buffer</p>

Table 2.2.120 – Development Standards for Residential Zones			
Standard	R-LD	R-MD	R-HD
Lot Coverage			
<u>Max. Building Coverage</u> <i>(footprint 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%
- All other uses	Not permitted	Not permitted	Not permitted
Min. Landscape Area (% site area) *	10%	7%	7%
<u>Parking Lots</u> See Section 3.2.300.E(2)	5%	5%	5%
<i>* Does not apply to single-family dwellings</i>			

Table 2.2.120 – Development Standards for Residential Zones			
Standard	R-LD	R-MD	R-HD
Minimum Setbacks (feet)*			
<u>Front/Street Setback</u>			
- 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
<u>Side Setback</u>			
- 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
<u>Exceptions</u>			
- 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
<u>Rear Setbacks, except alley</u>			
- Primary/Accessory structure	10 ft	10 ft	10 ft
- Detached garage or Carport entry	10 ft	10 ft	10 ft
<u>Reductions:</u>			
- 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
<u>Farm Structure Setbacks</u>			
- to any property line	20 ft	20 ft	20 ft
<u>Alley Garage Setbacks</u>			
	1 ft	1 ft	1 ft
<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>			
<i>* Separate or additional setback restrictions and fire protection measures may be required by the Building official.</i>			

2.2.130 Setback Yards: Exceptions, Reverse Frontage Lots, Flag Lots

A. 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. Exceptions.** The following architectural features may encroach into the setback yards as noted below subject to meeting all applicable building and fire codes and the clear vision standards in Section 3.1.200: 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. Separate or additional setback restrictions and fire protection measures may be required by the Building official.
- C. 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 Section 3.2.300.
- D. 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 Housing Density

- A. 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 Zones 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 ft² shall be planned so that the land is used efficiently and future development on these lots or parcels can occur based on the minimum lot size and other dimensional standards of the zone.
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. 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 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 plane 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 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 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 Building Orientation

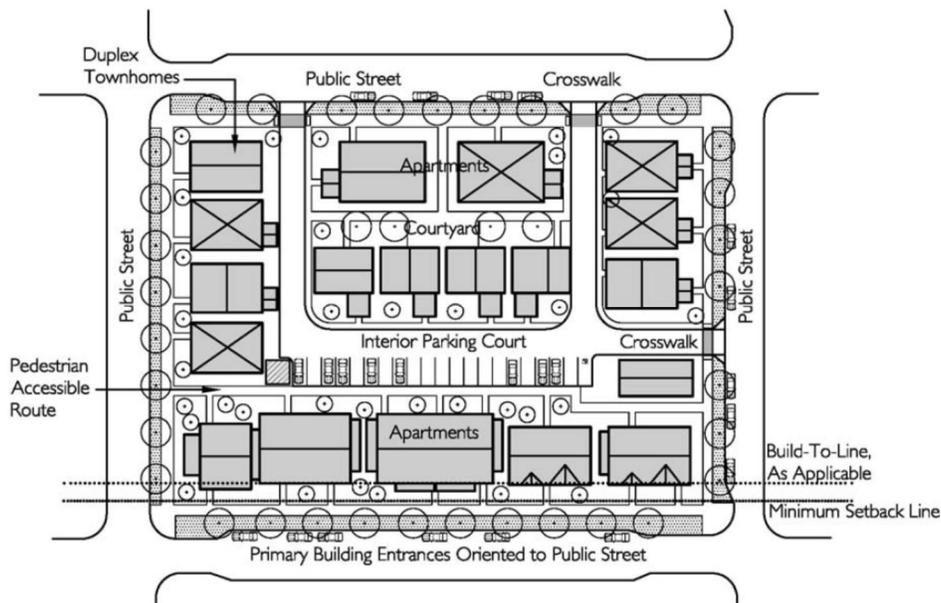
Background: The following supplements the standards in Table 2.2.120. This section addresses some of the Transportation Planning Rule site design requirements under OAR 660-012-0045.

- 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;

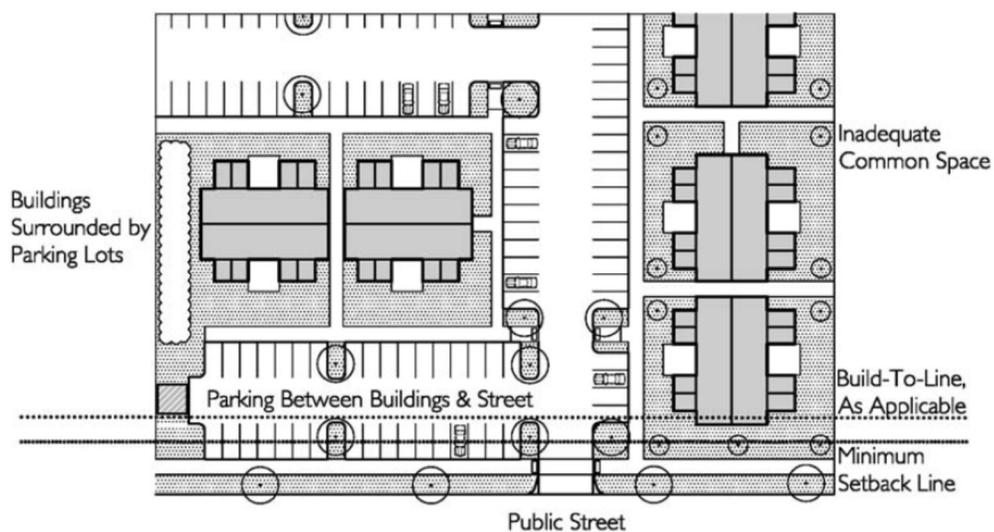
2. Except as provided in subsections 3 and 4, below, all buildings in the Residential Zones shall have at least one primary building entrance (i.e., dwelling entrance, a tenant space entrance, a lobby entrance, or breezeway/courtyard entrance serving a cluster of units or commercial spaces) facing an 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 Zone Building Orientation

Examples of Code Compliant Features:

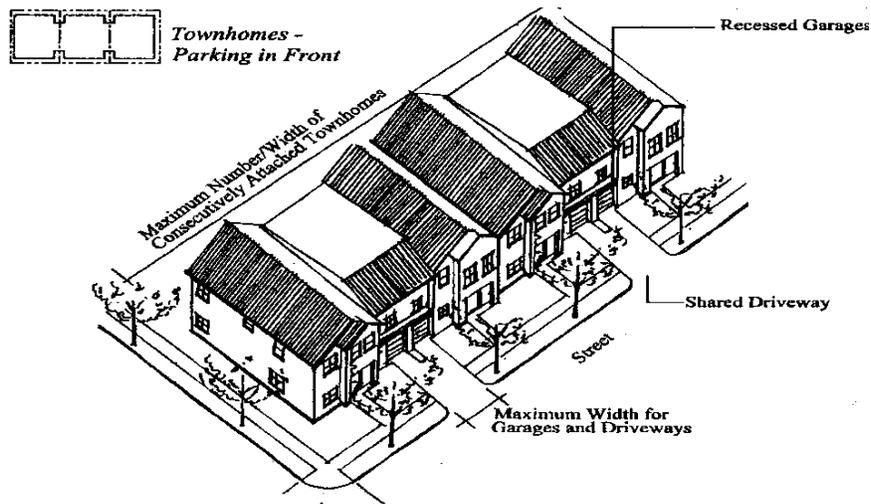


Example of Non-Compliant Features:



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 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):

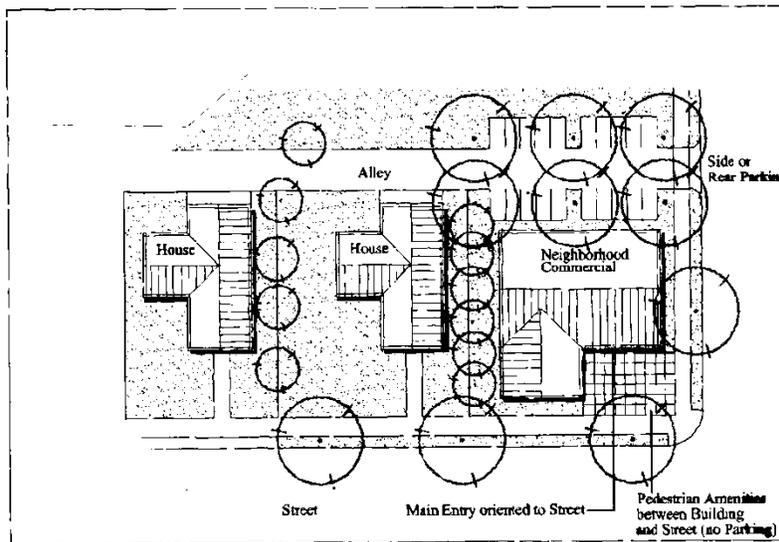
Figure 2.2.180.C (2) – Townhome Building Orientation



- (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.
- 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 Zone



- 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 Architectural Design Standards

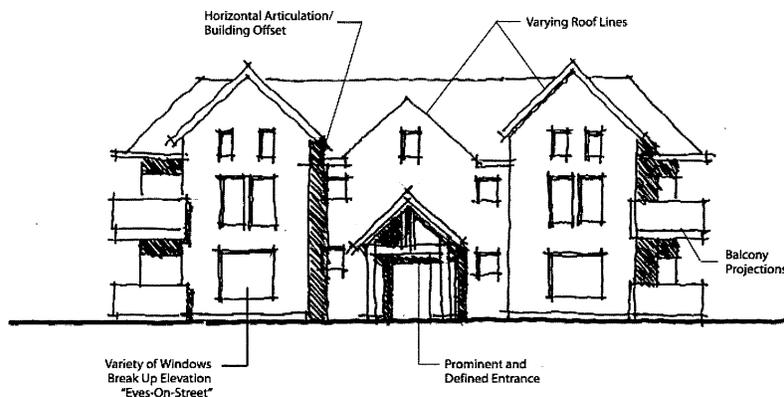
Background: The following supplements the standards in Table 2.2.120. This section provides minimum, clear and objective standards for residential architecture, which are intended to promote a human scale. This section also addresses some of the Transportation Planning Rule site design requirements under 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**

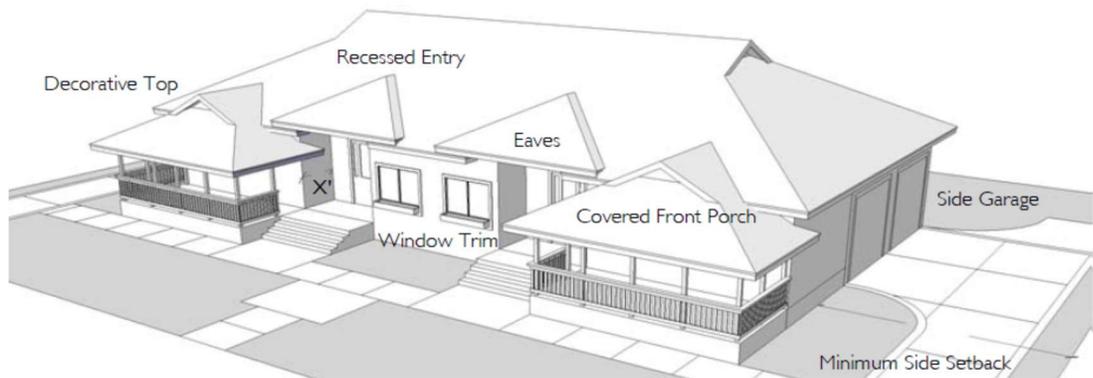


3. Detailed Design. All buildings shall provide detailed design on all street-facing walls (45 degrees or less from street lot line). Detailed design shall be provided by using at least 5 of the architectural features in items “a” through “m,” below, as is appropriate for the proposed building type and 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 | j. Bay windows |
| b. Gables | k. Balconies |
| c. Recessed entries | l. Decorative patterns on exterior finish (<i>e.g.</i> , scales/shingles, wainscoting, ornamentation, and similar features) |
| d. Covered porch entries or portico | m. Decorative cornice or pediment (<i>e.g.</i> , for flat roofs) |
| e. Cupolas or towers | n. An alternative feature providing visual relief, similar to options a.-m., as approved through Site Design Review. |
| f. Pillars or posts | |
| g. Eaves (minimum 6-inch projection) | |
| h. Off-sets in building face or roof (minimum 16 inches) | |
| i. Window trim (min. 3 inches wide) | |

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

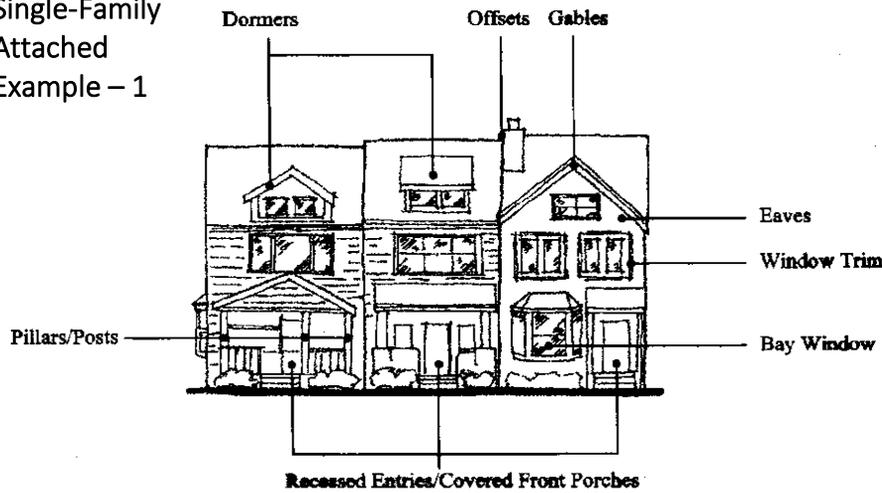
**Single-Family
Detached
Example – 1**



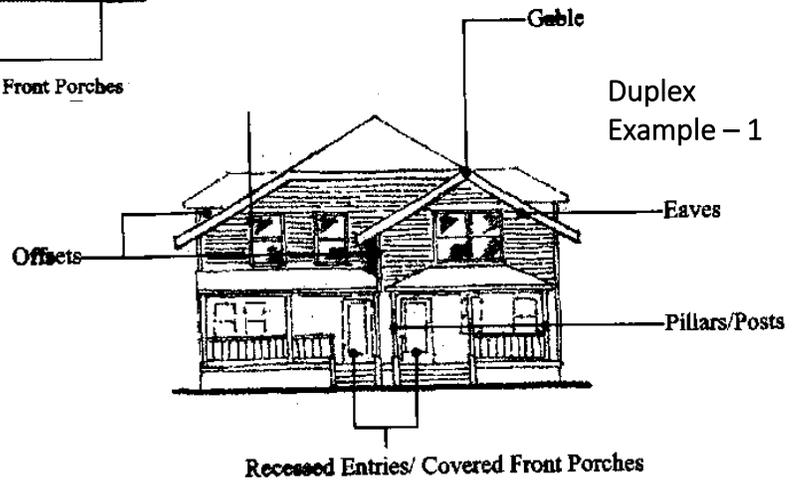
Single-Family
Detached
Example – 2



Single-Family
Attached
Example – 1



Duplex
Example – 1



Multi-Family
Example – 3



2.2.200 Special Use Standards. 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 Zone. 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-L:

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

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).

A. Accessory Dwelling. Accessory dwellings shall conform to all of the following standards:

1. Floor Area.
 - a. A detached accessory dwelling shall not exceed 700 square feet of floor area.
 - b. Conversion of an existing structure to an accessory dwelling is allowed, provided that:
 - i. if the structure is an existing legal, non-conforming structure, the conversion does not increase the non-conformity of the existing structure; and
 - ii. the floor area of the accessory dwelling unit does not exceed 75% of the footprint of the primary structure.
2. Exempt from Density. Accessory dwellings are exempt from the housing density standards of the Residential Zone, due to their small size and low occupancy levels;

3. Number of Units. A maximum of two accessory dwelling units are allowed per legal single-family dwelling;
4. Parking. No off-street parking is required for an accessory dwelling.
5. 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 zones 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 is necessary to comply with setback standards;
4. Setback Requirements. Accessory structures shall only be allowed in side or rear yards in the residential zones as established in the Table 2.2.120; and
5. Building Height and Size. An accessory structure shall not exceed 1,200 ft² in size or 20 feet in height without first obtaining a Conditional Use Permit.

C. Single-Family Attached (Townhomes or Row Houses). Single-family attached housing with three or more dwellings (lots) 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. Subdivisions, or phases of subdivisions, proposed to contain three (3) or more consecutively attached single-family dwellings 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. 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 homeowner's 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 & Hostels.

1. Bed and Breakfast Inns are permitted in residential zones, 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.)
 - a. Accessory Use. The use must be accessory to a household already occupying the structure as a residence.
 - b. Maximum Size. In the residential zones, 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.
 - c. Length of Stay. Maximum length of stay is 28 days per guest; anything longer is classified as a hotel or commercial lodging.
 - d. Employees. Up to two (2) non-resident employees. There is no limit on residential employees.
 - e. Food Service. May be provided only to overnight guests of the business.
 - f. Owner-Occupied. Shall be owner-occupied.
 - g. Signs. Signs shall not exceed a total of 4ft² of surface area on all sides.
2. **Hostels**. Hostels are permitted in residential and commercial zones, and shall comply with the following standards:
 - a. Maximum Size. A maximum of one (1) guest per ±15 square feet of dormitory floor space are permitted per night.
 - b. Length of Stay. Maximum length of stay is 28 days per guest; anything longer is classified as a hotel or commercial lodging.
 - c. Employees. Up to two (2) non-resident employees. There is no limit on residential employees.

- d. Food Service. May be provided only to overnight guests of the business.
- e. Signs. Signs shall adhere to sign standards of the underlying zone.
- f. Parking. One (1) parking space shall be provided per two (2) guests.

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 require permits:

- 1. Home Occupations meeting the standards in subsections (a)-(i), below, are permitted through a Type I Home Occupation Permit procedure, provided all other uses and structures on the subject property are in conformance with the applicable zoning.
 - a. Appearance of Residence:
 - i. 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.
 - ii. 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.
 - iii. The home occupation shall not violate any conditions of development approval (*i.e.*, prior development permit approval).
 - iv. No products and or equipment produced or used by the home occupation may be

displayed to be visible from outside any structure.

b. Storage:

- i. 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.
- ii. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
- iii. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

c. Employees:

- i. 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 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.
- ii. 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.
- iii. 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.

d. Advertising and Signs: Signs shall comply with all applicable sign regulations. In no case shall a sign in the Residential Zone exceed 4ft² of surface area on all sides.

e. Vehicles, Parking and Traffic:

- i. 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.
- ii. 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.*
- iii. 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.

- f. 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 a-e, above.

- g. Prohibited Home Occupation Uses:
 - i. 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.

 - ii. 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 subsections a-f, above.

 - iii. The following uses and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, are prohibited:
 - A. Ambulance service;

 - B. Animal hospital, veterinary services, kennels or animal boarding;

 - C. Auto and other vehicle repair, including auto painting; and

 - D. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

 - h. 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.

 - i. Family child care and In-home tutoring: These types of home occupations are not subject to the above subsections (e) and (f); however, they shall conform to the state licensing requirements and standards under ORS 657A.

2. Home Occupations exceeding any of the threshold standards in subsections a-i may receive approval through the Type III Home Occupation Permit procedure under Section 4.9.200.

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.

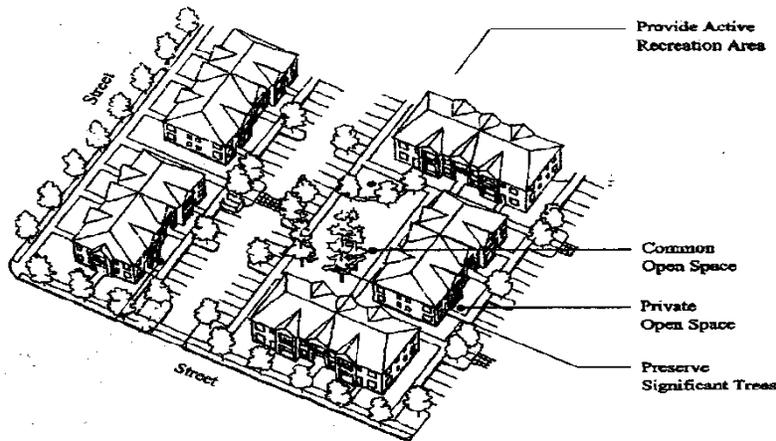
1. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000ft²;
2. Roof. The manufactured home shall have a pitched roof except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.
3. 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;
4. Thermal Envelope. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards, which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the Low-Rise Residential Dwelling Code as defined in ORS 455.010 (Definitions for ORS chapter 455).
5. Placement. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.
6. Prohibited. The manufactured home shall not be located in a designated historic district.

H. Manufactured Dwelling Park/Mobile Home Park. Manufactured dwelling parks/mobile home parks (including recreational vehicles) are permitted on parcels of one (1) acre or larger, subject to compliance with subsections 1-10, below:

1. Floor Plan. If the dwelling unit is a manufactured home, it shall be multi-sectional and shall have an enclosed floor area of not less than 750ft²;
2. Permitted uses. Single-family residences, park manager's offices, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured dwelling park (e.g., landscape maintenance) are permitted uses.
3. Space. The minimum size pad or space for each dwelling is 2,500ft², 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 dwelling units and abutting properties is 10 feet. The minimum setback between park dwelling units 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 dwelling units 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 dwelling units 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 dwelling unit shall be provided with a water, sewer and electrical connection. The electrical connection shall provide for 120- and 240-volt services.
 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 ft² of outdoor area, suitably improved for recreation use, shall be provided for each dwelling unit exclusive of required yards. Each recreation area shall have a minimum size of 2,500ft² 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 dwelling unit. Parking may be located on each site or in community parking lots.
 10. Foundation Skirt. The foundation area of the dwelling unit shall be fully skirted;
 11. Recreational Vehicles (RVs). The placement or occupancy of a recreational vehicle may not be prohibited, or any limit on the length of occupancy of a recreational vehicle imposed, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:
 - a. Located in a manufactured dwelling park, mobile home park or recreational vehicle park;
 - b. Occupied as a residential dwelling; and
 - c. Lawfully connected to water and electrical supply systems and a sewage disposal system
- 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.

Figure 2.2.200.I – Examples of Multiple Family Open Space



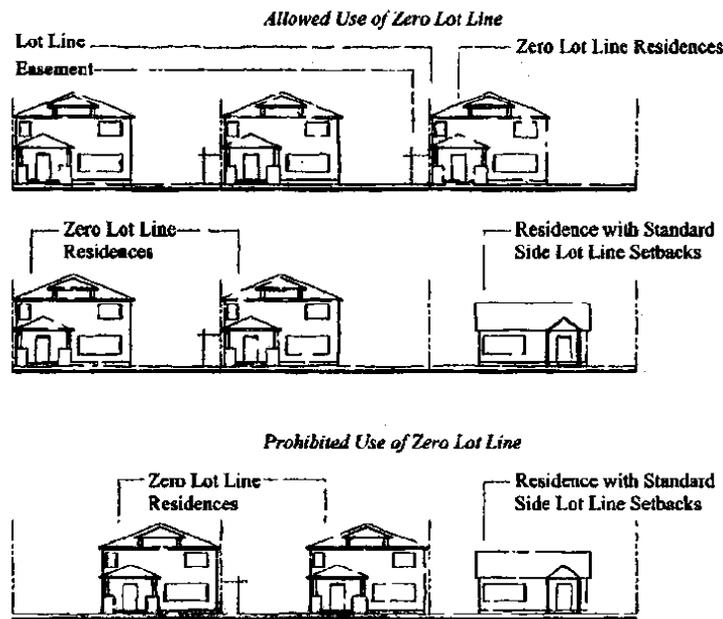
1. Building mass. The maximum width or length of a multiple family building shall not exceed 120 feet from end-wall to end-wall, not including outdoor living areas (e.g., porches, balconies, patios, and similar unenclosed spaces).
2. Common open space. A minimum of 15 percent of the site area shall be 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 developer may opt to improve park land off-site (in lieu of development upon the subject property) in an amount comparable to that which he or she would otherwise be required to provide in his or her development, and must be agreed upon by the City.

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 ft². 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 ft². Upper-floor housing means housing units that are more than 5 feet above the finished grade; and
 - c. In the Residential-High Density Zone, 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.
 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. **Zero-Lot Line Housing (not common wall).** 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;
 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



- K. **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:
 - a. 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.
 - b. 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:
 - i. In the case of horses, cows, and similar sized animals, the animals are kept in an enclosed area having at least 2,500 ft² for each animal over 6 months of age;
 - ii. In the case of sheep, goats, pigs, and similarly sized animals, the animals are kept in an

enclosed area having at least 1,000 ft² for each animal over 6 months of age.

- iii. 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.
 - iv. The number of colonies of bees allowed on a lot shall be limited to one colony for each 5,000 ft² 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.
- c. Farm Structures. New barns, stables, corrals, or enclosures used to house livestock shall not be developed closer than 20 feet to any property line.
- d. 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.
- e. 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:
- i. 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.
 - ii. 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.
- f. Permit Revocation or Denial – Appeal.
- i. 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:
 - A. The name and address of the appellant;
 - B. A description of the livestock being kept or desired to be kept and the facilities for livestock;
 - C. 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;
 - D. The reason given by the Police Chief for denying the application or revoking the permit;

and

E. The reason the determination is incorrect.

- ii. 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.
- iii. 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.
- iv. The appellant shall have the burden of proving the error in the Police Chief's determination.
- v. The City Manager shall issue a written decision within twenty days of the hearing date.
- vi. 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.
- vii. 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.

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

- a. 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.
- b. Vehicle Areas and Trash Receptacles. All vehicle areas (i.e. parking, drives, storage, etc.) and trash receptacles shall be oriented away from adjacent residences, and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height.

THIS PAGE INTENTIONALLY LEFT BLANK