

Article 2- Land Use Zones

Chapters:

- 2.1 Organization of Land Use Zones
- 2.2 Residential (R) Zones
- 2.3 Commercial (C) Zones
- 2.4 Industrial (I) Zones
- 2.5 Overlay Zones

Chapter 2.1 - Organization of Land Use Zones

Sections:

- 2.1.100 Classification of Land Use Zones
- 2.1.200 Land Use Zoning Map
- 2.1.300 Determination of Land Use Zones Boundaries

2.1.100 Classification of Land Use Zones.

Every parcel, lot, and tract of land within the Urban Growth Boundary of the City of Baker City is designated with a land use zone. The use of land is controlled by the applicable land use zone and/or overlay zone. Some uses are permitted “by-right” in a given zone 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 zone and overlay zone(s) are determined based on the Land Use Zoning 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	
Comprehensive Plan Designation	Applicable Land Use Zone
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 Commercial (G-C)
Industrial	Light Industrial (LI)
Industrial	General Industrial (I)
Residential-Commercial	Master Planned Development
Interchange Area Management Plan	Interchange Overlay Zone

2.1.200 Land Use Zoning Map

- A. Consistency with Land Use Zoning Map.** The boundaries of the land use zones contained within this chapter shall coincide with the land use zone 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 zone 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 zone.

2.1.300 Determination of Land Use Zone 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 zone 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 zone designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a land use zone boundary, the lands within the right-of-way now vacated shall be allocated proportionately among the subject land use zones;
- 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 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~~ Lot Area and Width
- 2.2.140 ~~Reserved~~ Setback Yards
- 2.2.150 Housing Density
- 2.2.160 ~~Lot~~ Building Coverage
- 2.2.165 Building Footprint
- 2.2.170 Building Height: ~~Measurement, Exceptions~~
- 2.2.180 Building Orientation
- 2.2.190 Architectural Design Standards
- 2.2.200 Special Use Standards
- 2.2.210 Income-Restricted Housing
- 2.2.220 Housing Benefit Incentives

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 and uses are described and ~~uses are~~ defined in Chapters 1.3 and 1.4. ~~If a use is not identified in the table, then it is not permitted in residential zones.~~

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 Residential (see definition)	P	P	P
Attached Residential Duplexes , per Section 2.2.200.C and Section 2.2.200.N	P S	P S	P S
Stacked Residential /Multi-Family Housing, per Section 2.2.200.I 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. Exception: May be permitted in R-LD as part of a Master Planned Development, per Section 2.2.200(I)	N S	S	S
Accessory Dwelling Unit, per Section 2.2.200.A(A)	S	S	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, per Section 2.2.200.M (2-4 single family dwellings on one lot, oriented to an alley or common green, and each containing less than 700 ft² of floor area). Exception: Cottage Clusters may be permitted in Master Planned Developments.	N S	P S	P S
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
Bed and Breakfast Inn, per Section 2.2.200.(D)	S	S	S
Hostels, per Section 2.2.200.(D)	S	S	S
Conversion of an existing building or portion of an existing building to residential use, per Section 2.2.200.O and ORS 197A.445	S	S	S

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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)
Group Living			
Group Care Home (5 or less individuals), per Section 2.2.200.E(E)	S	S	S
Group Care Facility (6 to 15 individuals), per Section 2.2.200.E(E)	NS	S	S
Other Group Living per 2.2.200(I)(1), (2) and (4). Exception: May be permitted in R-LD as part of a Master Planned Development.			
– 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 2,000ft² per use	N	N	N
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
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 2,000ft² per use. Exceptions: May be permitted in a Master Planned Development; and, may be in excess of 2,000 ft² if approved.	N	N	N

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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)
Self-Service Storage. Exception: May be permitted in a Master Planned Development.	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
Wholesale Sales²	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(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

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)
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
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) (see 2.2.150)	Minimum: 1 Maximum: 15	Minimum: 2 Maximum: 22	Minimum: 4 Maximum: 43
Income Restricted Housing Density (DU/acre) (2.2.210) <i>ORS 197A.445</i>	Maximum: 30	Maximum: 33	Maximum: 64
Housing Benefit Incentive Density (DU/acre) (2.2.220)	Maximum: 22	Maximum: 27	Maximum: 48
Maximum Number of Units in a Single Building	Attached: 3 units Stacked: 6 units	Attached: 4 units Stacked: 8 units	Attached: 5 units Stacked: 20 units
Minimum Lot Area (New Lots Only) (see Section 2.2.130 for more standards)			
Detached/Attached/Stacked Residential			
Base Lot Area Required for Up to 2 Units	6,000 ft ²	4,000 ft ²	2,000 ft ²
Lot Area Required for Each Additional Unit	2,500 ft ²	2,000 ft ²	1,000 ft ²
Accessory Dwelling Units (2.2.200.A)	n/a	n/a	n/a
Cottage Cluster Lot Area Required for Each Unit (2.2.200.M)	2,500 ft ²	1,500 ft ²	1,000 ft ²
Manufactured Home Park (2.2.200.H)	1 acre	1 acre	1 acre
Zero Lot Line (2.2.200.J)	4,000 ft ²	3,000 ft ²	2,000 ft ²
Housing Benefit Incentive (see Section 2.2.220) Detached/Attached/Stacked Residential			
Base Lot Area Required for Up to 2 Units	5,000 ft ²	3,000 ft ²	2,000 ft ²
Lot Area Required for Each Additional Unit	2,000 ft ²	1,600 ft ²	900 ft ²
Cottage Cluster Lot Area Required for Each Unit	1,800 ft ²	1,200 ft ²	800 ft ²

Table 2.2.120 – Development Standards for Residential Zones			
Standard	R-LD	R-MD	R-HD
(2.2.200.M)			
Other Uses			
Group Living - 5 ≥ individuals	6,000 ft ²	4,000 ft ²	2,000 ft ²
Group Living - 6 - 15 individuals	Not Permitted	6,000 ft ²	4,000 ft ²
Group Living – 16+ individuals	Not Permitted	10,000 ft ²	8,000 ft ²
Non-Residential Uses	9,000 ft ²	9,000 ft ²	9,000 ft ²
Minimum Lot Width (New Lots Only) (see Section 2.2.130 for more standards)			
Detached/Stacked Residential	50 ft with alley 60 ft w/out alley	40 ft with alley 50 ft w/out alley	30 ft with alley 40 ft w/out alley
Attached Residential	20 ft	20 ft	18 ft
Maximum Building/Structure Height (see Section 2.2.170 for more standards)			
Detached/Attached/Stacked Residential, including Zero Lot Line, Group Living	35 ft	35 ft	35 ft
Income Restricted Housing Height (2.2.210) <i>ORS 197A.445</i>	47 ft	59 ft	59 ft
Housing Benefit Incentive (2.2.220) Stacked Residential Only	35 ft	35 ft	43 ft
Accessory Dwelling Unit	25 ft	25 ft	25 ft
Accessory Structure	20 ft	20 ft	20 ft
Fences and Garden Walls – Front Yard	4 ft	4 ft	4 ft
Fences and Garden Walls – Interior Side, Street Side, Rear Yard, or Reverse Frontage (rear)	6 ft	6 ft	6 ft
Maximum Building Coverage (see Section 2.2.160 for more standards)			
Detached Residential, Including Group Living	50%	55%	60%
Attached/Stacked Residential	60%	65%	70%
Cottage Cluster	45%	50%	55%
Civic/Institutional/Open Space	60%	60%	60%
Minimum Landscape Area (see Section 3.2.300.E(2) for more standards)			
Detached/Attached/Stacked	10%	7%	7%

Table 2.2.120 – Development Standards for Residential Zones			
Standard	R-LD	R-MD	R-HD
Residential, including Zero Lot Line, Group Living, and Non-Residential			
Parking Lots	5%	5%	5%
Minimum Setbacks (see Section 2.2.140 for more standards)			
FRONT/STREET SETBACK			
Residential Structures	15 ft	15 ft	10 ft
Housing Benefit Incentive (2.2.220)	15 ft	10 ft	10 ft
Detached Garage or Carport	20 ft	20 ft	20 ft
SIDE SETBACK			
All Structures	5ft	5 ft	5 ft
Corner Lot Side-Yard Facing ROW	10 ft	10 ft	10 ft
REAR SETBACK			
Primary/Accessory Structure [no alley / with alley]	10 ft / 1 ft	10 ft / 1 ft	10 ft / 1 ft
Accessory Dwelling Unit [no alley / with alley]	5 ft / 1 ft	5 ft / 1 ft	5 ft / 1 ft
Detached Garage or Carport [no alley / with alley]	10 ft / 1 ft	5 ft / 1 ft	5 ft / 1 ft

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*			

Table 2.2.120—Development Standards for Residential Zones

Standard	R-LD	R-MD	R-HD
—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>
Minimum Lot Width*			
—Single Family Detached	40 ft	40 ft	40 ft
—Single Family Attached	20 ft	20 ft	20 ft
—Duplex	40 ft	40 ft	40 ft
—Multi-Family or Cottage Cluster	Not permitted	50 ft	50 ft
—Group Living—5 or less individuals	40 ft	40 ft	40 ft
—Group Living—6 to 15 individuals	Not permitted	50 ft	50 ft
—Group Living—16 or more individuals	Not permitted	80 ft	80 ft
—Non-Residential Uses	50 ft	50 ft	50 ft
<i>* For flag lots, width is measured at the front building line</i>			
Minimum Lot Depth*			
<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

Table 2.2.120 – Development Standards for Residential Zones

Standard	R-LD	R-MD	R-HD
Building/Structure Height*			
<u>Level Site (slope less than 15%)</u>			
maximum height	35 ft	35 ft	35 ft
<u>Accessory Dwelling</u>	25 ft	25 ft	25 ft
<u>Accessory Structure (slope less than 15%)</u>	20 ft	20 ft	20 ft
<u>Sloping Site (15% or greater) maximum height</u>	level site + 5 ft	level site + 5 ft	level site + 5 ft
<u>Building Height Transition Required Adjacent to R-LD Zone, per Section 2.2.170</u>	No	No	No
<u>Fences and Garden Walls</u>			
— Max. Height — Front Yard	4 ft	4 ft	4 ft
— Max. Height — Street Side or Reverse Frontage Lot (rear)	6 ft	6 ft	6 ft
	6 ft	6 ft	6 ft
	4 ft, or 6 ft	4 ft, or 6 ft	4 ft, or 6 ft
<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>	with 5 ft landscape buffer	with 5 ft landscape buffer	with 5 ft landscape buffer
<i>Note: Structural retaining walls required for site development are exempt</i>			

Lot Coverage			
<u>Max. Building Coverage (footprint as % of site area)</u>			
— 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
<u>Min. Landscape Area (% site area) *</u>	10%	7%	7%
<u>Parking Lots See Section 3.2.300.E(2)</u>	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, except	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
—Accessory Dwelling	5 ft	5 ft	5 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 Lot Area and Width

- A. **Lot Size Reductions.** Lot size may be reduced through lot size averaging, clustering, Master Plan Development, and Coving. See related land division procedures in Section 4.3.115.
- B. **Lot Size Exemptions.** Minimum lot size requirements do not apply to open space tracts or accessory

dwelling units.

- C. **Lot Width Reductions.** Lot dimensions may be reduced for Flag Lots, Cul-de-sac Lots, and other special circumstances. See Section 4.3.115.

2.2.140 ~~Reserved~~ 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. **~~Encroachments-Exceptions.~~** The following ~~elements 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:
- a. **Architectural Features:** eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into a setback yard by not more than 36 inches.
 - b. **Open Structures:** porches, balconies, porticos, patios, decks and similar structures not exceeding 36 inches in height may encroach into setbacks by not more than 5 feet. ~~as provided in Table 2.2.120;~~
 - c. ~~ADA ramps needed to provide pedestrian access into a dwelling may encroach into the setback to the minimum extent necessary to address the specific physical constraints on the subject property, as determined by the Planning and Public Works Directors. Ramps must conform to the spacing requirements of the Oregon Fire Code.~~
- C. **Garden Walls and Fences.** 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.~~
- D. **Farm Structure Setbacks.** Any structure dedicated to farm use must be sited at least 20 feet from all property lines.
- E. **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.
- F. **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.

2.2.150 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 ~~are exempt from 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.

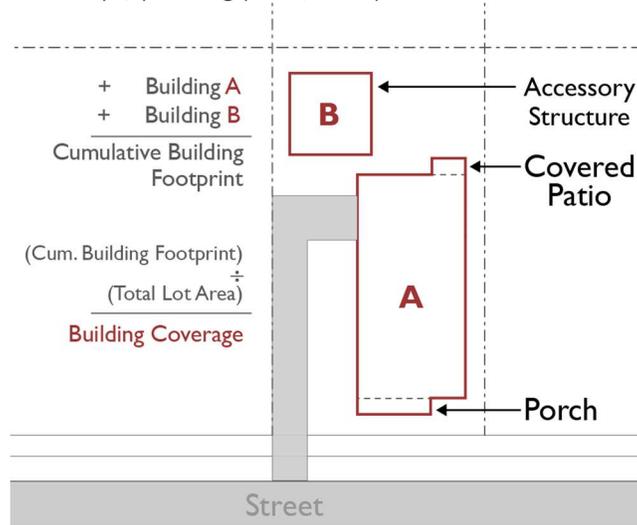
1. Residential subdivisions where the average slope exceeds 20% are exempt from the minimum density standard.
2. The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex lots used to comply with the density standard shall be so designated 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;
 - g. Residential development projects qualifying for development incentives established in Section 2.2.210; and
 - h. Duplexes in any configuration, including existing homes converted into a duplex.

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 the 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.
3. When calculating density, fractional values of .5 or greater will be rounded up to the nearest whole number. Fractional values below .5 will be rounded down.

2.2.160 ~~Lot~~ Building Coverage

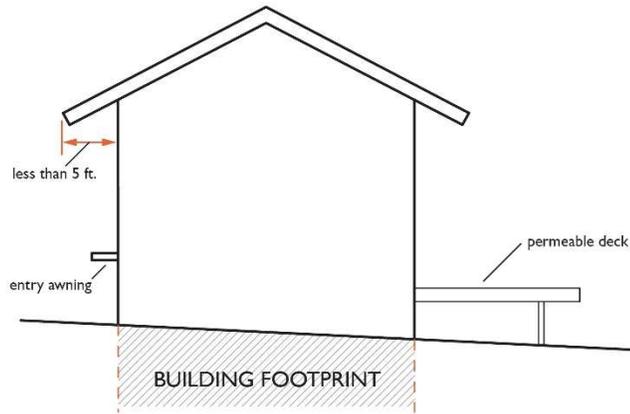
- A. ~~Lot~~ Building Coverage Calculation.** The maximum allowable ~~lot~~ building coverage shall be as provided in Table 2.2.120. ~~Lot~~ Building coverage is calculated as the percentage of a lot or parcel covered by buildings or structures (as defined by the foundation plane area) and other structures 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.



2.2.165 Building Footprint

- A. Purpose.** Building footprint limitations are intended to regulate the size and coverage of individual buildings on site. Building footprint standards are also designed to appropriately scale infill development, such as accessory dwelling units, according to the building footprint of principal dwellings.

- B. Building Footprint Measurement.** Building footprint is measured as all areas covered by a building.
- C. Exemptions.** Projecting balconies, permeable decks, and minor projections up to 5 feet including roof overhangs, are not included in building footprint calculations.



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. Building Height Increase on Sloping Sites.** An additional 5 feet of building height may be granted to sloping sites of 15% or more.
- C. Exclusions from Maximum Building/Structure Height Exemptions Standards.** Chimneys, bell towers, steeples, roof equipment, flag poles, retaining walls, and similar features not for human occupancy are exempt from the maximum building heights, provided that all applicable fire and building codes are met.

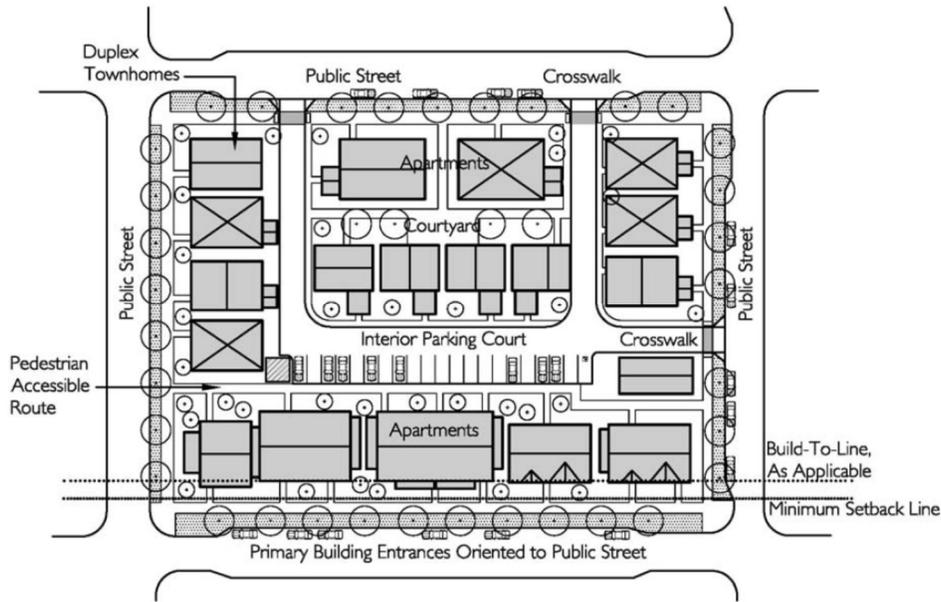
2.2.180 Building Orientation

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.

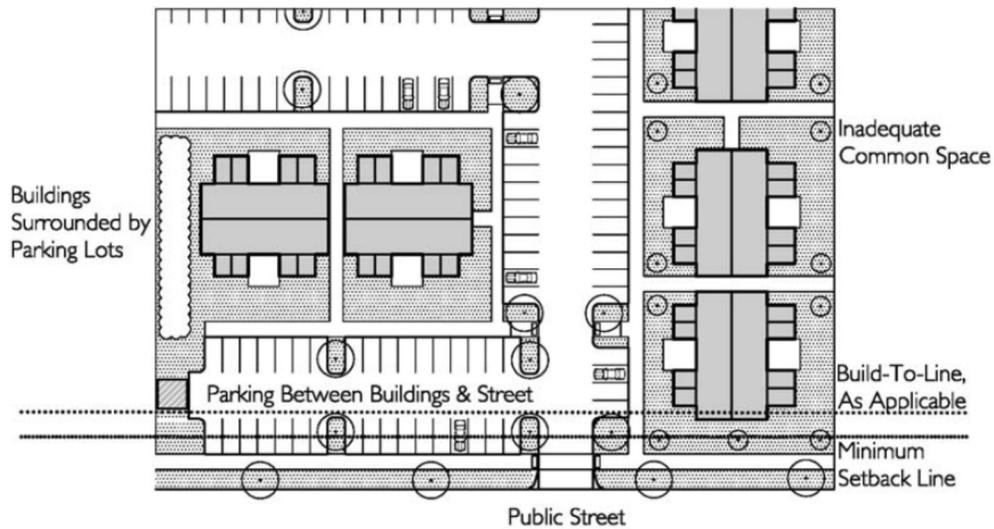
- A. Purpose.** The following standards are intended to orient buildings close to streets to promote pedestrian-oriented development where walking is encouraged, and to discourage automobile-oriented development. Placing residences and other buildings close to the street also encourages crime prevention, 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:

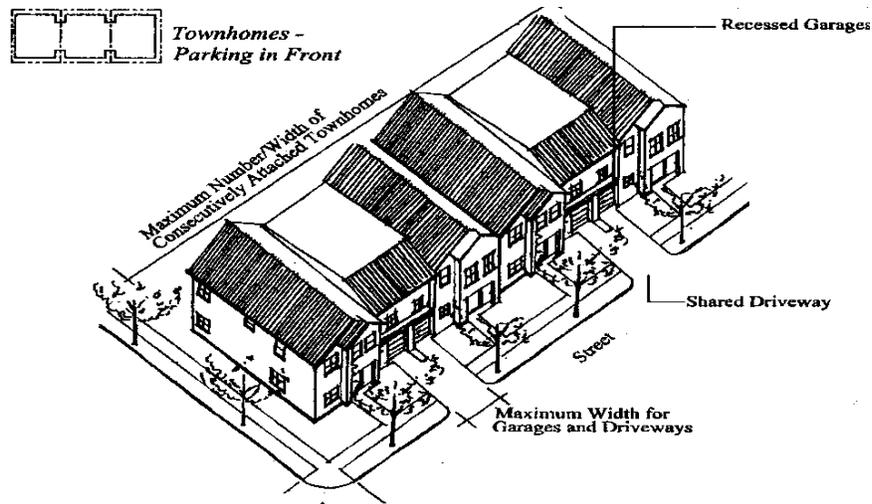


3. Off-street parking, driveways, and other vehicle areas shall not be placed between buildings and the street(s) to which they are oriented, as per subsection 2 and Figure 2.2.180.C(1); except the following vehicle areas are allowed where the approval body finds that they will not adversely affect pedestrian 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;

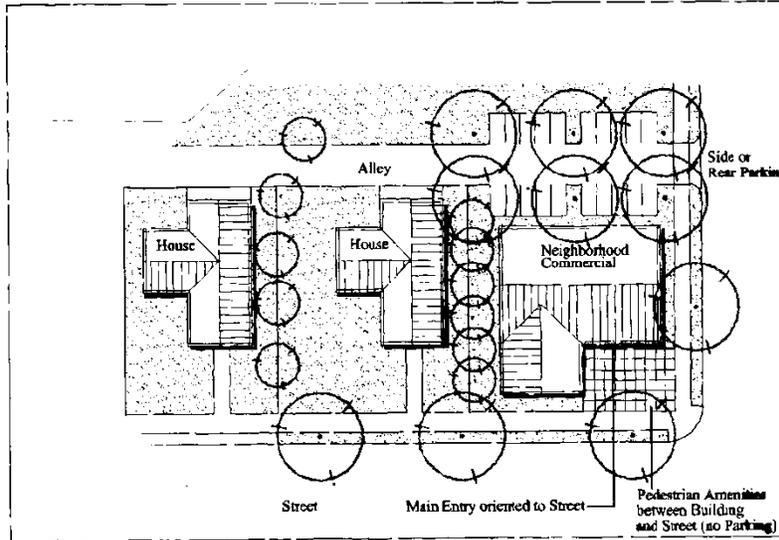
- b. Attached ~~single-family housing residential~~ developments (~~townhomes~~) with street-facing garages may have one driveway access located between the street and the primary building entrance for every two dwelling units, provided they meet the following criteria, as generally shown in Figure 2.2.180.C(2):

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; and
 - ~~(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 by 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.

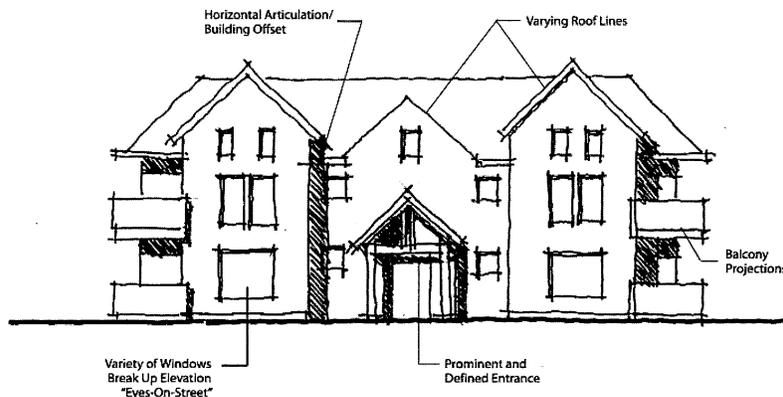
- A. **Purpose.** The architectural design standards require a minimum level of design on every building, which is intended to promote attention to detail, human-scale design and street visibility, while affording flexibility to use a variety of building styles.
- B. **Applicability.** Section 2.2.190 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-~~23~~. 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~~ **should** 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). ~~All facades facing a public right-of-way must comply with the following standards: 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. The maximum horizontal length of a façade cannot exceed 30 feet without an offset of at least 4 feet; and
 - b. Each floor must contain at least two projecting elements, such as decks, balconies, bay windows, or architectural sun shades, as generally shown in Figure 2.2.190.C(2); and
 - c. The maximum uninterrupted horizontal roof expanse cannot exceed 60 feet without a change in pitch, change in gable direction, or a dormer with a functional window.
 - d. ~~Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 4 feet;~~
 - e. ~~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~~
 - f. ~~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



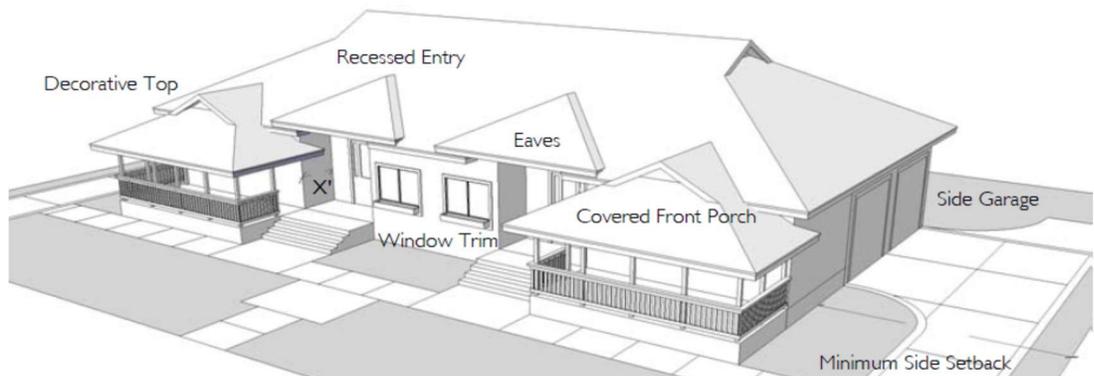
3. Detailed Design. All buildings shall provide detailed design on all street-facing walls (45 degrees or less from street lot line). Detailed design shall be provided by using at least ~~5-4~~ of the architectural features in items “a” through “mj,” below, as is appropriate for the proposed building 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 “mj”), 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
- ~~e. Cupolas or towers~~
- ~~fe. Pillars or posts~~
- ~~gf. Eaves (minimum 612-inch projection)~~
- ~~h. Off sets in building face or roof (minimum 16 inches)~~
- ig. Window trim (min. 3 inches wide)

- ~~j. Bay windows~~
- ~~k. Balconies~~
- ~~lh. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)~~
- ~~mi. Decorative cornice or pediment (e.g., for flat roofs)~~
- ~~nj. An alternative feature providing visual relief, similar to options a.-mj., as approved by the Planning Director through Site Design Review.~~

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

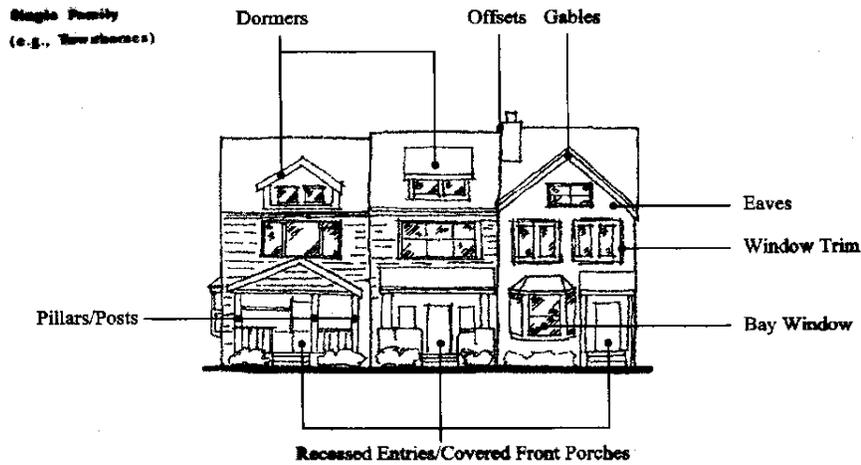
Single-Family
Detached
Attached
Residential
Example – 1



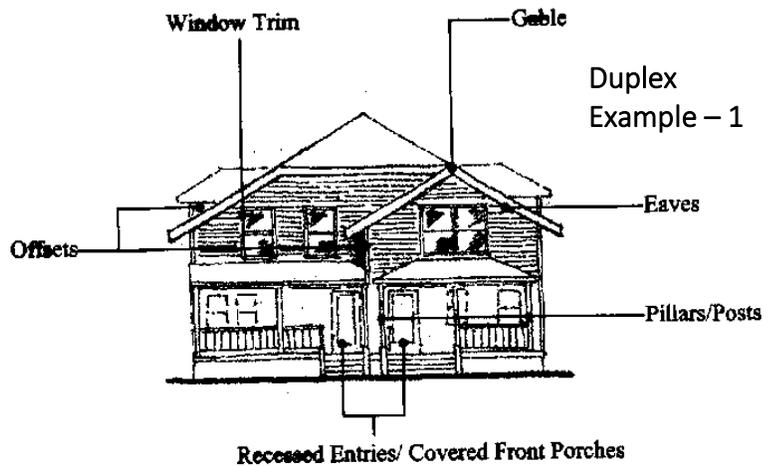
Single-Family
Detached
Residential
Example – 2



Single-Family
Attached
Residential
Example – 13



Multi-Family
Attached
Residential
Example – 34



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 Units
- B. Accessory Uses and Structures
- C. ~~Single Family~~ Attached Residential ~~(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. Stacked Residential/Multi-Family Housing
- J. Zero-Lot Line Housing (not common wall)
- K. Agriculture and Horticulture
- L. Public and Institutional Uses
- M. Cottage Clusters
- N. Duplexes
- O. Re-Use or Conversion of an Existing Building

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 197.286 to ORS 197.314 – Siting Manufactured Homes and Prefabricated Structures;~~ ORS 197.660-197.670 - Residential Homes and Facilities; and Bed and Breakfast Inns; ~~and~~ OAR 660-012-045 - Transportation Planning Rule Implementation (*i.e.*, site design provisions); ~~ORS 197A.445 - Affordable housing allowed outright; commercial conversion to residential use; affordable housing density bonus;~~ OAR 660-046-0000 – Middle Housing in Medium and Large Cities; ORS 197.312 - Limitation on city and county prohibitions.

- A. **Accessory Dwelling Units.** Accessory dwelling units (ADUs) shall conform to all of the following standards:
 - 1. Building Footprint. Floor Area.
 - a. A detached ~~or attached~~ accessory dwelling unit must not exceed the maximum building footprint standards below provided the ADU building footprint does not exceed the building footprint of the primary structure: ~~shall not exceed 700 square feet of floor area.~~

- i. Single-story structures may have a building footprint up to 1,000 ft²
- ii. Two-story structures may have a building footprint up to 700 ft²

b. Conversion of an existing structure ~~or a portion of an existing structure~~ to an accessory dwelling ~~unit~~ 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 ~~footprint floor area~~ of the accessory dwelling unit does not exceed 75% of the footprint of the primary structure.

c. See Section 2.2.165 for building footprint measurements.

- 2. Exempt from Density. Accessory dwellings ~~units~~ 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 ~~lot legal single-family dwelling~~;
- 4. Parking. No off-street parking is required for an accessory dwelling ~~unit~~.
- 5. Short-Term Vacation Rentals ~~Prohibited.~~ ~~One accessory dwelling unit-s shall not may~~ be utilized as ~~a short-term vacation rentals~~ ~~on lots with two accessory dwelling units~~.

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 (~~excluding Accessory Dwelling Units~~) shall comply with all of the following standards:

- 1. Primary use required. An accessory structure shall not be allowed without another ~~permitted primary~~ ~~principal permitted~~ use on the same ~~lot or~~ parcel or an adjacent ~~lot or~~ parcel held in common ownership. The accessory use may be constructed after the establishment of a ~~principal primary~~ use or in conjunction with the establishment of a ~~principal primary~~ 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 a building footprint of 1,200 ft² ~~in size~~ or 20 feet in height without first obtaining a Conditional Use Permit.
- C. ~~Single-Family Attached Residential (Townhomes or Row Houses).~~ ~~Single-family~~ Attached housing with three (3) or more dwellings ~~(lots) shall~~ must 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~~ must 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, ~~conditions and~~ restrictions (CC&Rs) ~~and conditions~~ shall be recorded ~~with the Baker County Clerk’s Office~~ and provided to the ~~e~~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, Short-term vacation rentals,~~ which are different than Bed and Breakfast Inns, ~~under Section 2.2.200.~~ in Chapter 1.3)
 - 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 ~~consecutive~~ 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 ~~ial~~ 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 **and shall comply with the sign regulations in Chapter 3.5 of the Baker City Development Code**.
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 **consecutive** 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 **as outlined in Chapter 3.5 of the Baker City Development Code**.
 - 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 **shall meet the standards as outlined in-in accordance with** Chapter 3.3 of the Baker City Development Code.
 - 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 childcare 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 **or parcels**, subject to **all of the following** design standards of this chapter with the addition of the following 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. **The standards for siting a manufactured home or prefabricated home established by ORS 197A.432 are hereby adopted by reference.**

- 1. ~~Footprint. Floor Plan. The manufactured home must shall be multi-sectional and have an building footprint enclosed floor area of not less than 600 1,000ft².~~ Separate roofing structures used to protect a manufactured home from snow are exempt from the building footprint calculation.
- 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.~~
- 2. 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).
- 3. Placement. The manufactured home shall be placed **on an approved support system according to the current Oregon Manufactured Dwelling Installation Specialty Code**~~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.~~
- 4. 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. **The standards for siting a manufactured dwelling or mobile home park established by ORS 197A.436 are hereby adopted by reference.**

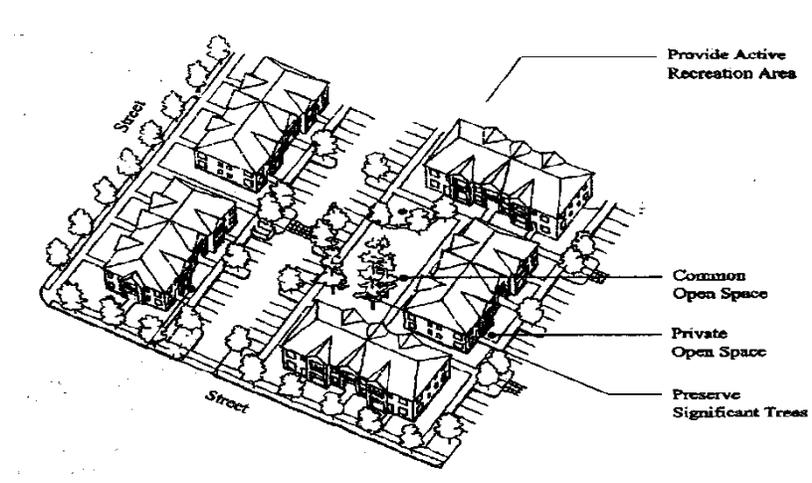
- 1. Floor Plan. If the dwelling unit is a manufactured home, it ~~shall be multi-sectional and shall~~ must have a ~~building footprint enclosed floor area~~ of not less than ~~600 750~~ft²;

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/mobile home 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(1)(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 ~~dwelling structures, including dwelling units, covered porches, awnings, or similar additions.~~ 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 ~~five (5)~~ five (5) feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than ~~six (6)~~ six (6) feet to any other structure or dwelling, except that a double carport or garage may be built which serves ~~two (2)~~ two (2) dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least ~~three (3)~~ three (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. **Stacked Residential/Multi-Family Housing.** Where **stacked residential** or multi-family housing is allowed, it ~~shall~~ **must** 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



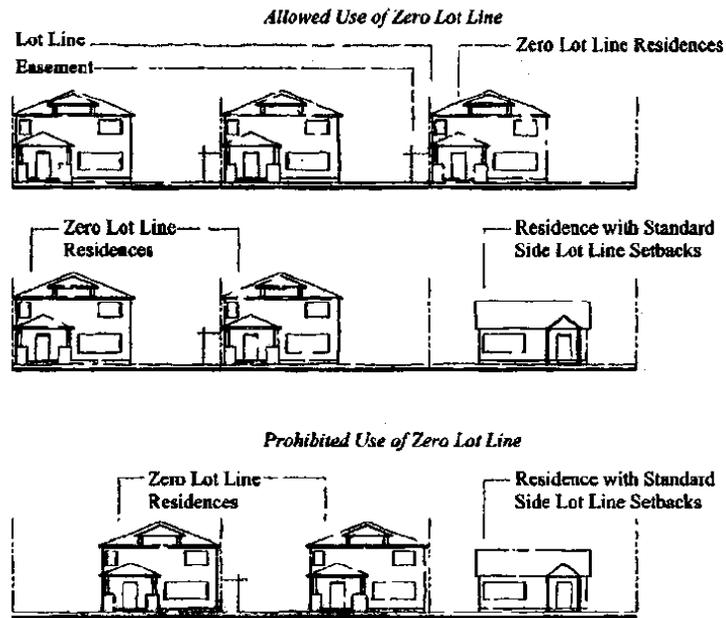
1. **Building mass.** The maximum **street-facing** width ~~or length~~ of a multiple family building shall not exceed 120 feet from end-wall to end-wall, not including outdoor living areas (e.g., porches, balconies, patios, and similar unenclosed spaces). **Where a building fronts on multiple streets, such as on a corner lot, this standard only applies to the street with the lower classification. If both streets bounding the corner lot have the same classification, the standard applies to the street with a narrower right-of-way.**
2. ~~Common open~~**Amenity** space. A minimum of ~~15~~ **10** percent of the site area shall be designated and permanently reserved as ~~common open~~ **outdoor amenity** space in all ~~multiple~~-family developments **of six or more units**, 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 t~~**The common open amenity space standard, the multiple family development shall must** 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;~~
 - i. **Playground;**

- ii. Preservation of at least three existing trees at least 6” in diameter;
 - iii. Outdoor sports court;
 - iv. Swimming pool;
 - v. Covered shelter area with tables and chairs; or
 - vi. ~~Similar open space amenities for residents, to be approved by the Planning Director.~~
- 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, an ~~amenity-common open~~ space ~~area~~ must have a minimum dimension of 15 feet in any direction. ~~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 T~~the ~~amenity-common open~~ space requirement ~~is waived~~ for the first 20 dwelling units in a multi-~~ple~~-family project that is located within one-quarter mile (measured ~~walking distance as a straight line~~) of a public park ~~or similar public amenity. ,and there is~~ There must be 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~~ what would otherwise be required ~~to provide in his or her in the~~ development, and must be agreed upon by the City.
3. Private ~~amenityopen~~ space. Private ~~open amenity~~ space areas ~~shall be~~ are required for ground-floor and upper-floor housing units, ~~subject to based on all of~~ the following criteria:
- a. A minimum of 50 percent of all ground-floor housing units ~~shall~~ must 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 ~~five (5)~~ feet of the finished ground elevation (*i.e.*, after grading and landscaping);
 - b. A minimum of ~~50~~ 30 percent of all upper-floor housing units ~~shall~~ must have balconies or porches measuring at least ~~48-24~~ ft². Upper-floor housing means housing units that are more than ~~five (5)~~ feet above the finished grade; and
 - c. In the Residential-High Density Zone, multi-~~ple~~-family dwellings are exempt from the private ~~open amenity~~ space standard where the development contains pedestrian amenities located between primary building entrance(s) and adjoining streets of ~~five (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 ~~six (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 ~~residential 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.

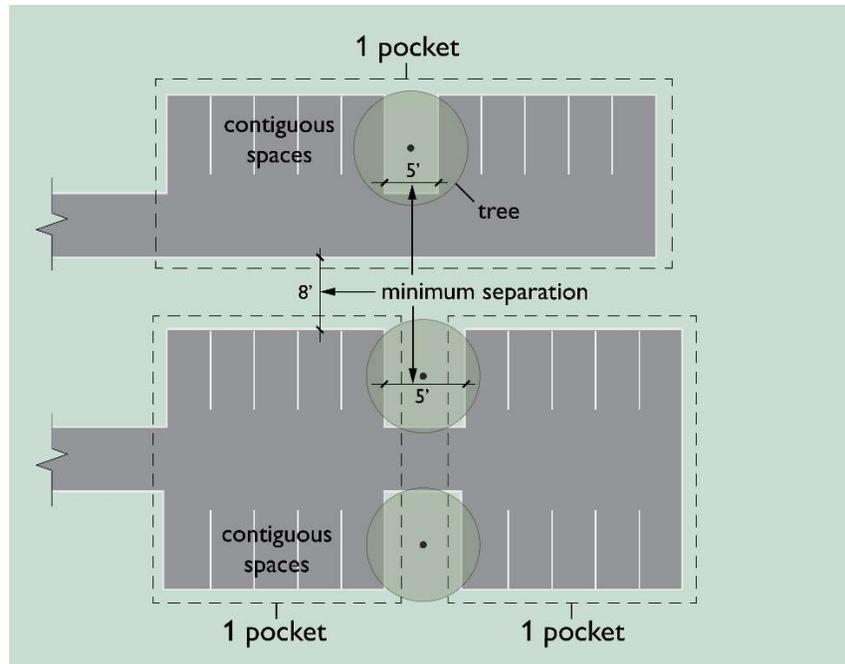
L. Institutional and Civic Uses. Institutional and civic uses are allowed in the residential zones as specified in Table 2.2.110 subject to the following requirements and where applicable, Conditional Use Permit requirements.

- 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.

M. Cottage Clusters. All cottage cluster developments must conform to the following standards:

- a. Site. The standards within this section apply to the entire cottage cluster site, regardless of how or if the site is divided into individual lots.
- b. Lot Size. See Table 2.2.120. The "Cottage Cluster Lot Area Required for Each Unit" standard in the table overrides the Base Lot Area standard.
- c. Density. Cottage Clusters are exempt from the density standards of the underlying zone described in Table 2.2.120.
- d. Clustering. At least 75% of units must be within a cluster. Each development may have up to two clusters. Clusters must contain a minimum of 4 units, and a maximum of 12 units. A "cluster" refers to all units oriented towards and within 25 feet of a shared yard.
- e. Coverage. See Table 2.2.120
- f. Setbacks. See Table 2.2.120.

- g. Spacing. Cottages must be at least 10 feet apart.
- h. Duplex Cottages. Cottages may be attached as duplexes. Additional attached units, such as triplexes, are not permitted. Up to 50% of residential buildings on the site may be duplex cottages.
- i. Shared Yards. A shared yard of at least 300 square feet per unit is required for each cluster. The shared yard will fulfill any requirement for open space or amenity space described elsewhere in this code. Porches, decks, vehicular access, and parking areas cannot encroach into shared yards. Each shared yard must be contiguous. Required shared yard space may be divided into no more than two (2) separate areas per cluster of dwelling units. The minimum smallest dimension of a shared yard is 20 feet. The shared yard must be located so that it will be surrounded by cottages on at least two (2) sides. All cottages must have access to a shared yard. Walking distance between a cottage and a shared yard may not exceed 85 feet. Each unit must have an associated private yard that conforms to the site design standards.
- j. Private yards. Each unit must have an associated private yard of at least 80 square feet.
- k. Pedestrian Access. A walkway at least three (3) feet wide must connect the sidewalk and parking area to each cottage entrance. The walkway cannot be closer than six (6) feet from any cottage except for where it provides access to the entrance of that cottage.
- l. Vehicle Access. If alley access exists, no access is allowed from the street unless approved by Baker City Public Works. If street access is allowed, a maximum of one (1) curb cut is permitted per street frontage. Curb cuts serving individual units cannot exceed 16 feet wide. Curb cuts serving parking pockets cannot exceed 20 feet wide. Vehicle access cannot intersect a shared yard.
- m. Parking. All parking areas must be screened from public rights-of-way with a minimum 10-foot-deep landscape buffer that will obscure views of the parking area within three (3) years. Access to parking spaces or garages for individual units must be from the side or rear of the cottages.
- n. Parking Pockets. Parking spaces may be grouped into parking pockets, in one area of the lot, subject to the following standards:
 - i. Parking pockets cannot exceed ten spaces per pocket;
 - ii. No more than five (5) consecutive spaces are allowed;
 - iii. The minimum separation between contiguous spaces is five (5) feet;
 - iv. The minimum separation between pockets is eight (8) feet; and
 - v. These separation spaces must be landscaped, including one (1) tree per ten spaces.



o. Building Form.

- i. Each cottage unit is limited to 1,000 square feet of habitable floor area, and a maximum height of 28 feet.
- ii. A one- and one-half story form, where the second story is smaller than the first and tucked under the roof, is preferred. An additional five (5) feet of height may be granted if the roof pitch is equal to, or greater than, 5:12 and a one- and one-half story design is used.
- iii. ~~Roofs must have a minimum pitch of 4:12 and a minimum overhang of eight (8) inches. Dormers are encouraged.~~
- iv. Projects are encouraged to mix cottage designs to provide increased housing diversity.
- v. Cottage standards listed in this subsection supersede all conflicting design standards in Section 2.2.190.

p. Partially Below Grade Floor Area: The floor area of portions of a cottage that are no more than four (4) feet above grade will not be counted towards footprint or area calculations. This includes upper-level ratio calculations so that below grade floor area will not increase the potential size of an upper level.

q. Front Porches: Every unit must have a covered entry porch oriented toward a shared yard or street. The porch must be open on at least two sides and not be enclosed. Each porch must have a minimum area of 70 square feet ~~and a minimum dimension of six (6) feet on all sides.~~ Porches must be associated with the primary point of entry. Porches may encroach into primary and side street setbacks.

r. Orientation: At least 75% of unit entries must face a shared yard. Street-adjacent units must be oriented so that:

- i. An entrance faces the public Right of Way, or

- ii. The primary entrance facade is set within 90 degrees to and visible from the public Right of Way, or
 - iii. The primary entrance façade is oriented towards a shared yard and screened with a minimum 15-foot landscape buffer so as not to be visible from the Right of Way. The landscape buffer may be in the setback.
- s. Accessory Dwelling Units: Accessory dwelling units (ADUs) are not permitted in cottage cluster developments.

N. Duplexes

- 1. Duplexes are allowed on all lots that allow single-family detached homes.
- 2. Additions to, or conversion of, an existing detached single-family dwelling to make it a Duplex is allowed, pursuant to OAR 660-046-0105(2), provided that the conversion does not increase any preexisting nonconformances.
- 3. Duplexes are exempt from density calculations, as described in Section 2.2.150.A.4.

O. Re-Use or Conversion of an Existing Building. The conversion of, or addition of residential units to an existing non-residential building is permitted in all zones, subject to the following standards, compliant with ORS 197A.445.

- 1. Existing, non-residential buildings cannot be converted to residential units under any of the following circumstances:
 - i. The property cannot or will not be adequately served by water, sewer, stormwater drainage, or streets at the time that the development is complete, as determined by the Public Works Director;
 - ii. The property contains a slope of 25 percent or greater; or
 - iii. The development of the property is constrained by resource areas, including marsh and wetland areas, streams, and wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection.
- 2. If the property is located in a special flood hazard area, as identified in Chapter 3.7, conversion of an existing building is permissible so long as the property can be brought into compliance with BCDC Chapter 3.7, Floodplain Development Criteria.
- 3. Projects entirely contained within an existing building, except for minor additions allowed within this section, are exempt from the density standards, height limits, coverage limits, setbacks, attached or stacked unit limits, and maximum building widths of the underlying zone.
- 4. Small additions necessary for the viability of the project are permitted. The original footprint of the building should not be increased by more than five (5) percent.
- 5. The original envelope of the building must remain largely unchanged. If the envelope needs

to be upgraded to comply with current building, energy, and life safety codes, the new materials used must be similar in color and appearance to the original façade materials.

6. Larger additions or façade modifications may be allowed, at the discretion of the Planning Director.
7. Only the portions of the existing building that are being converted to a residential use must be brought up to current energy code standards.
8. Refer to Section 3.3.300.J for relevant parking standards.

2.2.210 Income-Restricted Housing

- A. Purpose.** This section implements ORS 197A.445 by providing incentives for the development of income-restricted housing on residential-zoned land. The project applicability and process established by ORS 197A.445 are hereby adopted by reference.
- ~~**B. Applicability.** Development projects meeting the affordability criteria in subsection C are eligible for increased density and height established in Table 2.2.120.~~
- ~~**C. Criteria.** As used in this section, consistent with ORS 197A.445, "income restricted housing" means residential property whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years, and:~~
- ~~1. Each unit on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income; or~~
 - ~~2. The average of all units on the property is made available to households with incomes of 60 percent or less of the area median income; or~~
 - ~~3. A manufactured dwelling park is operated that serves only households with incomes of 120 percent or less of the area median income.~~
- D. Standards.** Income-restricted housing projects meeting the criteria in ORS 197A.445 are subject to the following standards:
1. **Development Standards.** Income-restricted housing as defined by this section is subject to the following:
 - i. Income-restricted housing density and building height in Table 2.2.120;
 - ii. Lot area, lot width, building coverage, landscape, and setback requirements applicable to the underlying zone in Table 2.2.120;
 - iii. Building Orientation Standards established in Section 2.2.180;
 - iv. Special Use Standards established in Section 2.2.200; and
 - v. Community Design Standards established in Article 3.
 2. **Parking Reductions.** Refer to Section 3.3.300.B(4).

2.2.220 Housing Benefit Incentives

- A. **Purpose.** The alternative development standards permitted by this section are intended to act as incentives to produce housing units that fill specific needs of Baker City residents including affordable units, long-term rental units, and accessible units suitable for the elderly or people with disabilities.
- B. **Applicability.** Housing Benefit Incentives are provided to any residential development project located in the R-LD, R-MD, or R-HD zones meeting the criteria in subsection E.
- C. **Review Procedure.** Additional application materials are required, as described in Section 4.2.300.
- D. **Alternative Development Standards.** Refer to Table 2.2.120 for the alternative development standards that apply to all projects that meet the criteria described in this section.
 - a. **Parking Reductions.** Refer to Section 3.3.300.B(5).
- E. **Criteria.** The alternative development standards may only be used for projects that meet at least one of the following criteria.
 - a. **Smaller Units.** All units in the development must be no greater than the per-unit gross areas listed below:
 - i. R-LD: 1,200 sq. ft.
 - ii. R-MD: 1,000 sq. ft.
 - iii. R-HD: 800 sq. ft.
 - b. **Long-Term Rentals.** All units in the development must be rented through individual leases of no less than six (6) consecutive months, for at least the first 10 years of legal occupancy. One unit may be owned by the property owner and leased to a property manager or caretaker.
 - c. **Accessible Units.** At least 50% of the units in the development must meet the following criteria for accessibility and universal design. These standards are intended to be “readily achievable;” some flexibility may be permitted in how the development complies with individual standards, at the discretion of the Planning Director.
 - i. Each accessible unit will be accompanied by an accessible parking space within 50 feet of the unit entrance or building entrance, or within a garage. The space must be at least eight (8) feet wide and have an access aisle on at least one side that is at least 60 inches wide.
 - ii. Each accessible unit must be designed for single-level living. These units may have upper floors with bedrooms, bathrooms, and living spaces, but the primary living spaces and at least one bedroom and one full bathroom must be located on the ground floor.
 - iii. All entries of each accessible unit must be reached by an ADA compliant ramp, or set within no more than two (2) inches of finished grade. All entries of each accessible unit must have beveled thresholds not exceeding ½ inch.
 - iv. ADA compliant ramps may extend into required setbacks as long as they comply with the

Oregon Fire Code. See Section 2.2.140.B.

- v. In each accessible unit, all doorways on the first floor must be at least three (3) feet wide.
- vi. In each accessible unit, grab bars and associated structural blocking must be installed in all first-floor bathrooms.
- vii. In each accessible unit, at least one bathroom on the first floor must have a roll-in shower or an equivalently accessible bathing facility. This bathroom must also have a 60-inch diameter clear area for a wheelchair user to turn around in.
- viii. In each accessible unit, at least one bedroom on the main floor must have a 60-inch diameter clear area for a wheelchair user to turn around in.
- ix. Accessible units must be roughly equivalent, or better, to the other units in the development in quality, size, location, orientation, and access.
- x. In each accessible unit, the kitchen must incorporate the following elements:
 - 1. At least three (3) feet of counter must be set at 28 to 32 inches above the floor and have a 27-inch-tall clear space below for access by wheelchair users.
 - 2. The kitchen sink must be no more than 32 inches above the floor and have a 27-inch tall, 34-inch-deep clear space below for use by wheelchair users.
 - 3. The cooktop must be no more than 32 inches above the floor. A 27-inch tall, 34-inch-deep clear space below for use by wheelchair users is highly recommended but not required.

Chapter 2.3 - Commercial Zones

Sections:

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

2.3.100 Purpose

Commercial zones are centers of business and civic life. This Chapter provides two commercial zones to accommodate the range of commercial land uses in the community. The Central Commercial (C-C) Zone is focused on the core commercial and historic district of the community. The General Commercial (G-C) Zone regulations apply to those commercial areas outside or adjacent to the central business area. Both zones 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 Zone, and accommodation for those uses with appropriate design standards in the General Commercial Zone;
- Implement design standards / guidelines that maintain and enhance the City's historic architecture.

2.3.110 Allowed Land Uses

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

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 2nd 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 – Land Uses Allowed in Commercial Zones (C-C, G-C)		
Uses	Status of Use in Zone	
Use Categories <i>Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3</i>	Central Commercial (C-C)	General Commercial (G-C)
RESIDENTIAL CATEGORIES		
Household Living		
Detached Residential (see definition)-Single Family Detached or Duplex		
- If lawfully existing as of 2/13/04 (including replacement not exceeding footprint area)	P	P
- Expansion (including the addition of an accessory structure) per Section 2.3.190. (D)	S	S
- New	N	N
Single Family Attached Residential, per sub-section 2.2.200.C and sub-section 2.2.200.N (2 or more common wall single family dwellings), per Section 2.2.200(C)	CU + S	CU + S
Stacked Residential/Multi-Family Housing, per sub-section 2.2.200.I (3 or more dwellings on a lot), per Section 2.2.200(I)		
- If less than 60% of ground floor development area	S	S
- If greater than 60% of ground floor development area	CU + S	CU + S
Conversion of an existing street level commercial use to a new dwelling unit	CU + S	CU + S
Conversion of an existing building or portion of an existing building to residential use, per subsection 2.3.190.H and ORS 197A.445	S	S
New dwelling built in conjunction with a permitted commercial use (residential use above or below ground floor commercial only)	P	P
Bed and Breakfast Inn, per Section 2.2.200. (D)	S	S
Hostels, per Section 2.2.200. (D)	S	S

Table 2.3.110 – Land Uses Allowed in Commercial Zones (C-C, G-C)		
Uses	Status of Use in Zone	
Use Categories <i>Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3</i>	Central Commercial (C-C)	General Commercial (G-C)
Group Living		
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
Other Group Living [S is per 2.2.200. (1) , (1) , (2) and (4)]		
- 5 or less individuals	N	N
- 6 to 15 individuals	S	S
- 16 or more individuals	S	S

COMMERCIAL CATEGORIES		
Commercial Educational Services <i>(not a school; tutoring or similar services)</i>	P	P
Commercial Outdoor Recreation	CU	CU
Commercial Parking Facility <i>(when not an accessory use)</i>	CU	P
Drive-Up/Drive-In/Drive-Through <i>(drive-up windows, kiosks, similar uses/facilities)</i> , per Section 2.3.190. (A)	Banks - S Other - N	S
Major Event Entertainment	CU	CU
Mobile Vending Units, per standards in Section 4.9.300	S	S
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)	CU	S
- not enclosed	N	S
Retail Sales and Service (See also Drive-Up Uses)	P	P
Self-Service Storage, per Section 2.3.190. (F)	N	S
- Residential Caretakers Unit in conjunction with Self-Service Storage, per Section 2.3.190. (G)	N	CU + S
INDUSTRIAL CATEGORIES		
Industrial Service (See also Drive-Up Uses)		
- fully enclosed (e.g., office)	P	P
- not enclosed	N	CU
Manufacturing and Production		
- fully enclosed	CU	P
- not enclosed	N	CU
Warehouse and Freight Movement	N	CU
Waste-Related	N	N

Table 2.3.110 – Land Uses Allowed in Commercial Zones (C-C, G-C)		
Uses	Status of Use in Zone	
Use Categories <i>Examples of uses are in Chapter 1.4; Definitions are in Chapter 1.3</i>	Central Commercial (C-C)	General Commercial (G-C)
Wholesale Sales - fully enclosed, less than 40,000 ft ² of floor area - fully enclosed, equal to or greater than 40,000 ft ² of floor area - not enclosed	CU N N	P P P
INSTITUTIONAL CATEGORIES		
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 - parks and recreation facilities - other open space	P P P	P P P
Religious Institutions and Houses of Worship	P	P
Schools - lawfully existing as of 2/13/04 - new	P CU	P CU
OTHER CATEGORIES		
Accessory Structures (with a permitted use)	P	P
Agriculture – Animals [See Section 2.2.200.(L)]	S	S
Agriculture – Nurseries and similar horticulture [See Section 2.2.200.(L)]	S	S
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
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 and subject to site/development review
CU = Conditional Use Permit required (Chapter 4.4)

N = Not permitted

2.3.120 Development Standards.

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

Table 2.3.120 – Development Standards for Commercial Zones		
Standard	Central Commercial (C-C)	General Commercial (G-C)
Income Restricted Housing Density (DU/acre) (2.3.200)	50	43
Minimum Lot Area* (square feet) <i>* Development must conform to all other development standards</i>	No Standard	No Standard
Minimum Lot Width (For flag lots, width measured at front building line) - Single-Family, attached - Multiple-Family - Non-Residential Uses	20 ft 50 ft 20 ft	20 ft 50 ft 20 ft
Minimum Lot Depth	x2 min. width	x2 min. width
Structure Height* <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>* Height may be exceeded with approval of a CUP, per Chapter 4.4</i> <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
Lot Coverage (footprint as percent of site area) Maximum Building Coverage	100% - 95%	93% -90%
Min. Landscape Area (percent of site area)* <i>* Does not apply to single-family two or fewer dwellings on a single lot or separate lots.</i>	0%-5% based on lot configuration and site plan review	10% on Campbell Street and in Freeway Overlay Zone; 7% other G-C areas

Table 2.3.120 – Development Standards for Commercial Zones		
Standard	Central Commercial (C-C)	General Commercial (G-C)
Minimum Setbacks (feet)*		
<u>Front, Street, Side, and Rear</u> property lines, except garage or carport	0 ft	0 ft
<u>Garage/Carport Entry</u> , setback from street	20 ft	20 ft
<u>Alley</u>	1 ft	1 ft
* <i>Separate or additional setback restrictions and fire protection measures may be required by the Building official</i>		

2.3.130 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). Separate or additional setback restrictions and fire protection measures may be required by the Building Official.
- B. 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 Section 3.2.300.
- C. 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 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.

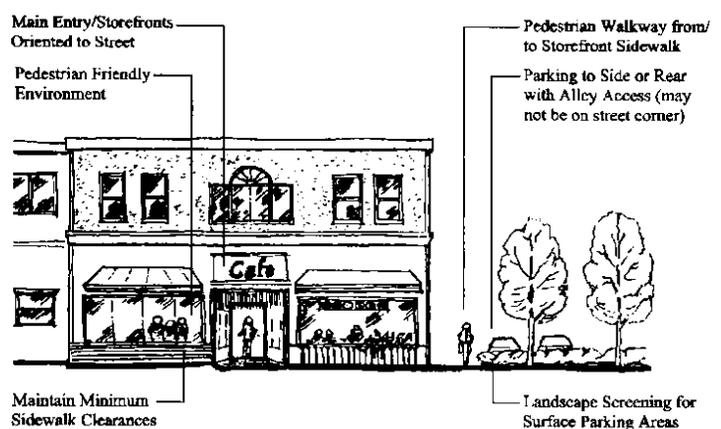
2.3.150 Building Orientation and Commercial Block Layout

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 3.4.300 (Transportation Standards).

Statutes and Regulations: Section 2.3.150 addresses parts of OAR 660-012-0045 by requiring the formation of short, walkable blocks, allowing access ways 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:

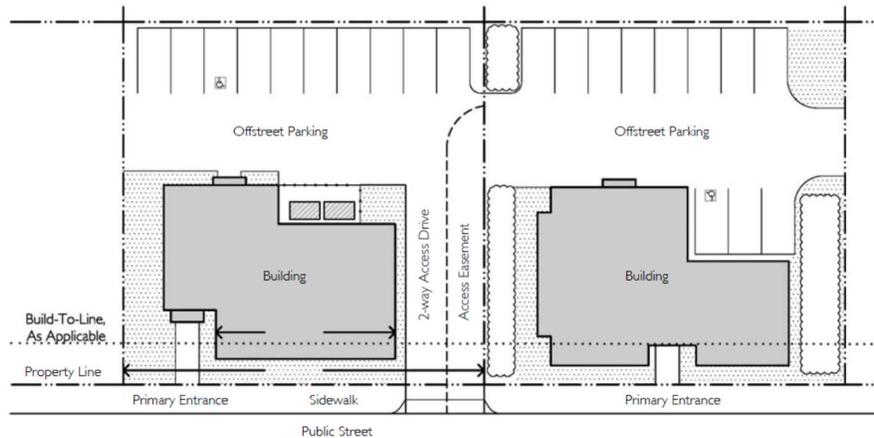
Figure 2.3.150.C(1) – Building Orientation



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 Zone, 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 Zone 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 Figure 2.3.150.C(2).

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

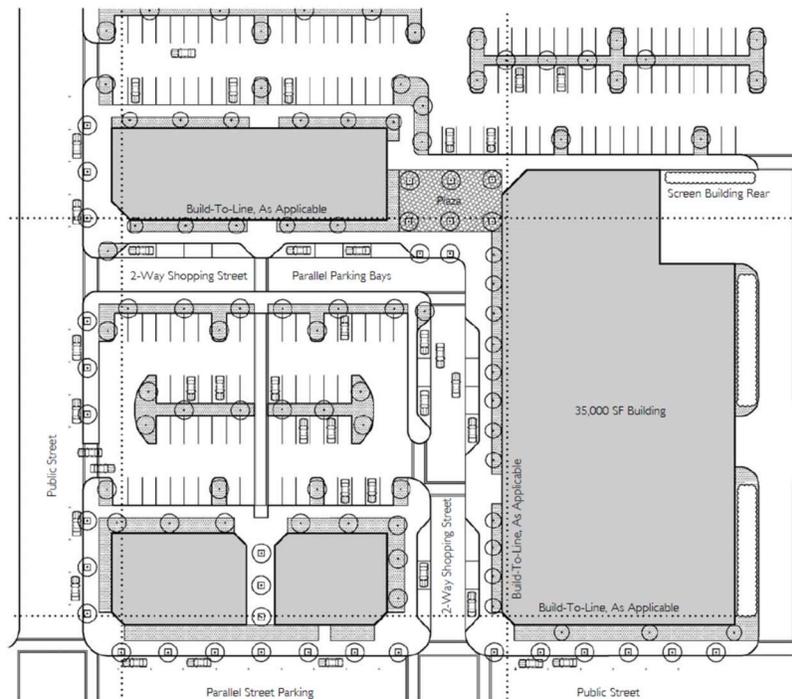
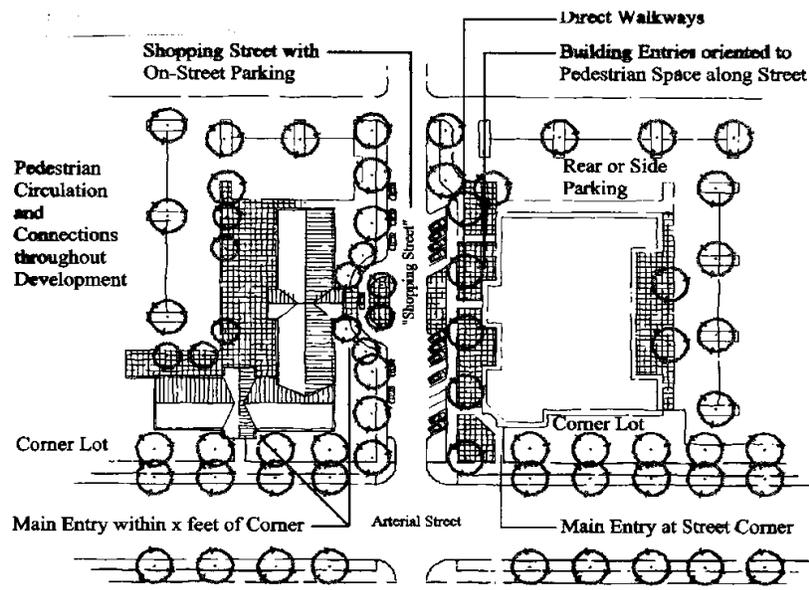


4. In the G-C Zone, the building orientation standard may be met with vehicle areas allowed between the street right-of-way and a building's primary entrance when the approval body finds that the following criteria are met:
 - a. Placing vehicle areas between the street right-of-way and building's primary 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 80,000ft² or more gross 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;

Figure 2.3.150.C(3) – Shopping Street Examples



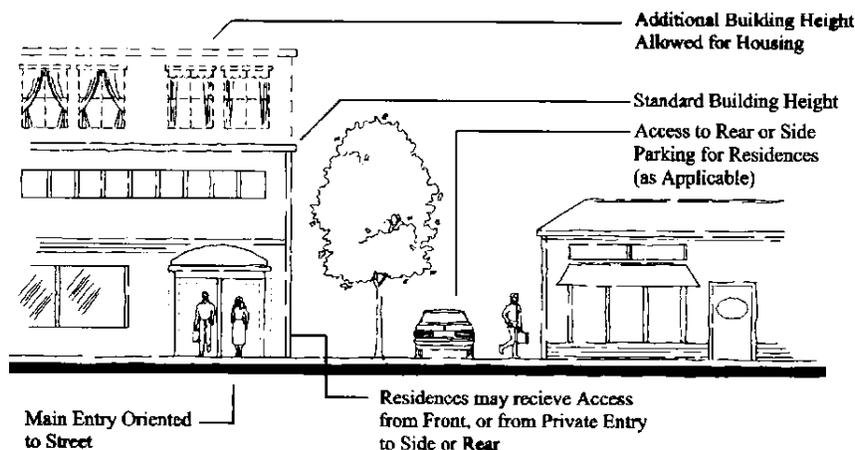
2. Blocks shall not exceed 400 feet in length, and shall have a perimeter not exceeding 1,400 feet;
3. Pedestrian pathways shall connect the street right-of-way to building entrances and the interior parking courts between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking;

2.3.160 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 3.4.300 - Transportation 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 G-C Zones 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 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 3.4.300 (Transportation 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-Orientation.** 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 of the criteria in 1-6, below, are met. Alternatively, for an application being processed as a Type III procedure, 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. Design Standards.**
1. The following development features are encouraged and strongly preferred, and result in a decrease of total landscape area requirements by 5%:
 - a. Developments which use alternative pavements, such as stenciled concrete and porous pavement; and

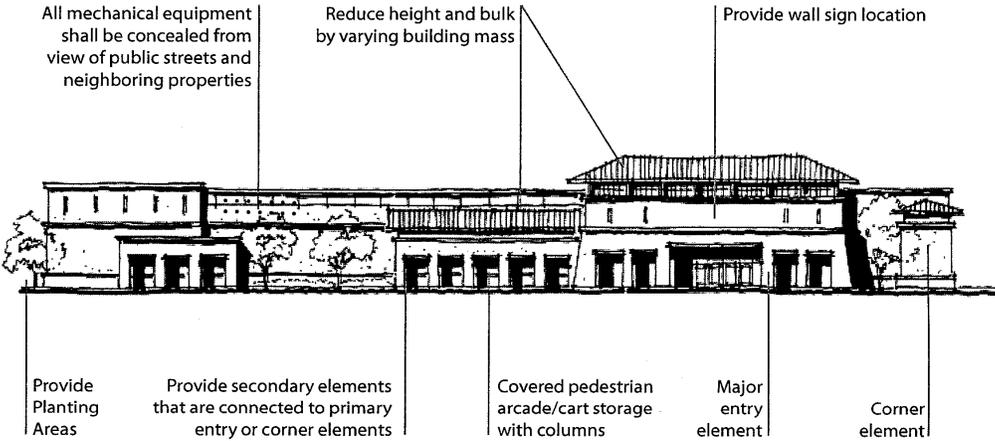
b. Multistory retail development and mixed-use multistory developments.

2. Entrances to development sites 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.

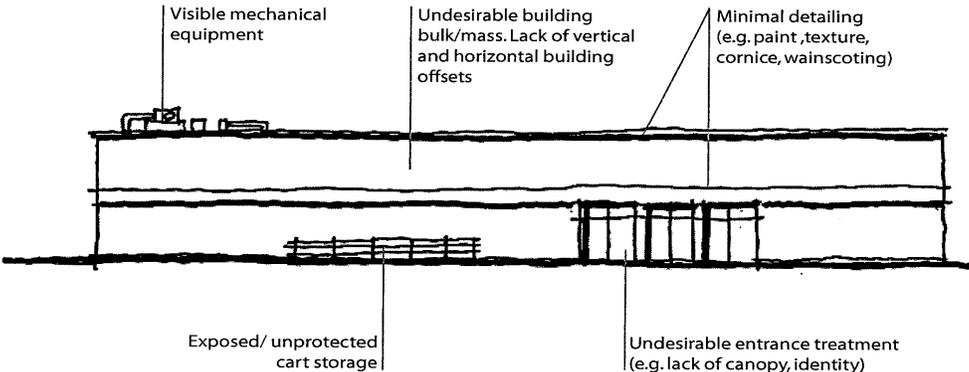
D. Human Scale. The design of all buildings shall be to a human-scale. This standard is met when the approval body finds that all of the criteria in 1-8, below, are met. Alternatively, for an application being processed as a Type III procedure, the approval body may approve a different design upon finding that the design contains an equally good or superior way of achieving the above standard. 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 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;
5. The tops of flat roofs are treated with detailing (i.e., cornice, pediment, flashing, trim, or other detailing);
6. Pitched roofs have eaves, brackets, gables with decorative vents or other similar detailing;
7. Historic design and compatibility requirements, where applicable, are met; and
8. Where buildings with greater than 20,000 ft² 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 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 3.4.300 - Transportation 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.

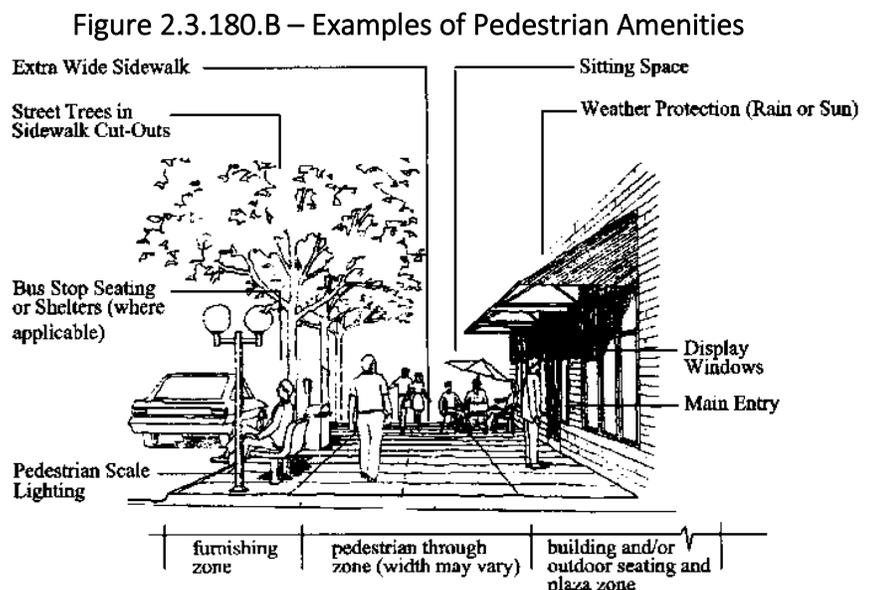
A. Purpose and Applicability. Section 2.3.180 provides standards for pedestrian amenities when pedestrian amenities are required as part of new developments and major remodels in the Central-Commercial and Commercial-General Zones, and when pedestrian amenities are provided to meet the requirements of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

B. Standards. New developments and major remodels in the Central-Commercial and Commercial-General Zones 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 **two (2) foot** setback clearance for car doors shall be maintained.

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of **six (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 **four (4)** feet over a sidewalk or other pedestrian space). The vertical clearance from the sidewalk to the lowest stationary structural support shall be **eight (8)** feet minimum. Non-rigid awning valance heights shall be at least **seven (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 Special Use Standards.

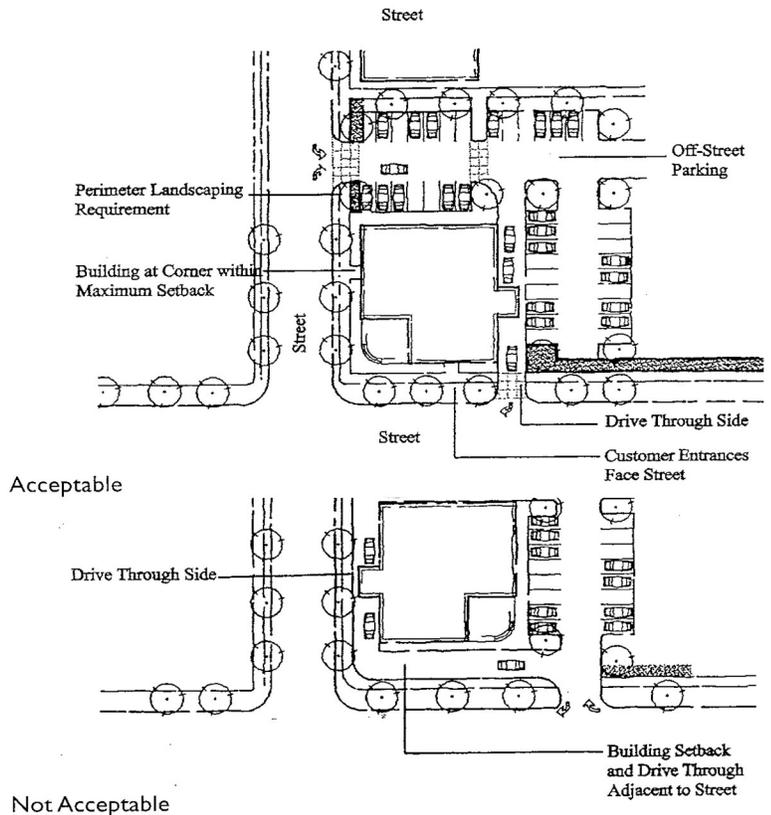
This section supplements the standards contained in Sections 2.3.110 through 2.3.180. It provides standards for the following land uses to control the scale and compatibility of those uses:

- 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 ft²
- D. Expansion of Single-Family Detached Structures, if lawfully existing as of 2/13/04 (including the addition of accessory structures), in Commercial and Industrial Zones
- E. Home Occupations
- F. Self-Service Storage
- G. Residential Caretaker’s Unit in Conjunction with Self-Service Storage
- H. **Re-Use or Conversion of an Existing Building**

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. 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 Zone.
 2. Any Adult Entertainment Establishment or Adult Store must be at least 1,000 feet from any other Adult Entertainment Establishment or Adult Store.
 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.
- C. Retail Sales and Service developments located in one structure in excess of 80,000 ft²** (see definition in Chapter 1.3). When retail sales are located in one structure in excess of 80,000 ft², or which exceed 80,000 ft² 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. Estimated costs of public services and improvements attributable to the project;
 - b. Impact on commercial and residential property values in the City with an emphasis on the immediate area around the project; and
 - c. A traffic analysis study.
- D. Expansion of Single-Family Detached Structures, if lawfully existing as of February 13, 2004 ~~2/13/04~~ (including the addition of accessory structures), in Commercial and Industrial Zones.** The expansion of a single-family detached structure, if lawfully existing as of February 13, 2004 ~~2/13/04~~, including the addition of an accessory structure, may be permitted subject to, but not exclusive of, the following criteria and considerations:
1. Any expansion shall be incidental in nature to the primary structure.
 2. Any expansion of a single-family dwelling shall comply with the nearest residential zone setback

standards under Chapter 2.2.

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, 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 structure that may be permitted must comply with the requirements related to such structures under Section 2.2.200.B.
- E. 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.
- F. Self-Service Storage** – The following front/street setbacks apply to all self-service storage units in the General-Commercial (G-C) Zone, except self-service storage facilities that were in existence prior to October 9, 2020:
1. Local street: \pm 25 feet
 2. Arterial or collector street: \pm 150 feet
- G. Residential Caretaker's Unit in Conjunction with Self-Service Storage.** One residential caretaker unit may be permitted in conjunction with a self-service storage facility, subject to the following conditions. A caretaker shall be defined as a person employed to look after a building.
- a. A Conditional Use Permit must be obtained from the Planning Commission.
 - b. The self-service storage facility shall remain the primary use, and the residential caretaker unit shall be incidental and subordinate to the primary use.
 - c. The primary self-service storage use shall be an active on-going business, occupied during working hours with employee activity, and shall have a storage building footprint of no less than 5,000 ft². If the primary self-service storage use ceases to exist, the caretaker unit shall be removed. If the primary self-service storage use is closed for more than 24 months, the caretaker unit shall not be occupied.
 1. An existing, ongoing business will have been operated from the subject property, open for business to the general public, and have substantially all of the equipment and supplies necessary for operating a business. If requested by the City, the property owner shall provide

proof of an existing, ongoing business by demonstrating the components of this section are true and by producing proof of income from the business.

- d. The caretakers unit shall be served with public water and sanitary sewerage disposal, in conformance with city engineering requirements. It may be a stick-built house, a single-wide manufactured home newer than 1990, or a dwelling incorporated into an existing, permitted building. The unit shall be no larger than 1,000 ft². It must be located within 150 ft. of, and in sight of, the primary self-service storage use.
- e. Caretaker units shall be required to meet applicable fire safety and building code requirements, in addition to the applicable setback standards of this chapter.

H. Re-Use or Conversion of an Existing Building. The conversion to, or addition of residential units to an existing non-residential building is permitted in all zones, subject to the following standards, compliant with ORS 197A.445.

1. Existing, non-residential buildings cannot be converted to residential units if any of the following criteria are met:
 - i. The property cannot or will not be adequately served by water, sewer, stormwater drainage, or streets at the time that the development is complete, as determined by the Public Works Director; or
 - ii. The property contains a slope of 25 percent or greater.
2. If the property is located in a special flood hazard area, as identified in Chapter 3.7, conversion of an existing building is permissible so long as the property can be brought into compliance with BCDC Chapter 3.7, Floodplain Development Criteria.
3. Projects entirely contained within an existing building, except for minor additions allowed within this section, are exempt from the density standards, height limits, coverage limits, setbacks, attached or stacked unit limits, and maximum building widths of the underlying zone.
4. Small additions necessary for the viability of the project are permitted. The original footprint of the building should not be increased by more than 5 percent.
5. The original envelope of the building must remain largely unchanged. If the envelope needs to be upgraded to comply with current building, energy, and life safety codes, the new materials used must be similar in color and appearance to the original façade materials.
6. Larger additions or façade modifications may be allowed, at the discretion of the Planning Director.
7. Only the portions of the existing building that are being converted to a residential use must be brought up to current energy standards.

8. Refer to Section 3.3.300.J, for relevant parking standards.

2.3.200 Income-Restricted Housing

- A. **Purpose.** This section implements ORS 197A.445 and ORS 197A.460 by providing incentives for the development of income-restricted housing that meets the criteria outlined in ORS 197A.445. The project applicability and process established by ORS 197A.445 and ORS 197A.460 are hereby adopted by reference.
- ~~B. **Applicability.** Development projects meeting the affordability criteria in subsection C or subsection D and the specific zone criteria in subsection E are permitted by right.~~
- ~~C. **Criteria.** As used in this section, consistent with ORS 197A.445, "income-restricted housing" means residential property whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years, and:

 - ~~1. Each unit on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income; or~~
 - ~~2. The average of all units on the property is made available to households with incomes of 60 percent or less of the area median income; or~~
 - ~~3. A manufactured dwelling park is operated that serves only households with incomes of 120 percent or less of the area median income.~~~~
- ~~D. **Special Provision for Commercial to Mixed Use Conversions.** Applicable to commercial to mixed use conversions, subject to Section 2.3.190.H, on lands added to the urban growth boundary more than 15 years ago [2023 c.223 §2]. Consistent with ORS 197A.460, mixed use structures with ground floor commercial units and residential units shall be allowed subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making units available to households with incomes between 80 and 120 percent of the area median income.~~
- ~~E. **Zone Requirements.** The property is within the C-C or G-C zones.~~
- F. **Standards.** Income-restricted housing projects meeting the requirements of this section are subject to the following standards:
 - ~~1. **Site Suitability.** Income-restricted housing as defined by this section does not apply to the following:

 - ~~i. Properties that cannot or will not be adequately served by water, sewer, stormwater drainage, or streets at the time that the development is complete, as determined by the Planning Director;~~
 - ~~ii. Properties located in special flood hazard areas, as identified in Chapter 3.7; or~~
 - ~~iii. Properties containing a slope of 25 percent or greater.~~~~
 2. **Development Standards.** Income-restricted housing as defined by this section is subject to the following:
 - i. Income-restricted housing density in Table 2.3.120;
 - ii. Lot area, lot width, structure height, building coverage, landscape, and setback requirements applicable to the underlying zone in Table 2.3.120;

- iii. Building Orientation and Commercial Block Layout Standards established in Section 2.3.150;
 - iv. Building and Structure Height; Bonus for Mixed-Use in Section 2.3.160; and
 - v. Community Design Standards established in Article 3.
3. **Parking Reductions.** Refer to Section 3.3.300.B(4).

Chapter 2.4 - Industrial (I) Zones

Sections:

- 2.4.100 Purpose
- 2.4.110 Allowed Land Uses
- 2.4.120 Setback Yards and Buffering
- 2.4.130 Lot Coverage
- 2.4.140 Site Layout and Design
- 2.4.150 Building and Structure Height
- 2.4.160 Special Standards
- 2.4.170 **Income-Restricted Housing**

2.4.100 Purpose. Chapter 2.4 accommodates a range of industrial and commercial land uses in two Industrial Zones, Light Industrial (LI) and General Industrial (I). Both zones are intended to provide for land use compatibility while providing a high-quality environment for businesses and employees. The I zone 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 zones. The Light Industrial (LI) zone 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 Allowed Land Uses. Table 2.4.110 identifies the land uses that are allowed in the Industrial Zones. The specific land use categories and uses are described and uses are defined in Chapters 1.3 and 1.4.

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 zone.~~ Section 2.4.160.D addresses ORS 197A.445 which allows for the conversion of an existing building to a residential use. Section 2.4.170 addresses ORS 197A.445,

allowing for the development of income-restricted housing on non-residentially zoned properties in special circumstances.

Table 2.4.110 – Land Uses Allowed in Industrial Zones		
Uses	Status of Use in Zone	
Use Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	General Industrial (I)	Light Industrial (LI)
RESIDENTIAL CATEGORIES		
Household Living		
All Residential Uses (Household Living and Group Living) allowed, if:		
- lawfully existing as of 2/13/04, including replacement if less than 50% of the structure is damaged. Rebuilt structure cannot exceed original footprint area.	P	P
- May be expanded including the addition of accessory structures when in association with a principal use single-family detached house per Section 2.3.190.D(D)	S	S
- new dwelling built in conjunction with a permitted commercial or industrial use (residential use is allowed above ground floor only),	N	P
- or one industrial watchman's caretaker unit, per Section 2.4.160.B(B)	S	S
Detached, Attached, or Stacked Residential allowed if income-restricted, per Section 2.4.170	S	S
Conversion of an existing building or portion of an existing building to residential use, per subsection 2.4.160.D and ORS 197A.445	S	S
Bed and Breakfast Inn, per Section 2.2.200.D(D)	N	N
Hostels, per Section 2.2.200.D(D)	N	N
COMMERCIAL CATEGORIES		
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)	S	S
Home Occupation		
- per the standards in Section 2.2.200.(F)	S	S
- per the procedures in Section 4.9.200	CU	CU
Major Event Entertainment	N	CU
Mobile Vending Units, per standards in Section 4.9.300	S	S
Offices	P	P
Quick Vehicle Servicing or Vehicle Repair (see also Drive-Up Uses)	P	P
Retail Sales and Service, See also, Drive-Up Uses		
- less than 10,000 ft ² floor area	P	P
- greater than 10,000 ft ² floor area	N	N

Table 2.4.110 – Land Uses Allowed in Industrial Zones		
Uses	Status of Use in Zone	
Use Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)	General Industrial (I)	Light Industrial (LI)
Self-Service Storage	S	S
Short Term Vacation Rental	N	N
INDUSTRIAL CATEGORIES		
Industrial Service (see also Drive-Up Uses) - fully enclosed (e.g., office) - not enclosed	P P	P CU
Manufacturing and Production - fully enclosed - not enclosed	P P	P CU
Warehouse and Freight Movement	P	P
Waste-Related	CU	N
Wholesale Sales - fully enclosed - not enclosed	S S	S S
INSTITUTIONAL CATEGORIES		
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 - parks and recreation facilities - other open space	P CU P	P CU P
Religious Institutions and Houses of Worship - lawfully existing as of 2/13/04 - new	P N	P N
Schools - lawfully existing as of 2/13/04 - new	P N	P N
OTHER CATEGORIES		
Accessory Structures (with a permitted use)	P	P

Table 2.4.110 – Land Uses Allowed in Industrial Zones		
Uses	Status of Use in Zone	
	General Industrial (I)	Light Industrial (LI)
Use Categories (Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)		
Agriculture – Animals, when <ul style="list-style-type: none"> - existing use as of 2/13/04 - accessory to a permitted industrial use - new use 	P CU CU	P CU CU
Agriculture – Nurseries and similar horticulture (See also, Wholesale and Retail Uses)	S	S
Mining	CU	N
Radio Frequency Transmission Facilities, per Chapter 3.6 <ul style="list-style-type: none"> - within structure height limit of zone - exceeding structure height limit of zone (both free-standing or building-mounted facilities) 	S CU	S CU
Rail Lines and Utility Corridors, except those existing prior to the 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 [in accordance with the City’s Transportation System Plan])	P	P

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

Table 2.4.120 – Development Standards for Industrial Zones		
Standard	General Industrial (I)	Light Industrial (LI)
	Income Restricted Housing Density (DU/acre) (Section 2.4.170)	43
Minimum Setbacks (feet) <u>Front/Street</u> <ul style="list-style-type: none"> - where adjacent to a commercial or industrial zone - where adjacent to a residential zone <u>Rear</u> <ul style="list-style-type: none"> - where adjacent to a commercial or industrial zone - where adjacent to a residential zone - common wall buildings <u>Side</u> <ul style="list-style-type: none"> - where adjacent to a commercial or industrial zone 	20 ft 25 ft 10 ft 25 ft 0 ft 0 ft	20 ft 25ft 10 ft 25 ft 0 ft 0 ft

- where adjacent to a residential zone <u>Alley</u>	25 ft 1 ft	25 ft 1 ft
<i>* Separate or additional setback restrictions and fire protection measures may be required by the Building official.</i>		
Structure Height <u>Maximum structure height</u> , except where taller structures are allowed by CUP <u>Buildings within 100 ft of a residential zone</u>	50 ft 38 ft	50 ft 38 ft
Lot Coverage	90%	80%

2.4.120 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 zone 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.
- 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. Separate or additional setback restrictions and fire protection measures may be required by the Building official.
- C. Front and Street Yard Setbacks.**
 - 1. General Industrial (I) Zone: Minimum of 20 feet
 - 2. Light Industrial (LI) Zone: Minimum of 20 feet
- D. Rear Yard Setbacks.**
 - 1. General Industrial (I) Zone: Minimum of 10 feet where adjacent to a Commercial or Industrial Zone, except common wall buildings with 0-setback are allowed;
 - 2. Light Industrial (LI) Zone: Minimum of 10 feet where adjacent to a Commercial or Industrial Zone, except common wall buildings with 0-setback are allowed;

3. Industrial Zone (I or LI) Abutting a Residential Zone: 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 Zone (I or LI) abuts any residential zone.
- F. **Other Yard Requirements.** For an application being processed as a Type III procedure, the following requirements may be imposed:
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 Lot Coverage

Background: Section 2.4.130 is intended to provide flexibility in development while ensuring some provision of open space for landscaping and storm water management.

- A. **General Industrial (I) Zone:** Maximum lot coverage, including all impervious surfaces, 90 percent.
- B. **Light Industrial (LI) Zone:** Maximum lot coverage, including all impervious surfaces, 80 percent.

2.4.140 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 Zone 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.**

1. The following standards shall apply to all industrial uses and developments in the General Industrial and Light Industrial Zones:
 - a. Developments and uses 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.
 - b. 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
 - c. 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.
2. 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.

2.4.150 Building and Structure Height. The maximum allowable height of buildings and structures in the I and LI zones 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 Special Standards

- A. Conditional Uses.** 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 ft². 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 ft², 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.

D. Re-Use or Conversion of an Existing Building. The conversion to, or addition of residential units to an existing non-residential building is permitted in industrial zones, subject to the following standards, compliant with ORS 197A.445.

1. Existing, non-residential buildings cannot be converted to residential units if any of the following criteria are met:
 - i. The property cannot or will not be adequately served by water, sewer, stormwater drainage, or streets at the time that the development is complete, as determined by the Planning Director; or
 - ii. The property contains a slope of 25 percent or greater.
2. If the property is located in a special flood hazard area, as identified in Chapter 3.7, conversion of an existing building is permissible so long as the property can be brought into compliance with BCDC Chapter 3.7, Floodplain Development Criteria.
3. Conversion of an existing building in an industrial zone is permitted only if the property is publicly owned, adjacent to lands zoned for residential uses or schools, and not specifically

designated for heavy industrial uses.

4. Projects entirely contained within an existing building, except for minor additions allowed within this section, are exempt from the density standards, height limits, coverage limits, setbacks, attached or stacked unit limits, and maximum building widths of the underlying zone.
5. Small additions necessary for the viability of the project are permitted. The original footprint of the building should not be increased by more than 5 percent.
6. The original envelope of the building must remain largely unchanged. If the envelope needs to be upgraded to comply with current building, energy, and life safety codes, the new materials used must be similar in color and appearance to the original façade materials.
7. Larger additions or façade modifications may be allowed, at the discretion of the Planning Director.
8. Only the portions of the existing building that are being converted to a residential use must be brought up to current energy standards.
9. Refer to Section 3.3.300.J for relevant parking standards.

2.4.170 Income-Restricted Housing

- A. **Purpose.** This section allows for the development of income-restricted housing on non-residentially zoned properties as required by ORS 197A.445. The project applicability and process established by ORS 197A.445 are hereby adopted by reference.
- ~~A. **Applicability.** Development projects meeting the affordability criteria in subsection C and the zone criteria in subsection D are permitted by right.~~
- ~~B. **Criteria.** As used in this section, consistent with ORS 197A.445, "income-restricted housing" means residential property whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years, and:~~
- ~~1. Each unit on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income; or~~
 - ~~2. The average of all units on the property is made available to households with incomes of 60 percent or less of the area median income; or~~
 - ~~3. A manufactured dwelling park is operated that serves only households with incomes of 120 percent or less of the area median income.~~
- ~~C. **Zone Requirements.** Income-restricted housing is permitted in I and LI zones only if the property is:~~
- ~~1. Publicly owned; and~~
 - ~~2. Directly abutting an R-LD, R-MD, or R-HD zone; and~~
 - ~~3. Not specifically designated for heavy industrial uses.~~

B. Development Standards. Income-restricted housing as defined by ORS 197A.445 is subject to the following:

1. Income-restricted housing density in Table 2.4.120;
2. Setback standards applicable to the adjacent residential zone in Table 2.2.120;
3. Structure height, and coverage requirements applicable to the underlying zone in Table 2.4.120; and
4. Community Design Standards established in Article 3.
5. Parking Reductions. Refer to Section 3.3.300.B.4.

Chapter 2.5 - Overlay Zones

Sections:

- 2.5.100 Purpose
- 2.5.110 Intent
- 2.5.120 Applicability
- 2.5.130 Uses
- 2.5.140 Development Standards
- 2.5.150 Traffic Impact Analysis
- 2.5.160 Agency Coordination

2.5.100 Purpose. The purpose of this chapter is to provide the rules, regulations and standards governing permissible uses in the Interchange Overlay Zone.

2.5.110 Intent. The Interchange Overlay Zone implements the “I-84 Exits 302 and 306 Interchange Area Management Plan” (IAMP) and is intended to maintain interchange capacity and protect interchange functions. The City coordinates development review with Baker County and ODOT, and assists ODOT in monitoring development, to protect interchange functions, as follows:

- A.** The primary function of the I-84 Exit 302 interchange is to provide truck and vehicular access to northern Baker City and OR 86, including the industrial lands along Best Frontage Road and at the Baker City Airport. A secondary function is to provide an alternative access to central Baker City and to US 30.
- B.** The primary function of Exit 306 is to provide access to downtown and southern Baker City, particularly for individuals coming from the east. A secondary function is to provide access to various regional visitor attractions, such as Phillips Reservoir and the historic mining town, the City of Sumpter.

2.5.120 Applicability. Any land use action within the Interchange Overlay Zone is subject to the regulations herein described and those of the underlying zone. If any conflicts in regulation or procedure

occur between the zones, the provisions of the Interchange Overlay Zone shall govern.

2.5.130 Uses. Permitted and conditional uses shall be as defined in the underlying base zone.

2.5.140 Development Standards. The following implement the access management and transportation facility improvement provisions of IAMP and are consistent with OAR 734-051. Subsection G is taken from OAR 734-051-3020 Change of Use of Private Connection (to a State Highway), as contained in Attachment 4.

Development standards shall be as provided in the underlying base zone, except as follows. The intent of the following provision is to maintain highway safety and operations while providing for reasonable use of private property:

- A. Approach spacing shall be consistent with the IAMP Access Management Plans (AMPs) for Exits 302 and 306.
- B. Private approaches shall be consolidated and improved as properties redevelop, consistent with the AMPs.
- C. Where a new approach to OR 86 or Cedar Street is proposed in the vicinity of Exit 302 interchange and it cannot be located pursuant to the ¼-mile spacing standard, it shall be located as far from the interchange as practically possible.
- D. Where a new approach to US 30 is proposed in the vicinity of the Exit 306 interchange and it cannot be located outside the ¼-mile spacing standard, it shall be located as far from the interchange as practically possible.
- E. Development applicants shall be required to mitigate the impacts attributed to development, including but not limited to dedicating right-of-way and making needed access and transportation improvements consistent with the IAMP.
- F. Where it is not feasible to meet ODOT access spacing standards or to make planned transportation improvements due to property boundary constraints, property redevelopment shall be required to move in the direction of conformity over time, pursuant to ODOT standards.
- G. Where a land use application or change of use relies on a private connection to a state highway, it shall meet the requirements of OAR 734-051-3020 Change of Use of a Private Connection. An application for state highway approach is required for a change of use when:
 - 1. The number of peak hour trips increases by fifty (50) trips or more from that of the property's prior use and the increase represents a twenty (20) percent or greater increase in the number of peak hour trips from that of the property's prior use;

2. The average daily trips increases by five hundred (500) trips or more from that of the property's prior use and the increase represents a twenty (20) percent or greater increase in the average daily trips from that of the property's prior use;
3. The daily use of a connection increases by ten (10) or more vehicles with a gross vehicle weight rating of twenty-six thousand (26,000) pounds or greater;
4. ODOT demonstrates that safety or operational concerns related to the connection are occurring as identified in OAR 734-051-4020(3);
5. The existing connection to the state highway does not meet ODOT's stopping sight distance standards.

2.5.150 Traffic Impact Analysis. The following provisions are recommended to ensure consistency with existing Baker City and ODOT traffic impact analysis requirements. See OAR 734-051-3030 (attached), which contains ODOT requirements for traffic impact studies.

- A. All development applications located within either the Exit 302 or Exit 306 Interchange Management Areas that meet the criteria of BCDC 4.1.900 shall be accompanied by a Transportation Impact Study that demonstrates the level of impact of the proposed development on the interchange and surrounding street system, and how the impact will be mitigated pursuant to ODOT and County standards.
- B. Notwithstanding the criteria of BCDC 4.1.900, a Transportation Impact Study/Analysis shall be required where a proposed change relying on a private connection to a state highway meets the ODOT requirements for a traffic impact study contained in OAR 734-051-3030(4) When a Traffic Impact Analysis is Required.
- C. The determination of impact or effect, and the scope of the TIA, shall be coordinated with Baker County and ODOT, and the developer shall be required to mitigate impacts attributable to the project consistent with the standards of the applicable roadway authority.

2.5.160 Agency Coordination. Land use and development applications shall be coordinated with reviewing agencies as follows:

- A. The City shall consult the Oregon Department of Transportation (ODOT) on traffic impact study/analysis requirements when the site of the proposal is adjacent to or otherwise affects a State roadway.
- B. The City shall provide written notification to ODOT once a land use application within the IAMP Management Area is deemed complete.

- C. ODOT shall have at least 20 days, measured from the date notice to agencies was mailed, to provide written comments to the City. If ODOT does not provide written comments during this 20-day period, the City staff report may be issued without consideration of ODOT comments.
- D. The City shall invite ODOT and the County to participate in a pre-application review for applications within an Interchange Management Area Plan (IAMP) Management Area or within a ¼-mile of any ODOT facility. Notice of actions requiring a public hearing shall be provided to ODOT at least twenty days prior to the date of the hearing.