Angelo planning group LAND USE PLANNING • TRANSPORTATION PLANNING • PROJECT MANAGEMENT

Memorandum

Date: November 28, 2016
To: Justin Hogue, City of Mt. Angel
cc: Gary Fish and Angela Carnahan, DLCD
Naomi Zwerdling, ODOT
From: Cathy Corliss, AICP, Principal
Re: Mt Angel Code Assistance - Task 8.3 Draft Text Amendments

Overview

The goal of this TGM[1] Code Assistance project is to create recommendations for updating Mt. Angel's Development Code in order to help the city enhance its downtown area, strengthen regulations that control downtown development, and improve efficiency in the land use process. Specifically, identified objectives for this project are:

- Emphasize the pedestrian environment, particularly in the downtown core, to strengthen the Bavarian theme and ensure future projects will be consistent with, and enhance, downtown development.
- Help the city improve the multi-modal nature of the downtown area by providing safe and convenient access for walking and biking.
- Assess the city's Development Code to identify areas where revisions may be needed to improve the overall function, reliability and user-friendliness of the code. *Note: this objective was identified as a priority at the City Council-Planning Commission work session on July 16, 2015.*

This document includes proposed draft amendments to the City of Mount Angel Development Code. Additions to the code are shown in double-underline and deletions are shown in strike-through. For brevity, some sections of the Development Code not proposed for amendment are not included. These gaps are indicated by three asterisks "***". These draft code amendments are based on the recommendations from Phase 1 (Task 4.2 Final Action Plan and Report **(FAP),** including Appendix A (Code Clean-Up Suggestions)) as well as input from the Project Management Team and suggestions from the Planning Commission and City Council at the joint work sessions on September 6th and 27th.

[1] *This project is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. This TGM grant is financed, in part, by federal Moving Ahead for Progress in the 21st Century (MAP-21), local government, and the State of Oregon funds. The contents of this document do not necessarily reflect views or policies of the State of Oregon.*

SECTION 1
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1.10 DEFINITIONS

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(b) Definitions: The following words and phrases, when used in this Ordinance, shall have the meanings set forth in this Chapter, except in those instances where the context clearly indicates a different meaning.

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Accessory Structure: A detached, subordinate building, ~~or portion of a main building,~~ the use of which is incidental to that of the main building or to the use of the land, but does not include dwellings or living quarters.

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~~Clear-Vision Area: A triangular area on a lot or parcel at the intersection of two (2) streets or a street and a railroad, two (2) sides of which are lines measured from the corner intersection of the right-of-way lines. The third side of the triangle is a line across the corner of the lot or parcel joining the ends of the other two sides. Where the lines at the intersections have rounded corners, the right-of-way lines will be extended in a straight line to a point of intersection.~~

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Dwelling, Attached Single Family (townhouse): A dwelling unit designed exclusively for occupancy by one (1) family located on its own lot that shares one or more common or abutting walls with one or more dwelling units on adjacent lot(s).

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Façade: All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans.

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Vision Clearance Area (also "Clear-Vision Area"): Formed by measuring from the intersection of the street corner or street and/or railroad corner property lines to points 30 feet along the front property line and side property line and then connecting the two points of base with a straight line.

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2.2 GENERAL PROVISIONS

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(e) Quasi-Judicial Actions. This subsection establishes the procedures to be followed in Type II and Type III land use actions.

(1) Initiation: An application may be submitted by the property owner, contract purchaser or an authorized agent of the owner or contract purchaser. A pre-application conference is required prior to submittal of an application.

(2) Completeness: Upon receipt of an application, the City staff shall review the application for completeness with respect to the submission requirements of this Ordinance. If the application is incomplete, Staff shall notify the applicant of exactly what information is missing within ~~ten (10) days~~ 30 days of the receipt of the application, and allow the applicant to submit the missing information. The application shall not be acted upon until:

(A) All necessary information is received and the application is deemed complete; or

(B) Should the applicant refuse or fail to submit the missing information, the application will be deemed complete, for the purpose of acting on the application, ~~on the 31st day~~ 180 days after the original submission. Incompleteness of an application may be grounds for denial.

(3) Information submitted to the City after the date the application is deemed complete that results in a substantial change from the original application shall authorize review as a new application. The City Planner shall determine whether a submission constitutes a substantial change from the original application.

(4) Notice Procedures. See Section 2.3 Notification of Hearing. ~~Notice of a public hearing on a Type II or Type III, quasi-judicial application shall be given by the City by posting such notice in a conspicuous place on the subject property. The mailing of copy of the notice to property owners in the affected area shall be within 20 days prior to the date of the hearing. The affected area is herein defined as the land area that is within a 100-foot radius of the subject property. The failure of any such property owner to receive such notice by mail shall not affect the validity of the proceedings. The City staff shall file with the Planning Commission a certificate showing the date of mailing.~~

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(8) Notice of Decision: Within ~~14~~ 12 days of any action on a quasi-judicial land use application, the applicant, ~~adjacent property owners within 100 feet of the subject property,~~ and any group or participant who submitted oral or written public testimony for the hearing or requested notice of the decision, ~~all individuals who have in writing requested notice of the decision,~~ shall be mailed written notice of the action. Notice shall specify findings justifying the approval or denial of the request and any applicable conditions of approval.

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(g) Pre-Application Conferences.

(1) Purpose: The purpose of the pre-application conference is to familiarize the applicant with applicable requirements of the City's Development Code.

(2) Applicability: Pre-application conferences are required for all Type II or Type III development actions. This requirement may be waived by the City Planner.

(3) The pre-application may end up not covering all potential issues, and does not limit or hinder the City from enforcing regulations applicable to the development action.

(4) A written summary of the pre-application conference will be provided by the City Planner within approximately 14 days of the conference.

(5) If a complete application relating to a proposed development action that was the subject of a pre-application conference has not been submitted within eighteen (18) months of the conference, the applicant shall schedule a follow-up pre-application conference.

2.3 NOTIFICATION OF HEARING

(a) Quasi-Judicial Hearings (Type II and Type III).
~~(1)~~ Notice of any public hearings before the Planning Commission or City Council shall be provided for any quasi-judicial land use action.

(1) ~~Notice shall be published in a newspaper of general circulation a minimum of 20 days prior to the public hearing.(2)~~ Written notice of the initial public hearing shall be mailed at least 20 days prior to the hearing date to:

(A) The owners of record of real property within 100 feet of the boundaries of the subject property.~~-~~The failure of any such property owner to receive such notice by mail shall not affect the validity of the proceedings;

(B) Any person who submits a written request to receive a notice; and

(C) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

(2) At least 14 days before the first hearing, the applicant or applicant's representative shall post notice of the hearing on the project site in clear view from a public right-of-way using a poster format prescribed by the City Planning Official.

(3) At least 14 days before the first hearing, the City shall publish notice of the hearing on the City website, and/or have said notice published in a newspaper with local circulation.

(b) Legislative Hearings (Type IV). Notice of Public Hearing by the Planning Commission or City Council relating to any legislative action shall be published in a newspaper of general circulation a minimum of 10 days prior to the date of the hearing. Notice shall be provided to the Department of Land Conservation and Development at least 35 ~~45~~ days prior to the first evidentiary hearing by the City for any legislative action.
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SECTION 5
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5.10 Automatic Conditional Use Status

Over time, the zoning regulations applicable to a specific site may change. This may be a result of changes to the content of the zoning regulations for a specific zone or from a change to the zoning map, including annexation rezonings. After one of these changes, if an existing use was allowed by right or was a nonconforming use, and is now listed as a conditional use, the use is considered an approved conditional use and may continue to operate. Any changes to the use are subject to the requirements and approval criteria of this section.

SECTION 6
ZONING

6.1. RESIDENTIAL ZONE, SINGLE FAMILY (RS)
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6.7 DOWNTOWN CORE OVERLAY

6.1 RESIDENTIAL ZONE, SINGLE FAMILY (RS)

(a) Purpose: It is the purpose of the RS Zone to permit single-family residential uses and their accessory structures and to permit, with Planning Commission approval, certain other uses that are compatible to single-family residential living.

(b) Permitted Uses. The following uses are permitted in the RS Zone:
(1) Single-family dwelling, including a single-family manufactured home;
(2) Public parks and recreation area;
(3) Public buildings and structures, such as libraries and fire stations, with a maximum height of 35 feet or less;
(4) Gardens, orchards and crop cultivation, in addition to those uses allowed in Ordinance, provided no stables or barns, livestock, bees or poultry are maintained in connection therewith, and provided further, that all other applicable ordinances are complied with;
(5) Utility right-of-ways;
(6) Public utility facilities of non-industrial nature;
(7) Accessory uses and structures;

(A) Customary residential accessory buildings for private use, such as a pergola, greenhouse, hot house, hobby shop, or hobby house, summer house, patio, enclosed or covered patio, woodshed, quarters for domestic animals maintained as pets of the residents;
(B) Fences;
C) Off-street storage for a commercial vehicle with a maximum of one commercial vehicle per dwelling;
(D) Guest houses and guest quarters not in the main buildings provided such houses and quarters are and remain dependent upon the main building for either or both the kitchen and bathroom facilities and the guest facilities are not used for residential purposes.
(E) Swimming pools for private use (requires a building permit);
(F) Home occupations, as defined in Section 1.10;
(G) Amateur radio antennas;
(H) Satellite dishes not exceeding one (1) meter in diameter;

(8) Right-of-way for streets

(c) Transitional Uses. The following transitional uses shall be permitted in the RS Zone where the side of a lot or parcel abuts upon any Commercial Zone or Industrial District, provided that such transitional use does not extend across a street or alley and in no case more than 165 feet from the boundary of the less restricted zone which it adjoins:
(1) Two-family dwelling (duplexes) on a lot of 8,000 square feet or more;
(2) The following public and semi-public use buildings and structures, with a maximum height of 35 feet or less:

(A) ~~(3)~~ Churches;
(B) ~~(4)~~ Community or neighborhood centers, including swimming pools and other allied facilities when erected by a nonprofit community organization for the improvement of the zone or for social recreation of the organization's members;
(C) ~~(5)~~ Public automobile parking areas when located and developed as prescribed in Section 8;

(3) ~~(6)~~ Outdoor nursery for growing, displaying and sale of shrubs or plants.
(4) ~~(7)~~ Day nursery, provided the residential character of the building is unchanged.

(d) Conditional Uses. The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 5.
(1) Public and semi-public use buildings and structures except as permitted by Subsections (b) and (c), above;
(2) Radio, television, and other telecommunications transmitters and antennae;
(3) Public or private schools;
(4) Two-family dwelling (duplexes) on a lot of 8,000 square feet or more;
(5) Day nursery, provided the residential character of the building is unchanged;
(6) Use of an accessory building for a home occupation;
(7) Planned Unit Development subject to the provisions of Section 10.5;
(8) Manufactured Home Parks subject to the provisions of Section 10.4; ~~10.5;~~
(9) Golf Course;
(10) Conditional Home Occupations subject to the provisions of Section 10.2; ~~10.5;~~
(11) Boat, camper, and trailer storage area on lot or parcel incidental to the permitted use subject to the provisions of Section 10.3;
(12) Bed and Breakfast subject to the provisions of Section 10.6;
(13) Zero side yard dwellings units subject to the provisions of Section 10.7; ~~.~~
(14) Satellite dishes greater than one (1) meter in diameter.

(e) Dimensional Standards
The following dimensional standards shall be the minimum requirements for all development in the RS Zone.

(1) Minimum Lot Area

(A) Interior Lot 7,000 square feet

(B) Corner Lot 8,000 square feet

(C) Within the Infill Development Overlay Zone smaller lot sizes may be approved subject to the standard in Section 14. ~~Vacant parcels with a minimum size of 5,600 square feet may be created, subject to the design requirements of Section 14.6 – Residential Development Standards~~. No variances to the minimum lot size or design requirements will be allowed.

(2) Minimum Yard Setback Requirements. All principal ~~and accessory~~ structures shall maintain the following minimum yard setbacks. Projections into setbacks are subject to Section 7.1. Accessory structures shall be subject to the setback requirements in Section 7.2.~~:~~

(A) Front Yard	20 feet
(B) Rear Yard Setbacks	
(i) One-story building	24 feet
(ii) Two-story building	30 feet
(iii) 2-and-one-half story building	36 feet
(iv) Corner Lot	14 feet
(C) Side Yard Setbacks	
(i) One-story building	5 feet
(ii) Two+ -story building	6 feet

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(4) Minimum Lot Width

(A) Front Lot Line Width	20 feet
(B~~A~~) ~~Interior~~ Lot Width at Building Line	50 feet
~~(B) Corner Lot Width at Building Line~~	~~70 feet~~

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(f) Single Family Dwelling Features. New single-family homes and duplexes shall comply with the design standards in Section 7.4. ~~All single-family dwellings shall have a private garage constructed of like materials and design to include 12-inch projecting eaves on all Mt. Angel Development Regulations Page 6-5 structures. All single-family dwelling shall utilize at least three (3) of the following design features to provide visual relief along the front of the home:~~
~~(1) Dormers;~~

~~(2) Gables;~~
~~(3) Recessed entries;~~
~~(4) Covered porch entries;~~
~~(5) Cupolas;~~
~~(6) Pillars or posts;~~
~~(7) Bay or bow windows;~~
~~(8) Offsets on building face or roof (minimum 16")~~

6.2 RESIDENTIAL ZONE, MULTI-FAMILY (RM)

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(b) Permitted Uses. The following uses are permitted in the RM Zone:

(1) Any permitted, transitional, and conditional use allowed in the RS Zone except for uses listed as Conditional Uses in Subsection (c) below; ~~Bed and Breakfasts;~~

(2) Duplexes, Attached Single Family Dwellings (Townhouses), Multi-Family Dwellings, and Apartments;

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(d) Dimensional Standards

The following dimensional standards shall be the minimum requirements for all developments in the RM Zone.

(1) Minimum Lot Area

(A) Single-family dwelling	
(i) Interior Lot	7,000 square feet
(ii) Corner Lot	8,000 square feet
(iii) Lot sizes may be reduced by up to 20% subject to the Incentive Land Division standards in Section 7.4(d).	
(B) Duplex:	8,000 square feet
(C) Multi-family dwelling, three (3) unit plus 3,500 square feet per unit in excess of 3 units	10,500 square feet
(D) Attached Single Family Dwelling (Townhouse)	3,500 sf for each attached single family dwelling

(2) Minimum Yard Setback Requirements. All principal ~~and accessory~~ structures shall maintain the following minimum yard setbacks. Projections into setbacks are subject to Section 7.1. Accessory structures shall be subject to the setback requirements in Section 7.2.~~:~~

(A) Front Yard 15 feet
No parking shall be allowed in the required minimum front yard exclusive of the driveways.

(B) Rear Yard
(i) One-story building 10 feet
(ii) Two-story building 15 feet
(iii) Over Two stories 20 feet
No parking shall be allowed within ten (10) feet of the street property line.

(C) Side Yard. The width of the side yard on each side of the lot shall not be less than one-half the height of the building, provided that:
(i) No side yard shall be less than five (5) feet nor required to be more than 15 feet.
(ii) The side yard of a street shall not be less than 15 feet and may not be utilized for parking within ten (10) feet of the street property line.
(iii) The setback for the common wall of an attached single family dwelling (Townhouse) can be reduced to zero (0) in accordance with Section 7.5.

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(5) Minimum Lot Width
(A) Width at Front Lot Line 20 feet
(B) Interior Lot Width at Building Line 50 feet
~~(C) Corner Lot Width at Building Line 70 feet~~
(C) Interior Lot Width at Building Line (Townhouse) 24 feet

6.3 RESIDENTIAL COMMERCIAL ZONE (RC)

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(b) Permitted Uses. The following uses are permitted in the RC Zone:
Any permitted, transitional and conditional uses allowed in the RM Zone with the exception of uses listed as Conditional Uses in Subsection (c) below; ~~a Bed and Breakfast;~~

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(d) Dimensional Standards. The following dimensional standards shall be the minimum requirements for all developments in the RC Zone.

(1) Minimum Lot ~~Area~~ Coverage

(A) Residential lot coverage is the same as in the RM Zone.

(B) All other uses shall occupy no more than 60 percent of the lot area.

(2) Minimum Yard Setback Requirements. Residential developments and residential accessory structures shall be subject to the setback requirements of the RM zone. All other principal and accessory structures shall maintain the following minimum yard setbacks:

(A) Front Yard	15 feet
(B) Side Yard	
(i) Adjoining a non-residential zone	None
(ii) Adjoining a residential zone	20 feet
(C) Rear Yard	
(i) One-story ~~dwelling~~ building	10 feet
(ii) Two-story ~~dwelling~~ building	15 feet
(iii) Two+ storied ~~dwelling~~ building	20 feet
~~(iv) One-story building~~	~~10 feet~~
~~(v) Two-story building~~	~~15 feet~~

(3) Landscaped Yards. For residential purposes, all required yards adjacent to a street shall be landscaped including along the perimeter of parking areas. Non-residential land uses shall provide landscaping as required below:

(A) Provide for combined perimeter and interior landscaping along parking areas and driveways.

(B) Provide minimum five-foot high solid screen when adjacent to land uses other than commercial or industrial.

(C) Provide a visual relief screen when adjacent to any street in the form of a hedge, fence, planter box, berm, shrubbery, and trees or any combination thereof.

(D) A vision clearance area shall be observed regarding all screens.

(E) Landscaping shall be provided on at least 15 percent of the lot area.

(4) Lot Width. Lot width is the same as in the RM Zone.

(5) Maximum structure height. Maximum structure height is the same as in the RM Zone.
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6.4 GENERAL COMMERCIAL ZONE (CG)

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(b) Permitted Uses. The following uses are permitted in the General Commercial Zone:

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(11) The following businesses shall be permitted, provided that:

- The lot is paved with a concrete or asphalt surface;
- The lot is screened from any adjoining residential zone by a sight-obscuring fence, wall, or hedge at least five (5) feet in height; and
- All storage of merchandise and supplies shall be conducted wholly within a building or enclosed area, except for the provision of gas services ancillary to a repair or service station provided below.

(A) Automobile, truck, motorcycle, trailer, farm equipment, recreational vehicle and boat sales and repair;
(B) Automobile service station, including towing services and vehicle washing and polishing facilities, and services;
(C) Part and accessory sales for automobiles, trucks, motorcycles, trailers, farm equipment, recreational vehicles and boats;
(D) Retail tire sales, service and repair; tire recapping (conducted wholly within a building), service and repair, paint and body shop;
(E) Lumber yard and contracting supplies for lumber, stone, masonry or metal (sales only);
(F) Special trade contracting facilities such as floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting;
(G) Newspaper, periodical, publishing and printing;
(H) Veterinary clinics;
(I) ~~Tire recapping (conducted wholly within a building);~~ welding; blacksmith shop; public swimming pool; travel trailer park; ~~contracting supplies, lumber, stone, masonry, metal (sales only); garage and repair shop; newspaper, periodical, publishing and printing; tractor and farm equipment, sales, and service; veterinary clinic;~~ kennel; light components assembly; baker (wholesale and manufacture of bakery products)
(J) Cabinet shop (conducted wholly within a building)

(12) Accessory uses and structures;
(A) Amateur radio antennas;
(B) Satellite dishes not exceeding two (2) meters in diameter;
(C) Collocated wireless communication facilities where the existing support structure height will not be increased by 20 feet or more.

(c) Conditional Uses. The following uses are will be permitted as conditional uses, provided that such uses are approved in accordance with Section 5:

(1) Self-service, short-term storage;
(2) Public swimming pool except as permitted above;
(3) Recreational vehicle park except as permitted above;
(4) Kennel except as permitted above;
(5) Light components assembly except as permitted above;
(6) Bakery: wholesale and manufacture of bakery products except as permitted above;
(7) Mini-storage warehouses.
(8) Satellite dishes greater than two (2) meters in diameter;
(9) Towers and ancillary wireless communication facilities, subject to the provisions of Section 18, provided that the facilities are not located within 350 feet of any residential zones.
(10) Collocated wireless communication facilities where the existing support structure height will be increased by 20 feet or more.
(11) Medical Marijuana Facilities subject to the provisions of Section 10.8.

(d) Dimensional Standards

The following minimum dimensional standards shall be required for all development in the General Commercial Zone. Projections into setbacks are subject to Section 7.1. Accessory structures used in connection with residential purposes shall be subject to the setback requirements in Section 7.2.

6.5 LIGHT INDUSTRIAL ZONE (IL)

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(b) Permitted Uses. The following uses are permitted in the Light Industrial Zone:

(1) Any permitted or conditional use allowed in the CG Zone except ~~Medical Marijuana Facilities~~ for uses listed as Conditional Uses in Subsection (c) below;

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(c) Conditional Uses.

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(12) Collocated wireless communication facilities where the existing support structure height will ~~not~~ be increased by 20 feet or more.

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6.7 DOWNTOWN CORE ZONE OVERLAY DISTRICT (DC)

(a) Purpose: To provide for an appropriate range of mixed use retail, service, and residential uses that are primarily dependent on pedestrian patronage. Except as modified below, the standards of the underlying zone apply.

(b) ~~Permitted~~ Uses. The following uses are permitted within the base zones in the Downtown Core Overlay District: ~~Commercial Zone:~~

~~(1) All uses described in the General Commercial Zone except those listed in Section 6.4 (b)(11).~~

Base Zone	Permitted Uses	Conditional Uses
RC	All permitted uses in the RC zone and permitted use in the CG zone except those listed in Section 6.4 (b)(11)	All conditional uses in the RC zone
CG	Permitted uses in the CG zone except those listed in Section 6.4 (b)(11)	All conditional uses in the CG zone
IL	All permitted uses in the IL zone	All conditional uses in the IL zone except for the following: • Chemicals, fertilizers, insecticides, paint, and allied products manufacturing facilities; • Paper and allied products manufacturing facilities; • Petroleum products and gasoline storage, provided all storage is underground; • Transportation equipment manufacturing facilities, including but not limited to motor vehicle brakes and railroad equipment; • Wood and lumber products processing, manufacturing, and storage facilities; • Auto racing track; and • Mining, pits, and quarries facilities.

(c) Dimensional Standards. The following dimensional standards shall be required for all development in the Downtown Core Zone. Projections into setbacks are subject to Section 7.1. Accessory structures used in connection with residential purposes shall be subject to the setback requirements in Section 7.2.

(1) Minimum Yard Setbacks

(A) Front Yard	none
(B) Side Yard	
Adjoining a non-residential zone	none
Adjoining a residential zone	15 feet
(C) Rear Yard	
Adjoining a non-residential zone	none
Adjoining a residential zone	15 feet
(D) Maximum Building Height	45 feet

(d) Additional Development and Design Standards. The intent of these standards is to enhance the pedestrian environment in downtown Mt. Angel, provide civic gathering spaces for employees and visitors, support natural surveillance of public spaces, and encourage comfortable, human-scale design.

(1) Applicability. These standards apply to all new buildings and building expansions of more than 25% of the gross floor area.

(2) Maximum setback. Required maximum setbacks are established to ensure that the ground floors of buildings engage the street right-of-way. The maximum setback ensures compatibility and harmony between buildings, enabling a series of different buildings to maintain or establish a continuous vertical street wall. Buildings subject to this section shall conform to the following standards:

(A) The maximum setback is ten (10) feet. The standard is met when at least 50 percent of the street frontage has the front façade of a building placed within ten (10) feet of the street facing property line. On corner lots and through lots this standard must only be met on one street frontage, provided that on corner lots no parking or vehicular circulation shall be located between the building and the street corner.

(B) The City, through Site Design Review, may waive or modify the maximum setback standard where it finds that one or more of the conditions in subsections (i)-(vii) occurs.

(i) A proposed building is adjacent to a single-family dwelling, and an increased setback promotes compatibility with the adjacent dwelling.

(ii) The standards of the roadway authority preclude development in conformance with the maximum setback.

(iii) The applicant proposes extending an adjacent sidewalk or plaza for public use, or some other pedestrian amenity is proposed to be placed between the building and public right-of-way.

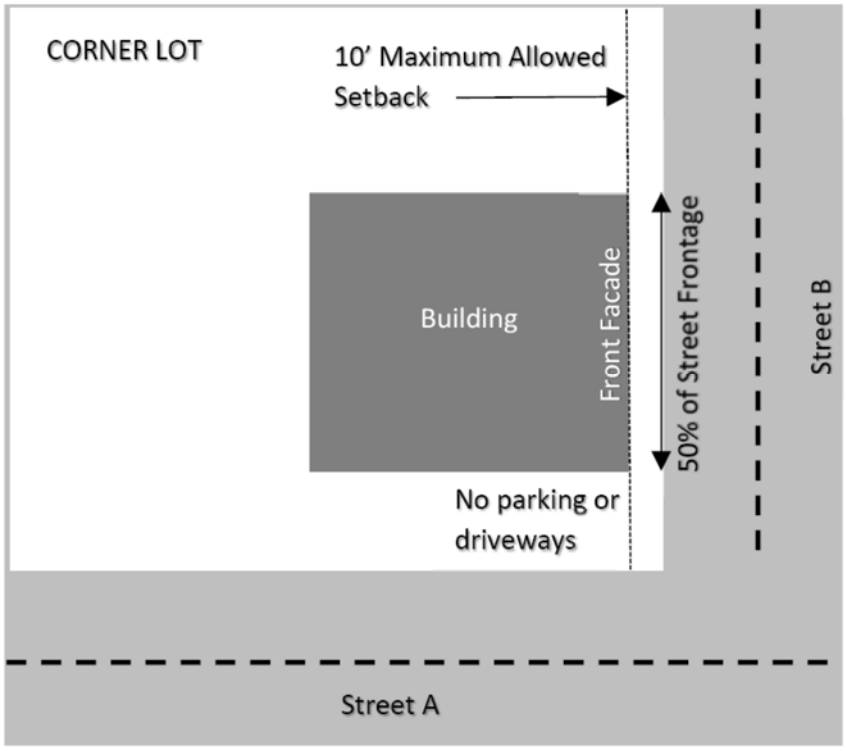
(iv) The maximum setback may be increased to provide a private open space (e.g., landscaped forecourt) between a use in a mixed-use development (e.g., live-work building with ground floor residence) and a front or street property line.

(v) A significant tree or other environmental feature precludes strict adherence to the standard and will be retained and incorporated in the design of the project.

(vi) A public utility easement or similar restricting legal condition that is outside the applicant's control makes conformance with the maximum setback impracticable. In this case, the building shall instead be placed as close to the street as possible given the legal constraint, and pedestrian amenities (e.g., plaza, courtyard, landscaping, outdoor seating area, etc.) shall be provided within the street setback in said location.

(vii) An expansion is proposed on an existing building that was lawfully created but does not conform to the above standard, and the building addition moves in the direction of compliance where practicable.

Figure 6.7-1: Maximum Setback



(3) Primary Entrances. This standard promotes pedestrian-friendly development by providing building entrances that are oriented to the sidewalk or other public space and connected with clearly-marked pedestrian walkways.

(A) All new buildings shall have at least one primary entrance facing an abutting street (i.e., within 45° of the street property line) or, if the building entrance must be turned more than 45° from the street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk.

(B) Where a development contains multiple buildings and there is insufficient street frontage to meet the above building orientation standards for all buildings on the subject site, a building's primary entrance may orient to plaza, courtyard, or similar pedestrian space containing pedestrian amenities. When oriented this way, the primary entrance(s), plaza, or courtyard shall be connected to the street by a pedestrian walkway.

(4) Windows and Doors. The standards of this section are intended to enhance street security and provide a comfortable pedestrian environment by providing ground-level transparency between the interior of buildings and the sidewalk.

(A) For new buildings, unless the view of the building from the street is obstructed by another building, a minimum of 40 percent of the ground-floor street wall area must consist of openings (i.e., windows or glazed doors). The ground-floor street wall area is defined as the area up to the finished ceiling height of the space facing the street or 15 feet above finished grade, whichever is less.

(B) Clear glazing is required for ground-floor windows.

(C) The bottom edge of windows facing the street shall be constructed no more than 36 inches above grade (this shall not preclude additional windows being located above these windows).

(D) Ground-floor windows for nonresidential uses shall allow views into storefronts, working areas, or lobbies. Signs are limited to a maximum coverage of 50 percent of the required window area.

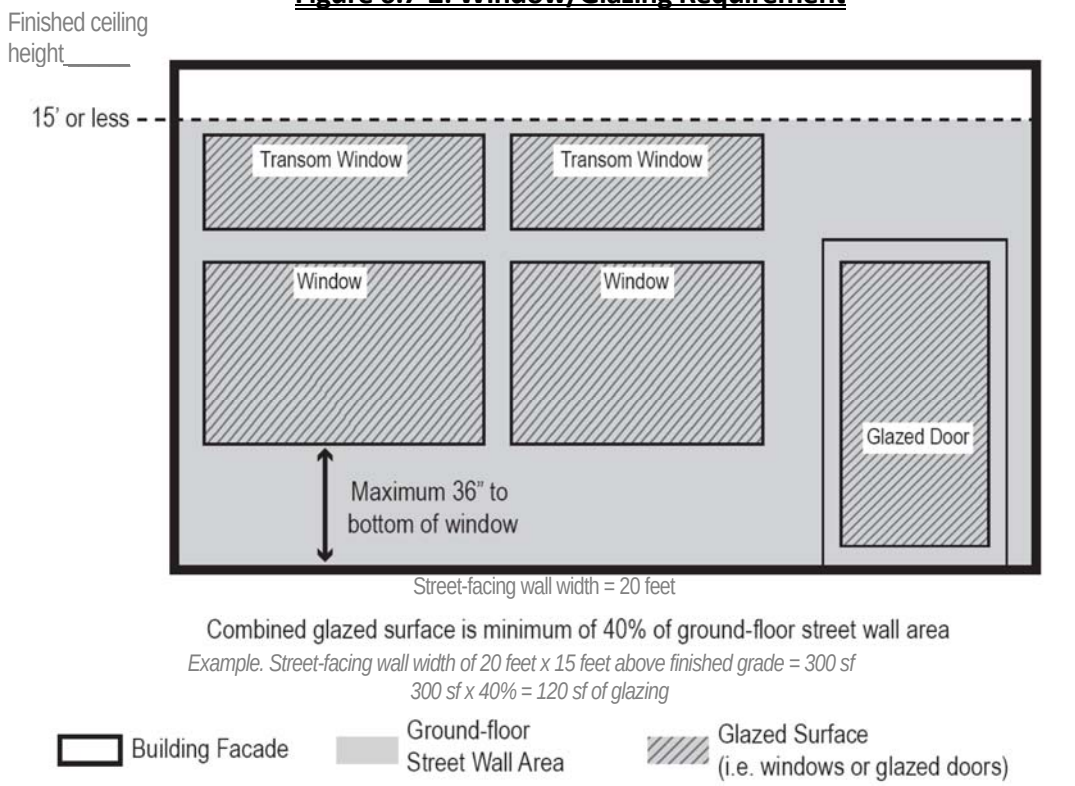
(E) For all building windows facing streets, the following window elements are prohibited:

(i) Reflective, tinted, or opaque glazing.

(ii) Simulated divisions (internal or applied synthetic materials).

(iii) Exposed, unpainted metal frame windows.

Figure 6.7-2: Window/Glazing Requirement



(5) Rooftop Equipment and Screening. The intent of this standard is to integrate mechanical equipment into the overall building design.

(A) Equipment under two feet in height does not require screening.

(B) Elevator mechanical equipment may extend above the height limit a maximum of 16 feet provided that the mechanical shaft is incorporated into the architecture of the building.

(C) Satellite dishes, communications equipment and all other roof-mounted mechanical equipment shall be limited to 10 feet in height, shall be set back a minimum of five feet from the roof edge, and shall be screened from public view and from views from adjacent buildings by one of the following methods:

(i) A screen around the equipment that is made of a primary exterior finish material used on other portions of the building or wood fencing or masonry;

(ii) Green roof features or regularly maintained dense evergreen foliage that forms an opaque barrier when planted.

(D) Required screening shall not be included in the building's maximum height calculation.

SECTION 7
GENERAL DEVELOPMENT STANDARDS

7.1 YARD AND LOT STANDARDS
7.2 ACCESSORY STRUCTURES
7.3 HEIGHT AND OTHER EXCEPTIONS
7.4 SINGLE FAMILY DESIGN STANDARDS
7.5 MULTIFAMILY AND ATTACHED DWELLING DESIGN STANDARDS
7.6 PEDESTRIAN CONNECTIVITY STANDARDS

7.1 YARD AND LOT STANDARDS

***

(c) No Parking In Front Yard, Yards Adjacent To A Street, Or Landscaped Areas. No parking shall be allowed exclusive of driveways within the ~~required~~ front yard area. The side yard and rear yard areas may be used for parking vehicles unless otherwise prohibited by this ordinance.

The yard areas adjacent to a street shall not be used for the permanent storage of utility trailers, house or vacation trailers, boats, or other similar vehicles where such parking or storage might impair public safety and welfare.

(d) Average Yard Setback Adjacent To A Street (Front And Exterior Side Yards). Where a 20 foot minimum front setback is required, every ~~Every~~ building requiring a front yard shall set back from the front line at least 20 feet, except in the instance where the average depth of the other buildings on the same side of the street are between 30 and ten (10) feet, then the average depth may be used. The average depth is the average of the distance from the closest part of the foundation of the existing buildings to the front property line where the existing buildings are within 200 feet of the center of the proposed building, on the same side of the street, within the same block.
If existing buildings are within less than ten (10) feet of the property line, then no less than ten feet shall be used in figuring the average, or if existing buildings are more than 30 feet from the property line then no more than 30 feet shall be used in figuring the average.

***

7.2 ACCESSORY STRUCTURES

(a) Application Of Regulations. The regulations herein set forth shall apply to all residential zones and to structures in any other zone used in connection with residential purposes. Accessory structures shall be located within the rear or interior yard. A maximum of two (2) are permitted.

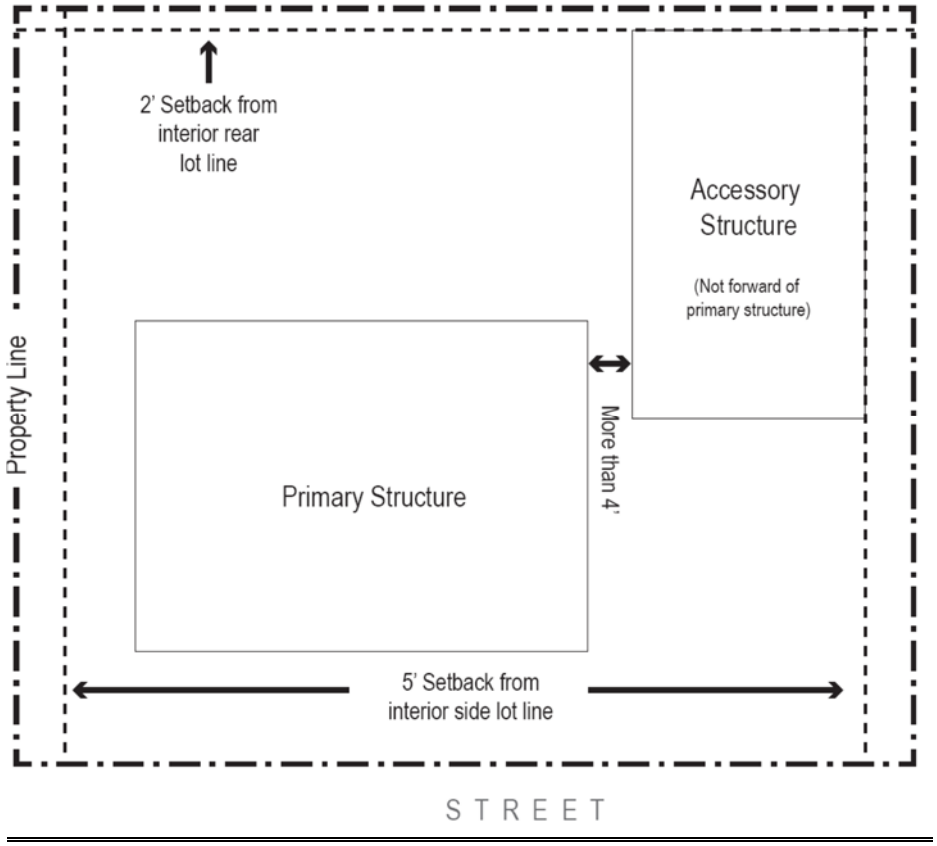
(b) Height. The maximum height of any accessory structure shall be eight (8) feet at the ~~lot line~~ minimum setback specified below. Such maximum height may be increased one (1) foot for each one (1) foot of distance from the minimum setback ~~lot line~~ to a maximum height of 20 feet. Roof drainage shall be accommodated within the confines of the property.

(c) Front Yards And Yards Adjacent To Streets. Any accessory structure, except fences, which has any portion extending above grade shall ~~observe the yard requirements the same as the main building~~ not be closer to the front lot line than the primary structure.

(d) Side Yards, Interior. Accessory structures not attached to the main building located in an interior side yard shall be set back at least five (5) feet from any lot line.

(e) Rear Yards. Within interior rear yards and portions of rear yards not abutting a street, accessory structures not attached to the main building shall be set back at least two (2) feet from any lot line ~~an accessory structure may be placed on the property line~~ except along an alley. All structures except fences shall be at least five (5) feet from the alley.

Figure 7.2-1: Accessory Structure Placement



(f) Accessory Structures Attached To The Main Building. Covered or enclosed accessory buildings which are attached to the main building shall be considered as a portion of the main building and shall observe the same requirements as the main building except for certain projections, as provided in Section 7.1. Accessory structures shall be considered attached to the main building when any portion of the accessory structure is located within 4 feet of the main building.

(g) Fences, Walls, And Hedges - Location, Height, And Density. Fences, walls, and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of required clear-vision areas. Fences along a front property line or within a front yard setback shall not exceed a height of five (5) feet, when the fence is at least 50 percent open. All other in fences, walls, or hedges along a front property line shall not exceed a height of four (4) feet. For side and rear yards, fences, walls or hedges shall not exceed six (6) feet in height without approval of a variance. Fences and walls associated with single family development are subject to the standards in Section 7.4.
***

7.4 SINGLE FAMILY DESIGN STANDARDS

(a) Purpose. The following standards are intended to ensure that single family development is compatible with existing buildings and neighborhoods and that the appearance of all neighborhoods is enhanced through creation of attractively designed housing.

(b) Applicability. These standards and requirements shall apply to all new single-family homes and each half of a duplex. Except as specifically provided in this Section, the standards and requirements of the underlying zoning and other Sections of this Ordinance shall apply.

(c) Design Standards.

(1) Review Process for Single-Family and Two-Family Dwellings. Single-family and two family dwellings shall meet the standards of this Section. Appeals of the City Manager's decision shall be to the Planning Commission.

(2) Except for flag lots, each single-family home and each half of a duplex shall have its front façade and front door oriented towards the street. Where public street frontage is not provided and lots are served by a private accessway, the fronts of residential buildings shall be oriented to the private accessway.

(3) All dwellings and accessory structures shall include eaves with a minimum projection of twelve (12) inches. All windows and doors on the primary street facing façade shall be provided with trim material (2 inch minimum nominal width). Dwellings on corner lots shall also provide windows and doors (with trim of 2 inch minimum nominal width) occupying a minimum of ten percent on all secondary street facing facades.

(4) All single-family dwellings shall have a private garage constructed of like materials and design. A garage may not be located closer to the front lot line than the rest of the dwelling. This may be measured from a covered front porch if applicable.

(5) New single-family and two family dwellings shall incorporate a minimum of five (5) design elements on the primary street facing façade. The list of design elements from which applicants shall choose is provided in Table 7.4-1. The minimum standard must be met in order for the design element to qualify as one of the required elements; however, applicants may choose to vary from these standards for non-required design elements.

Table 7.4-1: Design Elements

Design Element	Minimum Standard
Dormers	Must be at least three (3) feet wide
Pitch Roof	Must be a hip and gable roof with a minimum pitch of 4/12 Jerkinshead and gambrel roofs can also be used.
Covered porch entry	Must be a minimum 40 square foot and a minimum five (5) feet deep
Front porch railing	Must be around at least two (2) sides of the porch
Front facing second story balcony	Must project from the wall of the building a minimum of four (4) feet and be enclosed by a railing or parapet wall
Building face off-sets	Must include two (2) or more off-sets of 16 inches or greater
Roof overhang	Must be 16 inches or greater
Columns, pillars or posts	Must be at least four (4) inches wide and contain larger base materials
Gables	Must be cross or diagonal bracing, shingles, trim, corbels, exposed rafter ends, or brackets
Siding of shakes, shingles, brick, natural stone, cultured stone, natural wood	Must occupy at least 60 square feet of the street façade
Differentiated base materials of natural stone, cultured stone, or brick	Must extend at least 36 inches above adjacent finished grade and occupy a minimum of 10 % of the overall primary street facing façade
Trim on windows and doors	Must be 4 inch minimum nominal width and 0.5 inch nominal depth on windows and doors on the primary street facing façade. Windows must have a window sill.
Vertically oriented windows	Must be oriented vertically, with proportions of at least 3:2 on all street facing windows. Large horizontally oriented “picture windows” are not permitted; a series of vertical windows may be used instead.
Recessed window glazing	Must be recessed minimum of 2 inches inside the window casing
Bay or bow windows	Must extend a minimum of 12 inches outward from the main wall of a building and forming a bay or alcove in a room within the building
Windows and front door	Must occupy a minimum of 15 percent of the primary street facing façade (not including the roof and excluding any windows in a garage door)

Sidelight and/or transom windows	Must be associated with the front door or windows in the front door
Window grids	Must be on all façade windows (excluding any windows in the garage door or front door)
Reduced garage door size	Must be either a maximum nine (9) foot wide garage door(s) or a garage door designed to resemble two smaller garage doors (i.e., 9 feet wide or less) (This element is only applicable to street facing garages).
Recessed front facing garage	Garage door is recessed at least two feet behind the primary street facing façade.(This element is only applicable to street facing garages)
Other items as proposed by the applicant meeting the intent of this section	Must be approved the City Manager or designee.

(6) Fences and Walls.

(A) Fences and walls in front yards shall be no more than four (4) feet in height except that fences and walls located on side lot lines may be up to six (6) feet in height provided they are no closer than ten (10) feet from a street or a public access easement.

(B) Fences and walls in side and rear yards that are within ten (10) feet of a street or a public access easement shall be no more than four (4) feet in height.

(C) All other fences and walls may be up to six (6) feet in height.

(7) Development Pattern. Except as may be permitted through the planned unit development process, no more than four identical structures in a row shall be allowed.

7.5 ATTACHED SINGLE FAMILY DWELLING (TOWNHOUSE) DESIGN STANDARDS

(a) Purpose. The following standards are intended to ensure that attached single family development is compatible with existing building and neighborhoods and that the appearance of all neighborhoods is enhanced through creation of attractively designed housing.

(b) Applicability. These standards and requirements shall apply to all new attached single-family homes. Except as specifically provided in this section, the standards and requirements of the underlying zoning and other Sections of this Ordinance shall apply.

(c) Standards.

(1) Attached single family dwellings are permitted in those zones which permit multifamily dwellings on the ground floor.

(2) The minimum lot area: 3,500 sf for each attached single family dwelling.

(3) Interior Lot Width at Building Line: 24 feet.

(4) The setback requirements of the applicable zone shall be applied to the townhouse building(s) except that the setback for the common wall on a townhouse is reduced to zero (0).

(5) No more than four (4) single family attached dwellings may be attached in a single building.

(6) Each unit shall provide a minimum of seventy-two (72) square feet of contiguous private outside open area (patio/deck/lawn). The minimum width or depth of the open area(s) shall be four (4) feet.

(7) The single family design standards in Section 7.4 shall apply to attached single family dwellings. In addition, attached single family dwellings receiving access directly from a public or private street shall comply with all of the following standards. These standards are intended to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management. See the following Figure 7.5-1 - Townhomes with Street Access.

(A) When garages face the street, they shall either be:

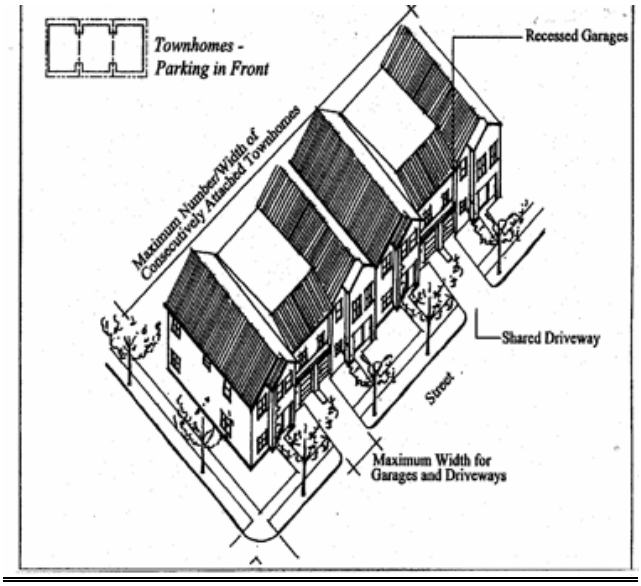
(i) Recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of four (4) feet; or,

(ii) Flush with the front elevation, provided there is a balcony or living area above the garage that is either flush with the front elevation or projects beyond it.

(B) The maximum allowable driveway width facing the street is twelve (12) feet per dwelling unit.

(C) The maximum combined garage frontage per unit is fifty percent (50%) of the total building façade facing the street. For example, a unit with a twenty-four (24) foot wide façade facing the public street may have twelve (12)-feet of garage facing the street.

Figure 7.5-1 – Attached Single Family Dwellings with Street Access



7.6 MULTIFAMILY DESIGN STANDARDS

(a) Purpose. The following standards are intended to ensure that multifamily development is compatible with existing building and neighborhoods and that the appearance of all neighborhoods is enhanced through creation of attractively designed housing.

(b) Applicability. These standards and requirements shall apply to all new multifamily developments. Except as specifically provided in this Section, the standards and requirements of the underlying zone and other Sections of this Ordinance shall apply.

(c) Standards.

(1) Review Process for Multifamily. Multifamily buildings shall meet the standards of this Section.

(2) Offsets and Variation. Plans for multifamily buildings shall incorporate design features such as varying rooflines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements that break up otherwise long, uninterrupted elevations. Such elements shall occur at a minimum interval of 30 feet, and each floor shall contain at least two elements from the following options:

(A) Recess (e.g., porch, courtyard, entrance balcony, or similar feature) that has a minimum depth of four feet;

(B) Extension (e.g., floor area, porch, entrance, balcony, overhang, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; or

(C) Offsets or breaks in roof elevation of two feet or greater in height.

Figure 7.6-1 – Multifamily Detailed Design

(3) Front Facades. All primary, ground-floor common entries or individual unit entries of street frontage units shall be oriented to the street, not to the building interior or to a parking lot.

(4) Main Entrance. Primary structures must be oriented with their main entrance facing the primary street frontage of the site. If the site is on a corner it may have its main entrance oriented to either street or to the corner.

(5) Parking. Parking and loading areas may not be located between the primary structure and right-of-way on which the structure fronts. If there is no alley and motor vehicle access is from the street, parking must be either in a garage that is attached to the primary structure, in a detached accessory structure located at least 50 feet from the front property line, or in a parking area at the side or rear of the site.

(6) Parking Lot Landscaping. Where more than four surface parking spaces are provided abutting a residential district or street, a minimum five (5)-foot-wide landscaped yard shall be established between the parking lot and abutting residential district or street. The landscaped yard area shall be planted with a continuous three (3)-foot-high hedge that will reach maturity within five (5) years.

(7) Screening. All mechanical, electrical, communications, and service equipment shall be screened from public view by parapets, walls, fences, landscaping, or other suitable means.

7.6 PEDESTRIAN CONNECTIVITY STANDARDS

(a) Purpose: The following standards are intended to provide for safe, reasonably direct and convenient pedestrian access and circulation. The standards also support and complement the recommended building design standards for the downtown core by emphasizing the pedestrian walkway system.

(b) Applicability: The following standards apply to all new commercial, public use and multi-family developments.

(c) Standards:

(1) Continuous Walkway System. A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.

(2) Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:

> (A) The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.
>
> (B) The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The City may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
>
> (C) The walkway network connects to all primary building entrances, consistent with the building design standards of this Code and, where required, Americans with Disabilities Act (ADA) requirements.

(3) Vehicle/Walkway Separation. Except as required for crosswalks, per subsection 4, below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the City may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.

(4) Walkway Width and Surface. Walkways, including access ways, shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the City Engineer, and not less than five feet wide. Multi-use paths (i.e., designed for shared use by bicyclists and pedestrians) shall be concrete or asphalt. The City may also require six foot wide, or wider, concrete sidewalks in developments where pedestrian traffic warrants walkways wider than five feet.

SECTION 8
OFF-STREET PARKING AND LOADING

8.1. NEW AND EXISTING FACILITIES TO PROVIDE PARKING AND LOADING
8.2. REDUCTION OF REQUIRED PARKING AREA PROHIBITED
8.3. REDUCTION OF PARKING AND LOADING AREA ALLOWED IN THE BUSINESS CENTER
8.4. LOCATION
8.5. JOINT USE
8.6. OFF-STREET AUTOMOBILE PARKING REQUIREMENTS
8.7. OFF-STREET LOADING REQUIREMENTS
8.8. PARKING AND LOADING AREA DEVELOPMENT REQUIREMENTS
8.9. GENERAL PROVISIONS, OFF-STREET PARKING AND LOADING
8.10. HANDICAPPED PARKING
8.11. ACCESS TO STATE HIGHWAYS
8.12 BICYCLE PARKING REQUIREMENTS

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8.3 REDUCTION OF PARKING AND LOADING AREA ALLOWED IN THE DOWNTOWN CORE OVERLAY ZONE ~~BUSINESS CENTER~~

Off-street parking and off-street loading area requirements for a particular use as enumerated in this Ordinance are not required for a new or expanding use when located within the ~~Parking District delineated in Exhibit "A".~~ Downtown Core Zone Overlay District except as specified below.

(a) New residential development is required to meet the minimum off-street parking requirements in Section 8.6 except that in order to encourage the preservation and reuse of historic buildings, no parking shall be required for new or existing multifamily units above the ground floor in buildings built before 1950. Where off-street parking is required:
  (1) A 25% reduction in the minimum number of parking spaces required is allowed for age-restricted senior housing; and
  (2) Required parking may be permitted on another lot within 500 feet of the subject property with a shared parking agreement or other proof of legal parking access.

(b) New non-residential buildings over 4,000 sf in gross floor area or which have more than 10 employees (based on maximum number of employees who will be at the site at one time, either on a single shift or an overlap of shifts) are required to provide a minimum of 50% of the off-street parking spaces required by Section 8.6.

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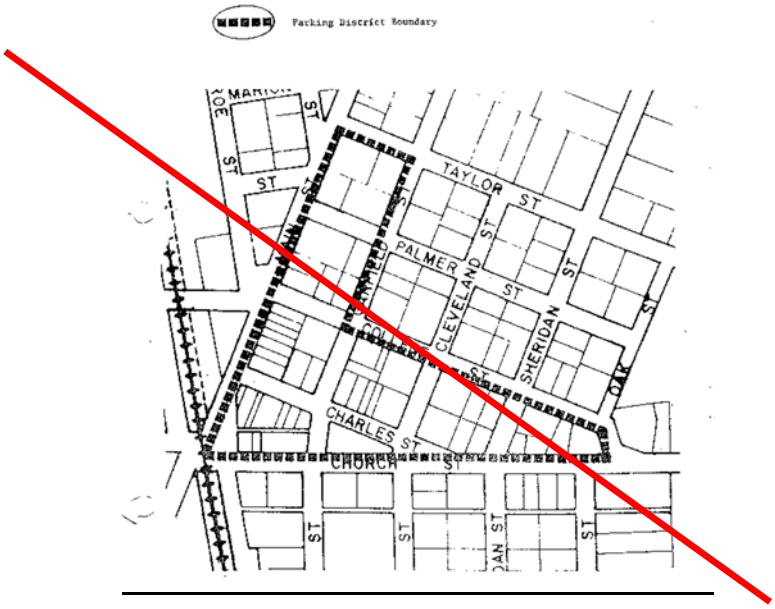
~~Exhibit A~~



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8.6 OFF-STREET PARKING

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Industrial Uses

(o) ~~Storage~~ Manufacturing/Warehouse; 0-49,999 square feet of floor area

One (1) space per 5,000 square feet or one (1) space per employee, whichever is greater

50,000-99,000 square feet of floor area
One (1) space per 10,000 square feet or one (1) space

~~(p) Manufacturing Establishment with~~ 100,000 or more square feet of floor area

One (1) space per 15,000 square feet or one (1) space per employee, whichever is greater
(p) ~~(q)~~ Wholesale Establishment

One (1) space per employee or 1,000 square feet of gross floor area, whichever is greater, plus one (1) space per 700 square feet of patron-serving area

***

SECTION 11
SIGN PROVISIONS

11.1 SIGN REGULATION PURPOSE
11.2 DEFINITIONS RELATING TO SIGNS
11.3 GENERAL LIMITATIONS
11.4 SIGNS GENERALLY PERMITTED
11.5 PROHIBITED SIGNS
11.6 PERMIT REQUIREMENTS
11.7 DESIGN REVIEW REQUIREMENTS
11.8 PERMIT APPROVAL OR DENIAL
11.9 RESIDENTIAL SIGN REGULATIONS
11.10 COMMERCIAL AND INDUSTRIAL SIGN REGULATIONS
11.11 NONCONFORMING SIGNS
11.12 ENFORCEMENT OF SIGN ORDINANCE
11.13 SPECIAL CATEGORY SIGNS
11.14 CONSTRUCTION AND MAINTENANCE STANDARDS
11.15 VARIANCES
11.16 ILLUMINATED SIGNS
11.17 SIGN REMOVAL

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11.6 PERMIT REQUIREMENTS.

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(e) The application for a sign permit shall be accompanied by the following plans and other information.

(1) The names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.

(2) The location by street address of the proposed sign structure.

~~(3) A statement of valuation of the sign.~~

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11.7 Design Review Requirements

All signs permitted within the Commercial General (CG) or Residential Commercial (RC) zones of the City shall conform to the following design review criteria, unless otherwise provided for in this Ordinance:

(b) The following styles of lettering shall be required unless other lettering is approved by the ~~Design Review Committee~~ Design Review Board: Black Chancery, Gothic (Old English), Fraktur, Frank Normal (True Type), Parchment (True Type), Textura, Valiant, Vivaldi Italic (True Type), Kunstler, Clairvaux, San Marco, Blackletter, Modern Blackletter, ~~or~~ Modern Chancery Medici Script Std (adobe.com and myfonts.com), Blackletter 686 (myfonts.com), Frakto Regular (myfonts.com), Wilhelm Klingspor Gotisch (myfonts.com), Wedding Text (myfonts.com), Magdeburg (myfonts.com), Stuttgart Gothic (myfonts.com), Albrecht Durer Gothic (myfonts.com), Fleischmann Gotisch PT (myfonts.com), Textur Gotisch DFR (myfonts.com), Francesca Gothic (myfonts.com), Richmond Fraktur Regular (myfonts.com), Dala Text (myfonts.com), Kings Quest (myfonts.com), (Fette) Gotisch EF Bold (myfonts.com), Jessen Schrift D (myfonts.com), Royal Bavarian Plain and Fancy (myfonts.com), DS-Andreas-Schrift (fraktur.com), DS-Caslon-Gotisch (fraktur.com), DS-Claudius (fraktur.com), DS-Fette Gotisch (fraktur.com), DS-Gotenburg (fraktur.com), DS-Wilhelm-Klingspor-Schrift (fraktur.com), DS-Lincoln-Gotisch (fraktur.com), DS-Maximilian (fraktur.com), DS-Maximilian-Zierbuchstaben (fraktur.com), DS-Peter-Jessen-Schrift (fraktur.com), DS-RatdoIt-Rotunda (fraktur.com), DS-Strallburg (fraktur.com), DS-Tannenberg (fraktur.com), DS-Wallau (fraktur.com), DS-Weill-Gotisch (fraktur.com), DS-Alte Schwabacher (fraktur.com), DS-Ehmcke-Schwabacher (fraktur.com), DS-Offenbacher Schwabacher (fraktur.com), DS-Offernbacher Schwabadher Zusatzpaket (fraktur.com)

(Copies of the lettering styles are available from the City Recorder.)

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11.13 Special Category Signs

(j) Mural Signs. In addition to the allowable sign area, mural signs are allowed subject to prior approval of the ~~Design Review Committee~~ Design Review Board. Upon application, the ~~Design Review Committee~~ Design Review Board may authorize such mural signs upon a finding that the design and placement of the proposed sign contributes to the Bavarian Theme District, if applicable. The ~~Design Review Committee~~ Design Review Board may also authorize specific placement of such mural signs off-premises or in a manner, which exceeds the applicable size or height limits prescribed herein. The findings of the ~~Design Review Committee~~ Design Review Board shall be based upon specific standards adopted by the committee and shall be submitted in writing to the City Manager or designee who shall attach same to the application for sign permit.

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SECTION 14
INFILL DEVELOPMENT OVERLAY ZONE

14.1. PURPOSE
14.2. APPLICABILITY
14.3. MINIMUM INFILL DEVELOPMENT POTENTIAL REQUIREMENTS (80 PERCENT RULE)
14.4. INCENTIVE LAND DIVISION STANDARDS
14.5. STREET, ACCESS AND PEDESTRIAN WAY STANDARDS
~~14.6. RESIDENTIAL DEVELOPMENT STANDARDS~~
~~14.7. ADDITIONAL MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS~~

14.1 PURPOSE

The purpose of the Infill Development Overlay Zone is to foster residential development in specific established neighborhood areas in order to achieve the following community objectives: reduction of pressure to expand the community's Urban Growth Boundary (UGB), more efficient use of existing infrastructure and services (i.e., streets, water, sewer, solid waste disposal), provision of affordable housing, and avoidance of secondary growth related to urban sprawl. Although development densities are based on the underlying land use zoning, the Infill Development Overlay Zone applies specific standards that encourage compatible development on vacant, underutilized, or partially used land.

14.2 APPLICABILITY

This Ordinance shall apply to all land within the City's Infill Development Overlay Zone as shown in Exhibit A.

14.3 MINIMUM INFILL DEVELOPMENT POTENTIAL REQUIREMENT (80 PERCENT RULE)

(a) In order to be eligible for Incentive Land Division Standards (Section 14.4) and Incentive Street Design Standards (Section 14.5(a)), a proposed development must demonstrate that it will yield residential density of at least 80 percent of the maximum density allowed by the Comprehensive Plan and Map for the underlying zone.

(b) A development proposal may satisfy the 80 Percent Rule by submitting a hypothetical future development plan that meets the density criterion in (a), and recording "no-build" easements for all areas of the property to be reserved for future construction based on that submitted plan.

(c) The "no-build" easement shall be eliminated when development in compliance with the 80 Percent Rule occurs.

(d) The "no-build" easement shall be prepared and recorded using a form approved by the Mt. Angel City Attorney.

14.4 INCENTIVE LAND DIVISION STANDARDS

The following standards, which are intended to allow greater flexibility in lot size requirements for development meeting the 80 Percent Rule, shall apply within the Infill Development Overlay Zone. Except as specifically provided in this Section, the standards and requirements of the underlying zoning, other Sections of this Ordinance and the Subdivision Ordinance shall apply.
(a) Proposed land divisions meeting the 80 Percent Rule shall be eligible for review subject to the specific standards and requirements in this Section.

(b) For land divisions (subdivision or partition) ~~which meet the 80 Percent Rul~~e,~~-~~minimum lot size requirements may be reduced up to a maximum of 20% based on dedications made in conjunction with the land division action. Such dedications may be for public right-of-way or for permanent parks and open space. Reductions to lot sizes shall be permitted on a one-for-one basis, up to the total square footage of dedications. ~~No parcel shall be reduced to less than 80 percent of the minimum parcel size established by the standards of the underlying zone through the application of this provision.~~ Text or a table describing the allocation of right-of-way area credits among platted lots shall be recorded as part of the plat drawings.

~~(c) A proposal for immediate construction at less than 80 percent of the maximum permitted density in the Comprehensive Plan and Map for the underlying zone shall be eligible for the provisions of this Section if it complies with the 80 Percent Rule provisions of Section 14.3 above. To ensure that structures will not be constructed in locations that conflict with future infill development, the "no-build" easement shall cover all portions of the subject property which must be reserved for future development in order to meet the 80 Percent Rule, including future streets and access easement areas.~~

14.5 STREET, ACCESS, AND PEDESTRIAN WAY STANDARDS
The following standards shall apply within the Infill Development Overlay Zone. Except as specifically provided in this Section, the standards and requirements of the underlying zoning, other Sections of this Ordinance, and the Subdivision Ordinance, shall apply:

(a) Incentive Street Design Standards. Infill development meeting the 80 Percent Rule shall comply with the street, and private accessway standards set forth in Exhibit B, which are intended to allow greater flexibility in access width requirements for development.

(b) Connectivity. Except at locations where connectivity is precluded by environmental or topographic constraints or by existing development patterns, streets and private accessways shall be designed to extend through the lot being served and abut adjoining property or streets, creating the opportunity to form a connected public access network. Private accessways, and access drives shall be covered by public access easements in a form approved by the Mt. Angel City Attorney. Cul-de-sacs, with maximum length not to exceed 400 feet, may only be allowed at locations where connectivity is precluded by environmental or topographic constraints or by existing development patterns.

(c) Street Trees and Landscaping. On arterial, collector, and standard local streets, a planter strip with street trees and landscaping is required between the street and sidewalk. On all streets and private accessways, a minimum of one (1) street tree shall be provided for each 35

feet of public or private street frontage, or fraction thereof. Street trees shall be equally spaced to the maximum extent possible. A five (5)-foot-wide street landscaping easement shall be located immediately adjacent to the public access easements for public and private accessways.

(d) Pedestrian Ways. Where a block is greater than 400 feet in length, a pedestrian way through the block, connecting with adjoining development, streets, or accesses shall be provided. Where a single-outlet access is necessary (i.e., a cul-de-sac, private accessway, or access drive that cannot make a through connection in the future due to constraints), a pedestrian way connecting the single-outlet access with adjoining development, streets, or accesses shall be provided. Pedestrian ways shall have a minimum five (5)-foot-wide, paved, all-weather surface within a minimum ten (10)-foot-wide easement or tract.

(e) Lighting. Pedestrian-scale lighting shall be required as part of construction of infill local streets, private accessways, access drives, and pedestrian ways extending more than 220 feet between intersections with other transportation network elements.

(f) Curb Radii. To reduce pedestrian crossing distances and slow traffic, the curb radius for local streets and accessways shall be no greater than 20 feet and no less than 15 feet.

(g) On-street Parking. On-street parallel parking should be provided on collector and local streets.

~~14.6 RESIDENTIAL DEVELOPMENT STANDARDS~~
~~The following standards which are intended to ensure that infill development is compatible with existing buildings and neighborhoods shall apply within the Infill Development Overlay Zone, superseding other provisions of this Ordinance. Except as specifically provided in this Section, the standards and requirements of the underlying zoning and other Sections of this Ordinance shall apply.~~
~~(a) Review Process for Single-Family and Two-Family Dwellings. Single-family and two-family dwellings shall meet the standards of this Section and shall be subject to review by the Design Review Committee. Appeals of the Administrator's decision shall be to the Planning Commission.~~
~~(b) Building Orientation. New residential buildings shall have their primary orientation towards the street and shall incorporate features such as front porches, windows, doorways, and paved walkways that connect to sidewalks (or shared accessways). Unless the curvature of the street makes it impractical, the primary residential structure shall be oriented so that the front building line is parallel to the abutting street. Where Mt. Angel Development Regulations Page 14-4 public street frontage is not provided and lots are served by a private accessway, the fronts of residential buildings shall be oriented to the private accessway.~~
~~(c) Garage Location. Garages shall be set back behind the front facade of the house by at least five feet. For single-family and duplex uses, three-car garages are permitted only when the garage door for the third car is set back from the front wall plane of the main garage by at least~~

~~two (2) feet. A conditional use permit is required for garages accommodating more than three cars on a single-family or duplex lot.~~
~~(d) Front Porches. New residential buildings shall have a usable covered, but not enclosed, outdoor front porch. Porch dimensions shall be a minimum of six (6) feet in depth and a minimum of eight (8) feet in length. Porches shall have a gable, hip, or shed roof, shall be supported by boxed or round columns, and shall have a perimeter railing.~~
~~(e) Windows. Windows shall be oriented vertically, with proportions of at least 3:2. Large horizontally oriented "picture windows" are not permitted; a series of vertical windows may be used instead.~~
~~(f) Trim and Details. Trim shall be used around the windows, doors, frieze, and corners of buildings. Details shall be used around the porch, fascia board, and window and door tops.~~
~~(g) Roofs. Hip and gable roofs with a minimum pitch of 4/12 shall be provided where an abutting property includes a main structure with a minimum roof pitch of 4/12. In all other cases, a minimum pitch of 3/12 shall be provided. Jerkinshead and gambrel roofs can also be used. Each roof shall incorporate a hip, shed, eyebrow, or gable dormer in its roof design.~~
~~(h) Parking Location. With the exception of driveway parking, off-street parking areas and parking lots shall not be located in the front yard.~~
~~(i) Yards. Front and side yards that abut the street shall be visually open to the street. In these areas, fences and hedges shall be less than four (4) feet in height.~~
~~(j) Fences/Walls. Fences and walls in front yards and corner side yards shall be no more than four (4) feet in height and shall not be solid in design. Along rear and interior yard lines, walls may be solid and may be up to six (6) feet in height, except in front and side yards that abut a street or public access easement, where wall height shall be less than four (4) feet within ten (10) feet of the street or public access easement.~~
~~(k) Development Pattern. Except as may be permitted through the planned unit development process, no more than four identical structures in a row shall be allowed.~~
~~(l) Front Yard Setback. The minimum front yard setback shall be 15 feet, measured from the edge of the right-of-way or public easement line to the front of the structure. The minimum setback for garages shall be 20 feet from the edge of the right-of-way or public easement line.~~
~~(m) Dwelling Height. The maximum height permitted for a new dwelling on an existing lot, or lots created through a partition, shall be 20 feet or the average height of the dwellings on all abutting parcels in the same underlying zoning district, whichever is higher. The Planning Commission may approve a taller dwelling through a conditional use process.~~

~~14.7 ADDITIONAL MULTIFAMILY RESIDENTIAL DEVELOPMENT STANDARDS~~
~~The following standards, which are intended to ensure that infill development is compatible with existing buildings and neighborhoods, shall apply within the Infill Development Overlay Zone, superseding other provisions of this Ordinance. Except as specifically provided in this Section, the standards and requirements of the underlying zone and other Sections of this Ordinance shall apply.~~

~~(a) Review Process for Multifamily and Attached Dwellings. Multifamily and attached dwellings shall meet the standards of this Section, and shall be subject to review by the Design Review Board in accordance with the procedures set forth in Ordinance 617.~~

~~(b) Scale. Buildings with walls greater than 80 feet in length shall include street facades that are varied and articulated at regular 20, 30, 40, or 50 foot intervals along the facade to provide the appearance of smaller buildings. Articulation shall be achieved through use of offsets, jog, variation of finishes, projections, entries, or other forms of distinctive changes.~~

~~(c) Front Facades. All primary, ground-floor common entries or individual unit entries of street frontage units shall be oriented to the street, not to the building interior or to a parking lot. The front elevation of large structures must be divided into smaller areas or planes of 500 square feet or less. Projecting features such as porches, balconies, bays, dormer windows, and roof pediments are encouraged for structures facing a street.~~

~~(d) Main Entrance. Primary structures must be oriented with their main entrance facing the primary street frontage of the site. If the site is on a corner it may have its main entrance oriented to either street or to the corner.~~

~~(e) Unit Definition. Emphasize each dwelling unit by including a roof dormer or bay windows on the street facing elevation, or by providing a roof gable or porch that faces the street.~~

~~(f) Roof Lines. Hipped or gabled roofs are recommended. Roof-line offsets shall be provided at intervals of 100 feet or less to create variety in the massing of structures and relieve the effect of a single, long roof. Roof line offsets shall be a minimum eight (8)-foot variation either vertically from the gutter line or horizontally.~~

~~(g) Parking. Parking and loading areas may not be located between the primary structure and right-of-way on which the structure fronts. If there is no alley and motor vehicle access is from the street, parking must be either in a garage that is attached to the primary structure, in a detached accessory structure located at least 50 feet from the front property line, or in a parking area at the side or rear of the site.~~

~~(h) Parking Lot Landscaping. Where more than four surface parking spaces are provided abutting a residential district or street, a minimum five (5)-foot-wide landscaped yard shall be established between the parking lot and abutting residential district or street. The landscaped yard area shall be planted with a continuous three (3)-foot-high hedge that will reach maturity within five (5) years.~~

~~(i) Screening. All mechanical, electrical, communications, and service equipment shall be screened from public view by parapets, walls, fences, landscaping, or other suitable means.~~

Exhibit A
Infill Development Overlay Zone

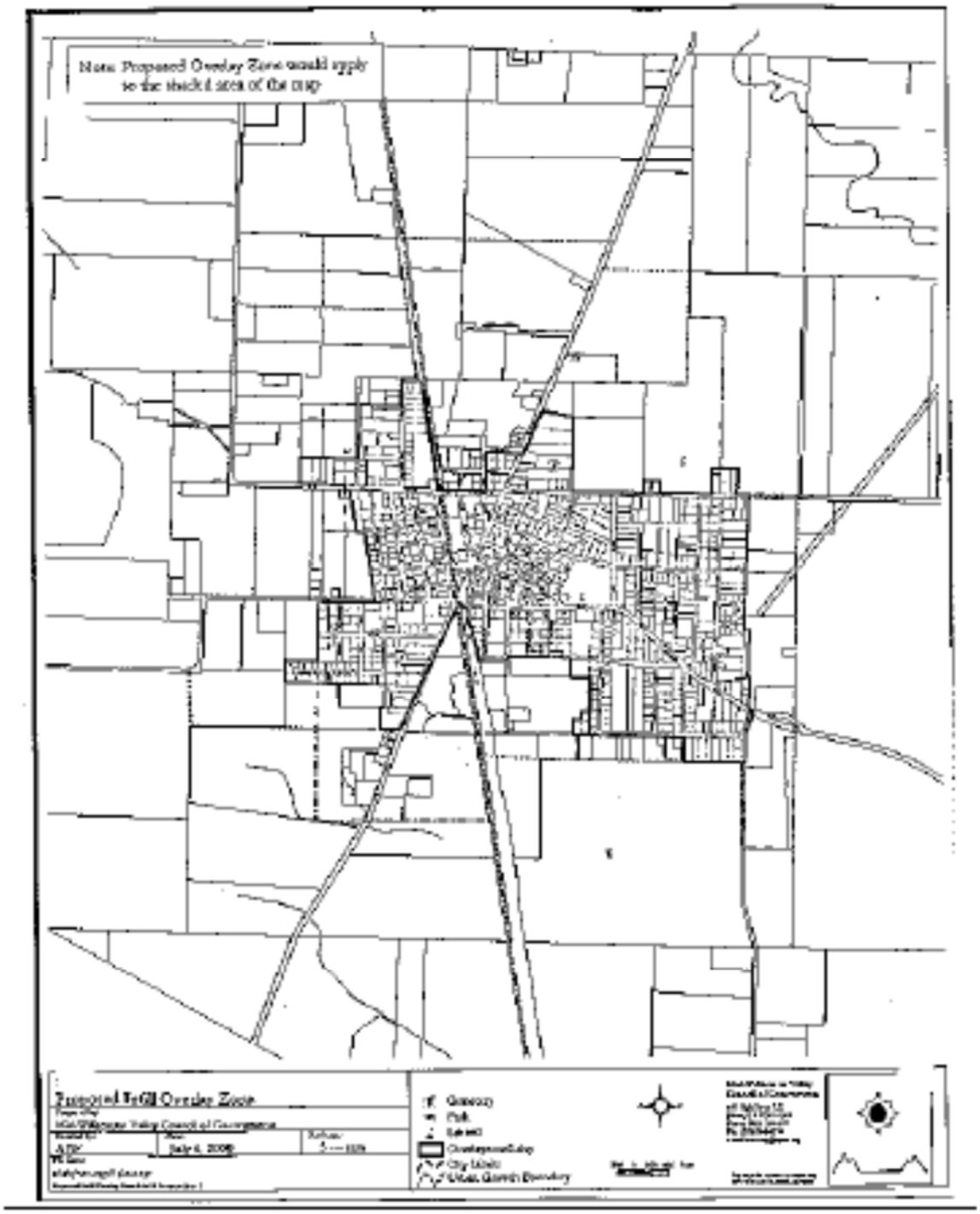

Exhibit B

Street and Accessway Standards

Street Type	Pavement Width	Travel Lane	On-Street Parking	Minimum R.O.W.	Sidewalk	Park Strip	Street Trees	Average Daily Trips
Standard Local Street	30-34 ft[1]	2	2 sides	50 ft. – 55 ft. (up to 75 lots)	5 ft. min. both sides	~~7~~5ft. min.	yes	250-750
Infill Local Street	28 ft.	2	1 side	35 ft. – 40 ft. (up to 25 lots)	5 ft. min. one side	not required	yes in easements	< 250
Private Accessway	18 ft.	2	no	20 ft. easement (up to 4 lots)	none	none	yes in easements	< 40

[1] Narrow Street Option (30 foot pavement width)

The Planning Commission shall allow use of the narrow street option for local streets if all of the following conditions are met:

1. Not more the 600 feet in the block or street segment
2. Access for not more than 20 dwelling units on the block or street segment.
3. Only permitted on streets without significant through traffic, including but not limited to, cul-de-sacs.
4. No curves are present that would create sight-distance problems.
5. No other problems are present that would interfere with the proper functioning of a narrow street.

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SECTION 16
DESIGN REVIEW BOARD

16.1. PURPOSE
16.2. MEMBERSHIP
16.3. OFFICERS
16.4. REVIEW AUTHORITY
16.5. PROCEDURES
16.6. APPEALS

16.1 Purpose

A Design Review Board is hereby created and established to promote the general public welfare and to assist the Planning Commission in enhancing, protecting and preserving aesthetic appeal and beauty of the City. The Board serves as an advisory board to City staff or the Planning Commission.

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16.4 Review Authority

The Design Review Board shall review:
(a) All Bavarian Theme District applications per Section 15.
(b) All Sign Permits under Section 18 of the Zoning Ordinance.
(c) ~~The Design Review Board shall review and approve all permit applications for the building or location of structures subject to Section 1.10(b)(manufactured home) and Section 6.1(f) of the Zoning Ordinance for conformance to those applicable Section requirements.~~
~~(d)~~ May review other design issues referred to the Board by the Planning Commission.

16.5 Procedures

Upon receipt of an application requiring review by the Design Review Board the City Recorder shall:

(a) Within 72 hours notify the Board of the receipt of application and either provide copies to all Board members or indicate where copies are available for viewing by the Board members.

(b) Each Board member shall within 72 hours notify the City Recorder of either approval of the design as submitted or request a full Board meeting on the application.

(c) A Board meeting shall be scheduled in accordance with applicable law and the adopted rules of procedure of the Board.

(d) For Type I Reviews, the Board advises the City staff planner.

(e) For Type II and III reviews, the Board advises the Planning Commission.

~~16.6 Appeals~~

~~An appeal by an aggrieved party must be filed with the Recorder within ten (10) days of the date of mailing of the Notice of Decision of the Design Review Board to the Planning Commission. The appeal must be files in writing and state wherein the board failed to conform to provisions of the applicable ordinances.~~

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