

CHAPTER 2

ZONING AND DEVELOPMENT PROVISIONS

- Section 2.100 ZONING DISTRICTS**
- Section 2.101 LOW DENSITY RESIDENTIAL (R-1)**
- 2.101.01 Purpose
 - 2.101.02 Permitted Uses
 - 2.101.03 Conditional Uses
 - 2.101.04 Dimensional Standards
 - 2.101.05 Development Standards
- Section 2.102 MEDIUM DENSITY RESIDENTIAL (R-2)**
- 2.102.01 Purpose
 - 2.102.02 Permitted Uses
 - 2.102.03 Conditional Uses
 - 2.102.04 Dimensional Standards
 - 2.102.05 Development Standards
- Section 2.103 HIGH DENSITY RESIDENTIAL (R-3)**
- 2.103.01 Purpose
 - 2.103.02 Permitted Uses
 - 2.103.03 Conditional Uses
 - 2.103.04 Dimensional Standards
 - 2.103.05 Development Standards
- Section 2.104 CENTRAL BUSINESS DISTRICT (CBD)**
- 2.104.01 Purpose
 - 2.104.02 Permitted Uses
 - 2.104.03 Conditional Uses
 - 2.104.04 Limitations on Use
 - 2.104.05 Dimensional Standards
 - 2.104.06 Development Standards
 - 2.104.07 Architectural Design Standards
- Section 2.105 GENERAL COMMERCIAL (G-C)**
- 2.105.01 Purpose
 - 2.105.02 Permitted Uses
 - 2.105.03 Conditional Uses
 - 2.105.04 Limitations on Use
 - 2.105.05 Dimensional Standards

- 2.105.06 Development Standards
- Section 2.106 LIGHT INDUSTRIAL (L-I)**
- 2.1065.01 Purpose
- 2.106.02 Permitted Uses
- 2.106.03 Conditional Uses
- 2.106.04 Prohibited Uses
- 2.106.05 Limitations on Use
- 2.106.06 Dimensional Standards
- 2.106.07 Development Standards

- Section 2.107 PUBLIC (P)**
- 2.107.01 Purpose
- 2.107.02 Permitted Uses
- 2.107.03 Conditional Uses
- 2.107.04 (reserved)
- 2.107.05 Dimensional Standards
- 2.107.06 Development Standards

- Section 2.108 AGRICULTURAL HOLDING (A-H)**
- 2.108.01 Purpose
- 2.108.02 Permitted Uses
- 2.108.03 Conditional Uses
- 2.108.04 Standards

- Section 2.110 RESTRICTED DEVELOPMENT BOUNDARY (R-D)**
- 2.110.01 Purpose
- 2.110.02 Applicability
- 2.110.03 Development

- Section 2.111 FLOOD PLAIN MANAGEMENT (FP)**
- 2.111.01 Purpose
- 2.111.02 Applicability
- 2.111.03 Warning and Disclaimer
- 2.111.04 Development Procedures
- 2.111.05 General Standards
- 2.111.06 Specific Standards
- 2.111.07 Other Considerations

2.200 GENERAL DEVELOPMENT STANDARDS.

Section 2.201 GENERAL PROVISIONS

- 2.201.01 Purpose
- 2.201.02 Application of Standards
- 2.201.03 Application of Public Facility Standards
- 2.201.04 Design Standards

Section 2.202 STREET STANDARDS

- 2.202.01 Purpose
- 2.202.02 Scope
- 2.202.03 General Provisions
- 2.202.04 General Right-of-Way and Improvement Widths
- 2.202.05 Modification of Right-of-Way and Improvement Widths
- 2.202.06 Private Streets
- 2.202.07 Access Easements

Section 2.203 OFF-STREET PARKING AND LOADING

- 2.203.01 Purpose
- 2.203.02 Scope
- 2.203.03 Location
- 2.203.04 Joint Use
- 2.203.05 Off-Street Parking Requirements
- 2.203.06 Residential Driveways
- 2.203.07 Off-Street Loading Requirements
- 2.203.08 Parking and Loading Area Requirements
- 2.203.09 General Provisions Off-Street Parking and Loading
- 2.203.10 Parking Lot Landscaping and Screening Standards
- 2.203.11 Bicycle Parking

Section 2.204 STORM DRAINAGE

- 2.204.01 Purpose
- 2.204.02 Scope
- 2.204.03 Plan for Storm Drainage and Erosion Control
- 2.204.04 General Standards

Section 2.205 UTILITY LINES AND FACILITIES

- 2.205.01 Purpose
- 2.205.02 Standards

Section 2.206 SIGNS

- 2.206.01 Purpose
- 2.206.02 Definitions
- 2.206.03 General Provisions
- 2.206.04 Signs Generally Permitted

- 2.206.05 Prohibited Signs
- 2.206.06 Signs in Non-commercial Zones
- 2.206.07 Signs in Commercial and Industrial Zones
- 2.206.08 Review Procedures
- 2.206.09 Nonconforming Signs
- 2.206.10 Variance – Signs

Section 2.207 SITE AND LANDSCAPING DESIGN

- 2.207.01 Purpose
- 2.207.02 Scope
- 2.207.03 Approval Process
- 2.207.04 Landscaping Installation and Compliance Security
- 2.207.05 Minimum Area Requirements
- 2.207.06 General Provisions
- 2.207.07 Screening and Buffering
- 2.207.08 Planting and Maintenance

Section 2.208 DEVELOPMENT STANDARDS FOR LAND DIVISIONS

- 2.208.01 Purpose
- 2.208.02 Scope
- 2.208.03 Standards for Lots or Parcels
- 2.208.04 Standards for Blocks
- 2.208.05 Improvement Requirements
- 2.208.06 Improvement Procedures

Section 2.209 YARD AND LOT STANDARDS

- 2.209.01 New Buildings Shall be on a Lot
- 2.209.02 Yards Apply Only to One Building
- 2.209.03 No Parking in Yard Areas
- 2.209.04 Zero Side Yard Setback
- 2.209.05 Front Yard Projections
- 2.209.06 Side Yard Projections
- 2.209.07 Rear Yard Projections
- 2.209.08 Vision Clearance
- 2.209.09 Fences, Walls and Hedges

Section 2.210 ACCESSORY STRUCTURES

- 2.210.01 Generally
- 2.210.02 R-1 and R-2 Zones
- 2.210.03 R-3, Commercial and Industrial Zones

2.300 SUPPLEMENTAL STANDARDS FOR SPECIAL USES

Section 2.301 GENERAL PROVISIONS

- 2.301.01 Applicability of Special Use Standards
- 2.301.02 Process

Section 2.302 PLANNED UNIT DEVELOPMENT (P.U.D.)

- 2.302.01 Purpose
- 2.302.02 Area of Application
- 2.302.03 Applicant
- 2.302.04 Uses Permitted
- 2.302.05 Development Requirements
- 2.302.06 Process
- 2.302.07 Modification of Approval

Section 2.303 MANUFACTURED HOMES

- 2.303.01 Scope
- 2.303.02 General Standards
- 2.303.03 Process

Section 2.304 MANUFACTURED HOME PARKS

- 2.304.01 Scope
- 2.304.02 General Standards
- 2.304.03 Process

Section 2.305 HOME OCCUPATIONS

- 2.305.01 Standards
- 2.305.02 Process
- 2.305.03 Non-Compliance

2.400 GENERAL PROVISIONS

Section 2.401 GENERAL STANDARDS

- 2.401.01 Minimum Requirements
- 2.401.02 Completion of a Structure
- 2.401.03 Lots of Record
- 2.401.04 Lots Abutting a Partial Street
- 2.401.05 Reserved
- 2.401.06 Unsafe Building
- 2.401.07 Limitations on Buildings

Section 2.402	GENERAL EXCEPTIONS
2.402.01	General Exception to Building Height
2.402.02	Height Exceptions for Public Buildings
2.402.03	Public Dedications
2.401.04	Miscellaneous Setback Exceptions
Section 2.403	USES PERMITTED IN ALL ZONES
2.403.01	Permitted Uses

2.100 ZONING DISTRICTS

2.101 LOW DENSITY RESIDENTIAL ZONE (R-1)

2.101.01 Purpose

The purpose of the R-1 District is to preserve existing single family residential areas and provide for future single family residential housing opportunities. The R-1 District is consistent with the Residential Comprehensive Plan designation.

2.101.02 Permitted Uses

The following uses are permitted in the R-1 zone:

- A. Single family dwelling, including a single-family manufactured home subject to Section 2.303, and Residential Homes.
- B. Public park and recreation area
- C. Partitionings or subdivisions, subject to the provisions in Section 3.108 or Section 3.109.
- D. Home Occupations subject to the provisions of Section 2.305.
- E. Planned unit development subject to the provisions of Section 2.302.

2.101.03 Conditional Uses

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103.

- A. Church
- B. Public or private school
- C. Community building
- D. Utility facility including utility rights-of-way
- E. Bed and Breakfast

2.101.04 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R-1 Zone except for modifications permitted under Section 2.402, General Exceptions.

A. Minimum Lot Area

1. Single family dwellings: 7,000 square feet
2. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.

B. Minimum Yard Setback Requirements All principal and accessory structures shall maintain the following minimum yard setbacks:

- | | | |
|----|--------------------------------|---------|
| 1. | Front Yard | 15 feet |
| | Private Garage | 20 feet |
| 2. | Rear Yard | 10 feet |
| 3. | Side Yard (interior) | 5 feet |
| | Side Yard (adjacent to street) | 15 feet |

C. Maximum Structure Height - the lessor of:

1. Measured at the eaves: 23 feet
- or -
2. As measured in accordance with Section 1.200.02: 30 feet

D. Minimum Lot Width at Building Line 60 feet

E. Minimum Residential Structure Size 850 square feet

2.101.05 Development Standards

All development in the R-1 District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Accessory structures. Accessory structures as provided for in Section 2.210.
- B. Off-street parking. Parking shall be as specified in Section 2.203.
- C. Partitions and Subdivisions. Land divisions shall be reviewed in accordance with the provisions of Section 3.108 or 3.109.
- D. Density. A minimum of 4.0 dwelling units per acre shall be required of all new subdivisions and planned unit developments.
- E. Lot Coverage. The following shall mean the maximum permitted lot coverage, including coverage by public and private parking areas or garages:
 - Maximum lot coverage: 35%
 - Maximum parking area coverage: 30%
 - Combined maximum lot and parking area coverage: 65%
- F. Yards and Lots. Yards and lots shall conform to the standards of Section 2.209.
- G. Signs. Signs shall conform to the requirements of Section 2.206.
- H. Driveways shall be separated from an intersection by at least 30 feet or one-half the lot frontage, whichever is greater.
- I. No more than one (1) main building shall be located on a lot or parcel.

2.102 MEDIUM DENSITY RESIDENTIAL ZONE (R-2)

2.102.01 Purpose

The purpose of the R-2 District is to provide areas for the development of a mixture of single-family housing opportunities. The R-2 District is consistent with the Residential Comprehensive Plan designation.

2.102.02 Permitted Uses

The following uses are permitted in the R-2 zone:

- A. Single-family dwelling; including a single-family manufactured home subject to Section 2.303; and Residential Homes and Facilities.
- B. Duplex dwelling
- C. Public park and recreation area
- D. Partitionings or Subdivisions, subject to the provisions in Section 3.108 or Section 3.109
- E. Planned unit development, subject to the provisions of Sections 2.302
- F. Home occupations, subject to the provisions in Section 2.305

2.102.03 Conditional Uses

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103.

- A. Church
- B. Public or private school
- C. Community building
- D. Utility facility including utility rights-of-way
- E. Three-family dwellings per lot
- F. Bed & Breakfast

G. Boarding House

2.102.04 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R-2 District except for modifications permitted under Section 2.402, General Exceptions.

A. Minimum Lot Area

- | | | |
|----|-------------------------|-------------------|
| 1. | Single-family dwelling: | 7,000 square feet |
| | Duplex: | 7,500 square feet |
| | Three-family dwelling: | 9,000 square feet |

2. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.

B. Minimum Yard Setback Requirements All principal and accessory structures shall maintain the following minimum yard setbacks:

- | | | |
|----|---------------------------------|---------|
| 1. | Front Yard: | 15 feet |
| | Private Garage: | 20 feet |
| 2. | Rear Yard: | 10 feet |
| 3. | Side Yard (interior): | 5 feet |
| | Side Yard (adjacent to street): | 15 feet |

C. Maximum Structure Height - the lesser of:

- | | | |
|----|--|---------|
| 1. | Measured at the eaves: | 23 feet |
| | - or - | |
| 3. | As measured in accordance with Section 1.200.02: | 30 feet |

D. Minimum Residential Structure Size: 850 square feet

2.102.05 Development Standards

All development in the R-2 District shall comply with the applicable provisions of Section 2.400. In addition, the following specific standards shall apply:

- A. Accessory structures. Accessory structures as provided for in Section 2.210.
- B. Off-street parking. Parking shall be as specified in Section 2.203.
- C. Partitions and Subdivisions. Land divisions shall be reviewed in accordance with the provisions of Section 3.108 or 3.109.
- D. Density. A minimum of 6.0 dwelling units per acre shall be required of all new subdivisions, planned unit developments, and multifamily development.
- E. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:
 - Maximum lot coverage: 35%
 - Maximum parking area coverage: 30%
 - Combined maximum lot and parking area coverage: 65%
- F. Yards and Lots. Yards and lots shall conform to the standards of Section 2.209.
- G. Signs. Signs shall conform to the requirements of Section 2.206.
- H. Driveways shall be separated from an intersection by at least 30 feet or one-half the lot frontage, whichever is greater.

2.103 HIGH DENSITY RESIDENTIAL ZONE (R-3)

2.103.01 Purpose

The purpose of the R-3 District is to provide opportunities for higher density housing at a density no greater than 10 units per acre. The R-3 District is consistent with the Residential Comprehensive Plan designation.

2.103.02 Permitted Uses

The following uses are permitted in the R-3 zone:

- A. Duplex dwelling, Multi-family dwellings, Manufactured Home Parks subject to Section 2.303, and Residential Facilities.
- B. Public park and recreation area.
- C. Partitioning and subdivisions, subject to the provisions in Section 3.108 or Section 3.109.
- D. Planned unit development subject to the provisions of Sections 2.302.
- E. Boarding, lodging, or rooming house.
- F. Home occupation, subject to the provisions of Section 2.305.
- G. Manufactured home park subject to the provisions of Section 2.304.
- H. Single-family dwelling.

2.103.03 Conditional Uses

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103.

- A. Church
- B. Public or private school
- C. Community building
- D. Utility facility including utility rights-of-way

2.103.04 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the R-3 District except for modifications permitted under Section 2.402, General Exceptions.

A. Minimum Lot Area

- 1. Single-family dwelling: 7,000 square feet
Duplex: 7,000 square feet
Multi-family dwelling, 3 unit 9,000 square feet
plus 2,000 square feet per unit in excess 3 units
Four-family dwelling (single story): 11,000 square feet
Four-family dwelling (two story): 10,000 square feet
- 2. Public utility structures: Lot area shall be adequate to contain all proposed structures within the required yard setbacks.

B. Minimum Yard Setback Requirements All principal and accessory structures shall maintain the following minimum yard setbacks:

- 1. Front Yard 15 feet
Private Garage 20 feet
- 2. Rear Yard 10 feet
- 3. Side Yard (interior) 5 feet
Side Yard (adjacent to street) 15 feet

C. Maximum Structure Height - the lesser of:

- 1. Measured at the eaves: 25 feet
- or -
- 2. As measured in accordance with Section 1.200.02: 35 feet

D. Minimum Residential Structure Size: 850 square feet

2.103.05 Development Standards

All development in the R-3 District shall comply with the applicable provisions of Section 2.400. In addition, the following specific standards shall apply:

- A. Accessory structures. Accessory structures as provided for in Section 2.210.
- B. Off-street parking. Parking shall be as specified in Section 2.203.
- C. Partitions and Subdivisions. Land divisions shall be reviewed in accordance with the provisions of Section 3.108 or 3.109.
- D. Density. Development within the R-3 zone shall comply with the following density requirements:
 - 1. Subdivisions and Manufactured Home Parks: Maximum density is less than 8 units per acre.
 - 2. Multi-family: Maximum density is less than 10 units per acre.
- E. Lot Coverage. The following shall mean the maximum permitted lot coverage, maximum coverage of public and private parking areas or garages, and/or combined maximum lot and parking combined coverage required:

Maximum building coverage:	45%
Maximum parking area coverage:	30%
Combined maximum building and parking area coverage:	75%
- F. Multi-family residential uses (three or more units) shall comply with the following standards:
 - 1. Multi-family developments shall be subject to the Site Design Review procedures in Section 3.104.
 - 2. Access points to public streets shall minimize traffic congestion, avoid directing traffic onto local access streets, and shall be separated from an intersection by at least 30 feet.

- G. Landscaping. Multi-family dwelling developments shall provide a minimum landscaped area equal to 25 percent of the gross site area. Landscaping improvements shall be installed and maintained in accordance with Section 2.207.

- H. Signs. Signs shall conform to the requirements of Section 2.206.

2.104 CENTRAL BUSINESS DISTRICT (CBD)

2.104.01 Purpose

This district provides an area for the establishment of an architecturally designed commercial core. It provides limited commercial usage for area residents, and a visual attractor for visitors.

2.104.02 Permitted Uses

The following uses are permitted outright in the Central Business District, subject to the Site Design Review in accordance with Section 3.104:

- A. Residences which are located on the second story above a permitted use commercial building
- B. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; and, miscellaneous offices such as detective agencies, drafting services or contractors offices
- C. Professional offices including, but not limited to, medical, dental, engineering and legal services. Veterinary clinics shall not provide on-site services for farm animals
- D. Art gallery, artisan's or craftsman's studio, photographic studio, picture framing
- E. Banks and other financial institutions
- F. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, jewelry, gift, and other types retail activities
- G. Restaurants, delicatessen, taverns, snack shops and other types of eating and drinking establishments
- H. Bakery, butcher shop, candy manufacturing when retail sales are provided on the premises

- I. Retail and service related stores, including but not limited to, TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use
- J. Service related businesses, including but not limited to, barber shops, beauty shops, advertising agencies, printing or photocopying, dancing or music school, health and fitness club, or other activities where the primary activity is the providing of a service to retail customers
- K. Bed and breakfast inn
- L. Partitionings and subdivisions, subject to the provisions of Section 3.108 or Section 3.109.

2.104.03 Conditional Uses

The following conditional uses are allowed in the Central Business District subject to obtaining a conditional use permit and completing a Site Design Review in accordance with Section 3.104:

- A. Public buildings and public utility buildings and structures
- B. Church, club lodge, or fraternal organizations
- C. Theaters, including movie theaters
- D. Public automobile parking as specified in Section 2.203.

2.104.04 Limitations on Use

- A. All business, service, processing, or merchandise displays shall be conducted wholly within an enclosed building except for the following:
 - 1. Off-street parking or loading.
 - 2. Temporary display and sales of merchandise, provided it is:
 - a. Under cover of an projecting roof and does not interfere with pedestrian or automobile circulation, OR

- b. Approved temporary covering, granted by special permit, in accordance with Section 3.105.

B. Drive-thru service is prohibited

2.104.05 Dimensional Standards

The following minimum dimensional standards, with the exception of modifications permitted under Section 2.402, shall be required for all development in the Central Business District.

A. Minimum lot area: None

B. Minimum yard setbacks:

1. Front Yard No front yard setback permitted except as provided in paragraph D below.

2. Rear Yard

Adjoining a non-residential district	None
Adjoining a residential district	15 feet

3. Side Yard

Adjoining a street	No side yard setback permitted except as provided in paragraph D below.
Adjoining a non-residential district	None
Adjoining a residential district	10 feet

C. Maximum structure height: 40 feet

D. A set back from the street line may be permitted subject to Design Review for a pedestrian plaza, landscaping, or similar purpose, and not to include outside storage, driveways, loading or parking.

2.104.06 Development Standards

All developments in the CBD zone shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-Street Parking. Off-street parking, if provided, shall be located at the rear of the property.
- B. Signs. Signs in the CBD zone shall be subject to the provisions of Section 2.206.
- C. Partitions and Subdivisions. All land divisions shall be reviewed in accordance with the provisions of Section 3.108 or 3.109.
- D. Design Review. All new development and expansion of an existing structure or use in the Central Business District shall be subject to the Site Design Review procedures of Section 3.104.
- E. Landscaping. All required yard areas shall be landscaped. Landscaping improvements shall be installed and maintained in accordance with Section 2.207 of this Ordinance.

2.104.07 Architectural Design Standards.

The purpose of this section is to provide aesthetic architectural design standards to develop a design theme for the Central Business District of the City. The design requirements shall apply to all new, altered or expanded commercial structures in the Central Business District. Acceptable architectural styles shall be compatible with or similar to other structures in the Central Business District. They shall reflect the period of construction of the dominant number of structures in the district, and be consistent with the Amity Town Center Plan of December, 1999. The design review shall include:

- A. **Architectural Details:** Attention to exterior detail is of significant importance. Lighting fixtures, gates, exterior window treatments, use of materials and color must be considered for compatibility with early 20th century era construction.
- B. **Awning, Canopies, and Porches:** Awning, porches, canopies or other additions to a structure shall be compatible with early 20th century era construction. Such additions on corner buildings shall be continuous around the corner.
- C. **Benches:** Benches should be provided in both public and private pedestrian areas and walkways. Benches in public areas on private

property, adjacent to public right-of-way, shall comply with an early 20th century theme.

- D. **Building Entrances:** Entrances to the building shall be recessed from the sidewalk to provide for any entryway not in conflict with the pedestrian circulation on the sidewalk.
- E. **Colors:** Primary exterior shades shall be whites, neutrals, earth tones, grays and subdued greens and blues. No bright blues, bright greens, or high intensity reds, yellows or oranges.
- F. **Doors:** Doors shall be appropriate for the structure and are subject to design review. Any changes in door styles are subject to design review.
- G. **Exterior Finishes:** Typical materials would be primarily brick or stone masonry. Other acceptable materials include patterned shingles, horizontal wood or shingle siding, brick and tiles. Any T-111 siding, rough sawn unfinished plywood, aluminum, or metal siding is prohibited.
- H. **Lighting:** Lighting shall be low intensity, shaded, subject to review and shall be compatible with an early 20th century theme. No external fluorescent or neon lighting may be allowed.
- I. **Public Art:** All sculpture and visual art displayed for the public and located on the exterior of a building or on grounds outside of a building shall be subject to design and site plan approval.
- J. **Roofs:** Roofing materials which can not be seen from ground level, will be the standard. Sawn cedar shingles, slate, architectural grade shingles are permitted. Also any man-made or manufactured products, made to look like the standard.
- K. **Roof, Mechanical Equipment and Satellite Dishes:** Such equipment shall be screened in a method consistent and integral with the overall architectural appearance of the structure, subject to Planning Commission review.
- L. **Trash Enclosures:** Trash enclosures shall be located and treated to integrate with the appearance of the site/building design.

M. **Windows:** Wood or vinyl are the standard.

2.105 GENERAL COMMERCIAL ZONE (G-C)

2.105.01 Purpose

To provide areas for a wide range of retail, wholesale, transportation, and service uses. To assure compatibility between these uses and adjacent residential and industrial uses, special design standards are specified.

2.105.02 Permitted Uses

The following uses are permitted in the G-C zone, subject to a Site Design Review in accordance with Section 3.104:

- A. Pre-schools, nurseries and kindergartens
- B. Non-profit member organizations, (such as) business associations, labor unions, political organizations or fraternal lodges
- C. Public automobile parking as specified in Section 2.203.
- D. Public and semi-public buildings, structures and uses, such as parks, municipal offices, libraries, police and fire stations, churches, and hospitals
- E. Public utility structures and buildings, (such as) pump stations, reservoirs, electric substations, and necessary right-of-way for identified public utilities
- F. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; and, miscellaneous offices such as detective agencies, drafting services or contractors offices
- G. Professional offices.
- H. Banks and other financial institutions
- I. Mortuary, including crematorium
- J. Greenhouse and garden supply

- K. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, hobby or photography store, florist, liquor store, hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, jewelry, gift, and other types of retail activities
- L. Restaurants, drive-ins, taverns, snack shops and other types of eating and drinking establishments
- M. Retail and service related stores (such as) TV and radio sales and service, bicycle shop, gunsmith, equipment rental, upholstery shop or other similar activities where a service department is customarily a secondary activity to the retail use
- N. Service related businesses (such as) barber shops, beauty shops, advertising agencies, self-serve laundry, dry cleaning, printing or photocopying, or other activities where the primary activity is the providing of a service to retail customers
- O. Amusement and recreation related businesses (such as) bowling alleys, miniature golf, pool halls, motion picture theaters, video arcades, and other types of amusement and recreational businesses
- P. Hotel and Motel
- Q. Partitionings and subdivisions, subject to the provisions of Section 3.108 or Section 3.109
- R. Residences which are located on the second story above a permitted use commercial building

2.105.03 Conditional Uses

The following uses are allowed subject to obtaining a conditional use permit and completing a Site Design Review:

- A. Automobile, truck, motorcycle, trailer, recreational vehicle and boat sales and repair
- B. Retail tire sales, service and repair; tire recapping, service and repair, paint and body shop

- C. Automobile service station, including towing services and vehicle washing and polishing facilities, and services
- D. Part and accessory sales for automobiles, trucks, motorcycles, trailers, recreational vehicles and boats
- 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. Welding shop and blacksmith where activities are conducted wholly within a building
- H. Newspaper, periodical, publishing and printing
- I. Tractor and farm equipment, logging equipment; sales and service
- J. Veterinary clinics
- K. Drive-in restaurant
- L. Cabinet shop, conducted wholly within a building
- M. Tent and awning shop

2.105.04 Limitations on Use

- A. All business, services, processing, or merchandise displays shall be conducted wholly within an enclosed, permanent building except for the following:
 - 1. Off-street parking or loading
 - 2. Drive-through windows or service stations
 - 3. Temporary display and sales of merchandise provided it is:
 - a . under cover of a projecting roof and does not interfere with pedestrian, bicycle, or automobile circulation, OR

- b. any approved temporary covering, structure or use granted by special permit in accordance with Section 3.105
 - 4. Businesses which, in all cases, require outdoor storage of merchandise, e.g., automobile, RV sales lots, or gas stations
- B. Not more than 50 percent of the floor area of the building and not more than 25 percent of the lot area of the commercial enterprise shall be used in the manufacturing, processing, or compounding of products or merchandise.

All uses must be arranged and located according to a plan providing for aesthetic and other conditions in harmony with surrounding uses and not be offensive or obnoxious by reason of emission of odors, dust, smoke, noise, light or vibration.

2.105.05 Dimensional Standards

The following minimum dimensional standards, with the exception of modifications permitted under Section 2.402, shall be required for all development in the General Commercial Zone.

- A. Minimum lot area: None
- B. Minimum yard setbacks:
 - 1. Front Yard

Adjoining a non-residential district	None
Adjoining a residential district	15 feet
 - 2. Rear Yard

Adjoining a non-residential district	None
Adjoining a residential district	15 feet
 - 3. Side Yard

Adjoining a non-residential district	None
Adjoining a residential district	10 feet
- C. Maximum structure height: 30 feet

2.105.06 Development Standards

All developments in the General Commercial Zone shall comply with the applicable provisions of Section 2.400. In addition, the following specific standards shall apply:

- A. Off-Street Parking. Off-street parking is encouraged to be located in the rear of the property.
- B. Signs. Signs in the General Commercial Zone shall be subject to the provisions of Section 2.206.
- C. Design Review. All new development and expansion of an existing structure or use in the General Commercial Zone shall be subject to the Site Design Review procedures of Section 3.104.
- D. Landscaping. All development in the General Commercial Zone shall provide a minimum landscaped area equal to 10 percent of the gross site area. Landscaping improvements shall be installed and maintained in all yard areas accordance with Section 2.207.
- E. Screening. Screening shall be required for the following:
 - 1. All outdoor storage areas shall be screened by a six foot sight-obscuring fence or wall.
 - 2. Where a commercial use abuts a residential zone, a six foot sight-obscuring fence or wall shall be installed along the full length of the property line. This requirement shall not cause the placement of a fence or wall in the clear-vision area.
- I. Building Entrance. Development in the General Commercial Zone is encouraged to face the primary building entrance toward the street. Development on corner lots is encouraged to face the street of higher functional classification, as adopted in the Amity Transportation System Plan. If a primary entrance does not face the higher classification street, structures are encouraged to include storefront windows facing the dominant street.

2.106 LIGHT INDUSTRIAL ZONE (L-I)

2.106.01 Purpose

To provide land for and to encourage the grouping together of warehousing, manufacturing, and other light industrial uses which, because of their normal characteristics, would be relatively unobjectionable, could be permitted to operate in close proximity to, and would not be detrimental to surrounding commercial or residential uses.

2.106.02 Permitted Uses

- A. Public utility and public service installations, including repair and storage facilities and personal wireless service facilities.
- B. Warehouses including mini-warehouse storage; assembly, including light manufacturing, processing, packaging, treatment, fabrication of goods or merchandise; laboratories, offices, bottling and distribution centers, light repair facilities, wholesale businesses, and similar uses. (These uses must be located and arranged according to a plan providing for aesthetic and other conditions in harmony with the neighborhood, and not be offensive or obnoxious by reason of emission of odor, dust, smoke, gas, light, noise or vibration. All proposed uses must be approved by the Planning Commission.)
- C. Partitionings and subdivisions, subject to the provisions of Section 3.108 or Section 3.109.

2.106.03 Conditional Uses

The following uses may be permitted in the L-I zone when authorized by the Planning Commission pursuant to Section 3.103.

- A. Outdoor storage of materials of an industrial character.

- B. Bulk storage of flammable liquids or gases.
- C. Concrete or asphalt batch plants.
- D. Chemical, fertilizer, insecticide, paint product manufacturing.
- E. Incidental or accessory retail sales.

2.106.04 Prohibited Uses

- A. Rendering plants.
- B. Wrecking, demolition, junk yards, including recycling firms.
- C. Any other use which is or can be operated in such a manner as to create a dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration, smoke, dust, dirt, or other forms of air pollution; electrical or other disturbance; glare; or other substance, condition or element is such amount as to adversely affect the surrounding area or premises, as may be determined by the Planning Commission and appealed in accordance with Section 3.205

2.106.05 Limitations on Use

The following special development limitations shall apply:

- A. Outside storage abutting or facing a residential or commercial zone shall be enclosed by a sight-obscuring fence or wall.
- B. Requirements:
 - 1. The fence or wall shall obstruct the storage from view on the sides of the property abutting or facing these zones and shall be at least six feet in height or the maximum height of the stored materials, whichever is greater.
 - 2. The fence or wall shall be of such material and design that it will reduce noise emanating from the site; and have an appearance and be maintained so as not to detract from the adjacent residences or commercial activities.

3. The fence or wall shall be free of advertising, graffiti or extraneous markings.

C. Outside storage shall not exceed 12 feet in height.

2.106.06 Dimensional Standards

- A. Minimum Lot Size: None

- B. Setback Requirements:
 - 1. Front yard:
 - a. Adjacent to other than a residential zone None
 - b. Adjacent to a residential zone 20 feet

 - 2. Side yard:
 - a. Adjoining other than a residential zone None
 - b. Adjoining a residential zone 20 feet

 - 3. Rear yard:
 - a. Adjoining other than a residential zone None
 - b. Adjoining a residential zone 20 feet

- C. Maximum Building Height: 30 feet

2.106.07 Development Standards

All development in the Light Industrial District shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Off-street parking in the Light Industrial District shall conform to the standards of Section 2.203.

- B. Signs. Signs in the Light Industrial District shall conform to the provisions of Section 2.206.

- C. Design Review. All new development or expansion of existing structure or use in the Light Industrial District shall be subject to the Site Design Review procedures of Section 3.104.

- D. Landscaping. Landscaping improvements shall be installed and maintained in all yard areas accordance with Section 2.207, and shall provide a minimum landscaped area equal to 10 percent of the gross site area.

- E. Access. Site access points shall be located to minimize traffic hazards.
- F. Partitions and Subdivisions. All subdivisions and partitions shall be reviewed in accordance with the provisions of Section 3.108 or 3.109.

2.107 PUBLIC ZONE (P)

2.107.01 Purpose

To provide for the location of public and semi-public lands, buildings, facilities and uses in a manner that will not unreasonably disrupt or alter areas of the community.

2.107.02 Permitted Uses

The following uses are permitted in the P zone and subject to a Site Design Review:

- A. Publicly owned buildings and facilities (such as) city halls, community centers, libraries, schools, fire stations and police stations
- B. Public outdoor recreation facilities such as parks, swimming pools, golf courses and playgrounds
- C. Public utility structures and buildings, such as pump stations, communication or transmission towers, reservoirs, electric substations, water and sewage treatment facilities and necessary right-of-way for identified public utilities; including office or administrative buildings
- D. Lands designated for public open space such as nature preserves, greenbelts or scenic areas
- E. Uses clearly accessory and subordinate to the above

2.107.03 Conditional Uses

The following uses may be permitted in the P zone subject to obtaining a conditional use permit in accordance with Section 3.103 and a Site Design Review in accordance with Section 3.104:

- A. Fraternal and civic organizational facilities

- B. Hospitals and overnight clinics
- C. Private schools and branch educational facilities
- D. Semi-public facilities such as churches, synagogues, temples, cemeteries, monasteries, and convents
- E. Commercial airport

2.107.04 Reserved

2.107.05 Dimensional Standards

The following dimensional standards, with the exception of modifications allowed under Section 2.402, shall be required for all development in the Public Zone:

- A. Minimum lot area: None
- B. Minimum yard setbacks:
 - 1. Front yard:
 - a. Adjoining a non-residential zone None
 - b. Adjoining a residential zone 15 feet
 - 2. Side yard:
 - a. Adjoining a non-residential zone None
 - b. Adjoining a residential zone 15 feet
 - 3. Rear yard:
 - a. Adjoining a non-residential zone None
 - b. Adjoining a residential zone 10 feet
- C. Maximum Building Height: 45 feet

2.107.06 Development Standards

All development in the Public Zone shall comply with the applicable provisions of Section 2.400 of this Ordinance. In addition, the following specific standards shall apply:

- A. Off-street parking. Off-street parking in the Public Zone shall conform to the standards of Section 2.203.
- B. Signs. Signs in the Public Zone shall conform to the provisions of Section 2.206.
- C. Design Review. All new development or expansion of existing structure or use in the Public Zone shall be subject to the Site Design Review procedures of Section 3.104.
- D. Landscaping. Landscaping improvements shall be installed and maintained in all yard areas accordance with Section 2.207.

2.108 AGRICULTURAL HOLDING ZONE (A-H)

2.108.01 Purpose

The purpose of this district is to allow an orderly phasing of urban development of land that is currently in agricultural uses until such time that the agricultural lands are needed and consistent with the availability of public facilities and services.

2.108.02 Permitted Uses

No building, structure, or land shall be used and no building or structure shall be hereafter erected, altered, or enlarged in this district except for the following uses:

- A. Raising or harvesting crops; for the feeding, breeding, and management of livestock; for dairy; or for any other agricultural or horticultural use or any combination thereof. Includes the preparation of the products raised thereon for man's use and disposal by marketing or otherwise.
- B. One single-family dwelling or a single-family manufactured home subject to Section 2.303 for owners, operators, or help required to carry out a use specified in Section 2.107.02 (A) contingent upon the availability of sewer and water services.
- C. Accessory buildings, only as are needed and normally required in connections with a use specified in Section 2.107.02 (A).

2.108.03 Conditional Uses

The following uses are permitted as conditional uses, provided that such uses are approved in accordance with Section 3.103.

- A. The establishment of more than one dwelling in conjunction with farm use
- B. Utility facility including utility right-of-ways

2.108.04 Standards

The Dimensional and Development Standards for single-family dwellings serviced by public water and sewer facilities shall be that of the R-1 zone.

2.110 RESTRICTED DEVELOPMENT BOUNDARY ZONE (R-D)

2.110.01 Purpose

There are environmentally sensitive areas within the City of Amity, such as unique habitat areas, lands valued for their aesthetic qualities and lands which cannot be developed under ordinary standards due to physical limitations. The purpose of this zone boundary overlay is to maintain and protect the integrity of the natural resources of the City and to promote the health, safety and general welfare of the citizens through proper management within this zone boundary. Compatible uses shall be permitted under specific review by the Planning Commission and those land uses that are incompatible with the maintenance of this zone shall be prohibited.

2.110.02 Applicability

In determining the specific applicability of uses within the R-D Zone, Boundary Maps shall be on file at the office of the City Recorder, City Hall, Amity, Oregon.

2.110.03 Development

All development proposals, allowed as a permitted use or conditional use within any zone which is also within the R-D overlay zone, shall be submitted to the Planning Commission for approval. Plans for the proposed development shall also be submitted to the appropriate local, state and federal agencies for an impact assessment. Approval or denial of the proposed development shall be consistent with the policies of the Comprehensive Plan including but not limited to those related to:

- A. Natural habitat areas
- B. Natural hazards or severe building limitations
- C. Management of natural features including scenic views and open spaces.

2.111 FLOOD PLAIN MANAGEMENT (FP)

2.111.01 Purpose

The purpose of the Flood Plain Management Overlay Zone is to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- C. Control the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters.
- D. Control filling, grading, dredging and other development which may be subject to or increase flood damage.
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

2.111.02 Applicability

This ordinance shall apply to all Areas of Special Flood Hazards identified on the Flood Insurance Study and Flood Insurance Rate Maps [FIRM] within the jurisdiction of the City of Amity, Yamhill County, Oregon, and on file at the office of the City Recorder, City Hall, Amity, Oregon.

2.111.03 Warning and Disclaimer

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Amity, any officer or employee thereof, or the Federal Insurance Administration, for any flood

damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

2.111.04 Development Procedures

Before any start of construction or development shall occur in areas of special flood hazard; a plot plan, drawn to scale, showing the nature, location, dimension, and topographic lines of the area in question, must be submitted to the Planning Commission for a hearing and approval. The plan shall include as a minimum:

- A. Actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- B. The elevation (in relation to mean sea level) to which any new or substantially improved structure has been flood-proofed.
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the flood proofing criteria of this section.
- D. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

2.111.05 General Standards

In all areas of special flood hazards, the following standards are required:

A. Anchoring

All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

B. Construction Materials and Methods

- 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision Proposals

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
4. Base flood elevation data shall be provided for subdivision and planned unit development proposals.

E. Review of Building Permits

Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available.

2.111.06 Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided the following provisions are required:

A. Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation.

B. Nonresidential Construction

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be flood-proofed so that below the base flood level the structure walls shall be substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.

C. Manufactured Homes

All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this Section.

D. Floodways

Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If subsection (1.) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section and Section 2.111.05.
3. Prohibit the placement of any manufactured housing, except in an existing mobile home park or existing mobile home subdivision.

2.111.07 Other Considerations

A. Use Of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 2.111.02, the Planning Commission shall obtain, review and reasonably utilize any base flood elevation and floodway data

available from a federal, state or other source, in order to administer this Section.

B. Alteration of Watercourses

1. Adjacent affected communities and the Oregon State Water Resources shall be notified prior to any alteration or relocation of a watercourse, and evidence of such notification shall be submitted to the Federal Insurance Administration.
2. Maintenance shall be required within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

C. Interpretation of FIRM Boundaries

Interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 1910.6 of the rules and regulations of the National Flood Insurance Program (24 CFR 1909, etc.).

2.200 GENERAL DEVELOPMENT STANDARDS

2.201 GENERAL PROVISIONS

2.201.01 Purpose

The purpose of this Section is to:

- A. Carry out the Comprehensive Plan with respect to development standards and policies.
- B. Insure that natural features of the landscape, such as land forms, natural drainage-ways, trees and wooded areas, are preserved as much as possible and protected during construction.
- C. Promote energy conservation and efficiency in development through site planning and landscaping.
- D. Promote and maintain healthy environments and minimize development impacts upon surrounding properties and neighborhoods.

2.201.02 Application of Standards

- A. The standards set forth in this Section shall apply to partitions; subdivisions; planned unit developments; commercial and industrial projects; single family dwellings, duplexes, and multi-family structures.

Developments outside the City which will tie into or take access from City streets, or increase the flow or change the point of discharge to the City storm drainage system shall be subject to the improvement standards set forth in this ordinance to the extent necessary to mitigate the impacts to these systems.

- B. The application of these standards to a particular development shall be modified as follows:
 - 1. Development standards which are unique to a particular use, or special use, shall be set forth within the district.

2. Those development standards which are unique to a particular district shall be set forth in the Section governing that district.
- C. No public works construction permit shall be issued until an agreement is executed between the developer and the City specifying the period within which required improvements and repairs shall be completed, as well as referencing the terms and conditions under which the City has approved the development. Any negotiated development agreement shall be approved by the City Council and the City Attorney.

2.201.03 Application of Public Facility Standards

Standards for the provision and utilization of public facilities or services available within the City of Amity shall apply to all land developments in accordance with the following table of reference. No development permit shall be approved unless the following improvements are provided for prior to occupancy or operation, or unless future provision is assured in accordance with Subsection 3.208.

Public Facilities Improvement Requirements Table

	Fire Hydrant	Street Improve	Water Hookup	Sewer Hookup	Storm Drain	Street Lights
Single Family Dwelling & Duplex	C-1	C-2	Yes	Yes	Yes	No
Multifamily Dwelling	C-1	Yes	Yes	Yes	Yes	Yes
New Commercial Building	C-1	Yes	Yes	Yes	Yes	Yes
Commercial Expansion	C-1	C-3	Yes	Yes	Yes	Yes
New Industrial Building	C-1	Yes	Yes	Yes	Yes	Yes
Industrial Expansion	C-1	C-3	Yes	Yes	Yes	Yes
Partition, Subdivisions, PUD, and Manufactured Home Park	C-1	Yes	Yes	Yes	Yes	Yes

Legend: No = Not required Yes = Required C = Conditional, as noted:

- C-1. Fire Hydrants for Commercial, Industrial Expansions, or Residential Uses: One or more fire hydrants are required as per the Uniform Building Code and Uniform Fire Code or if adequate fire flows are not available to the site. If the existing water lines are insufficient to provide adequate fire flows, water lines shall be upgraded to provide sufficient capacity.
- C-2. Street Improvements for Single-Family Dwellings: New single-family dwellings which require a street extension must provide street improvements to City street standards.
- C-3. Street Improvements for Commercial or Industrial Expansions: Lots fronting on County roads must obtain access permits from the Yamhill County Public Works Department. The City will require improvement to full City standards when the use meets any of the following criteria:
 - a. The expanded use generates an average of 100+ trips per day as documented in the Trip Generation Manual of the Institute of Transportation Engineers or other qualified source; or
 - b. The expanded use includes at least weekly shipping and delivery trips by vehicles over 20,000 pounds gross vehicle weight.

- c. The subject use expands by at least 25%.

2.201.04 Design Standards

The design of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the City, and all improvements for which City approval is required, shall comply with the requirements of the most recently adopted **City of Amity, Public Works Design Standards**.

2.202 STREET STANDARDS

2.202.01 Purpose

- A. To provide for safe, efficient, and convenient vehicular movement in the City.
- B. To provide adequate access to all proposed and anticipated developments in the City.
- C. To provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way.

2.202.02 Scope

The provisions of this Section shall be applicable to:

- A. The creation, dedication, or construction of all new public or private streets, pedestrian facilities, and bikeways in all subdivisions, partitions, or other developments in the City.
- B. The extension or widening of existing public or private street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the City, or which may be required by the City in association with other development approvals.
- C. The construction or modification of any utilities, bikeways, or sidewalks in public rights-of-way or private street easements.
- D. The planting of street trees or other landscape materials in public rights-of-way.

2.202.03 General Provisions

The following provisions shall apply to the dedication, construction, improvement, or other development of all public streets in the City, and are intended to provide a general overview of typical minimum design standards. All streets shall be designed in conformance with the specific requirements of the most recently adopted **City of Amity, Public Works Design Standards**.

The standard sections contained in the **City of Amity, Public Works Design Standards** are minimum requirements only and shall not be construed as prohibiting the City Engineer from requiring thicker sections or engineer designed pavement sections in lieu of standard sections where conditions warrant.

- A. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.
- B. Development proposals shall provide for the continuation, and connection to, all streets, bikeways and pedestrian facilities within the development and to existing streets, bikeways and pedestrian facilities outside the development.
- C. Alignment: All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the centerline thereof. The staggering of street alignments resulting in "T" intersections shall leave a minimum distance recommended by the City Engineer.
- D. Future extension of streets: Where necessary to give access to or permit a satisfactory future development of adjoining land, streets, bikeways and pedestrian facilities, shall be extended to the boundary of a tract being developed. Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- E. Existing Streets
 - 1. Full street improvements to all existing streets adjacent to, within or necessary to serve the property, shall be required at the time of partitioning or development, unless the applicant demonstrates to the satisfaction of the City Engineer that the condition and sections of the existing streets meet City standards and are in satisfactory condition to handle projected traffic loads.
 - 2. The City may allow the applicant to record an approved construction deferral, see Section 3.208.03, in lieu of street improvements where the following criteria are met:

- a. The contiguous length of the existing street to be improved (including the portion of the existing streets which must be improved to serve the development) is less than 250 feet, and
 - b. The existing roadway condition and sections are adequate to handle existing and projected traffic loads, and
 - c. Existing public utilities (water, sanitary sewer and storm sewer) located within the existing roadway are adequate, or can be improved without damaging the existing roadway surface.
- F. New Streets: Where new streets are created by a subdivision or partition, full street improvements shall be required.
- G. Cul-de-sacs: Cul-de-sacs shall have maximum lengths of 400 feet and serve no more than 18 dwelling units. All cul-de-sacs shall terminate with circular turn-a-rounds.
- H. Street Names: Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the City Council. Street names shall be required for all new publicly dedicated streets and private streets.
- I. Grades and Curves: Grades shall not exceed 6 percent on arterials, 10 percent on collectors, or 12 percent on any other public or private street. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. Center line radii of curves shall not be less than 300 feet on major arterials, 200 feet on minor arterials, or 100 feet on other streets, and shall be to an even ten (10) feet. On arterials there shall be a tangent of not less than 100 feet between reversed curves. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves.
- J. Marginal Access Streets: If a development abuts or contains an existing or proposed arterial street or railroad right-of-way, the City may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the

rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

- K. Clear Vision Areas: Clear vision areas shall be maintained on corner lots at the intersection of all public streets and at the intersections of a public street with a private street as outlined in Section 2.209.08.

2.202.04 General Right-of-Way and Improvement Widths

The following standards are general criteria for public streets, bikeways and sidewalks in the City. These standards shall be the minimum requirements for all streets, except where modifications are permitted under Subsection 2.202.05.

Street Classification	ROW Width	Curb to Curb Width	Bikeway Width	Sidewalk Width
Arterials	80 feet	Varies	5 feet ea. side	5 feet
Collector	60 feet	36 feet	5 feet ea. Side	5 feet
Local, 1000 feet or less	50 feet	34 feet	N/R	5 feet
Alley	15 feet	12 feet	N/R	N/R
Cul-de-sac bulb	45 foot radius	40 foot radius	N/R	5 feet

2.202.05 Modification of Right-of-Way and Improvement Width

The City, pursuant to the review procedures of Section 3.203, may allow modification to the public street standards of Subsection 2.202.04, when both of the following criteria are satisfied:

- A. The modification is necessary to provide design flexibility in instances where:
 1. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or

2. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of Section 2.202.04; or
 3. A modification is necessary to preserve trees or other natural features determined by the City to be significant to the aesthetic character of the area; or
 4. A Planned Unit Development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.
- B. Modification of the standards of Section 2.202.04 shall only be approved if the City finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

2.202.06 Private Streets

Streets and other right-of-ways serving a planned unit development that are not dedicated for public use shall comply with the following:

- A. Private streets shall only be allowed where the applicable criteria of Section 2.208.03 (C) are satisfied. Private streets shall have a minimum easement width of 25 feet and a minimum paved, curbed width of 20 feet.
- B. Unless otherwise specified in the **City of Amity, Public Works Design Standards**, all private streets serving more than two dwelling units shall be constructed to the same pavement section specifications required for public streets. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City Attorney.
- C. A turn-around shall be required for any private street which has only one outlet and which is in excess of 200 feet long or which serves more than two residences. Turn-arounds for private streets shall be either a circular turn-around with a minimum paved radius of 35 feet, or a "tee" or "hammerhead" turn-around with a minimum paved dimension across the "tee" of 70 feet and a 20 foot width with appropriate radius at the corners.

Any grant of a private street or land functioning as an easement shall not be accepted by the City and dedicated for public use except upon approval of the City Council and upon meeting the specifications of Section 2.202.02 and 2.202.04.

2.202.07 Access Easements

A private access easement created as the result of an approved partitioning shall conform to the following.

- A. Partition access easements shall only be allowed where the applicable criteria of Section 2.208.03 (C) are satisfied. The easement shall comply with the following standards:
 - 1. Minimum width: 20 feet
 - 2. Minimum paved or curb to curb width: 18 feet
 - 3. Maximum length: 250 feet
 - 4. No more than 3 dwelling units shall have sole access to the easement
- B. Unless otherwise specified in the **City of Amity, Public Works Design Standards**, all private streets serving more than two dwelling units shall be constructed to the same pavement section specifications required for public streets. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, home owners association, or other instrument acceptable to the City Attorney.
- C. A turn-around shall be required for any access easement which has only one outlet and which is in excess of 200 feet long or which serves more than two residences. Turn-arounds shall be either a circular turn-around with a minimum paved radius of 35 feet, or a "tee" or "hammerhead" turn-around with a minimum paved dimension across the "tee" of 70 feet and a 20 foot width with appropriate radius at the corners.
- D. All private access easements serving more than two (2) residences shall be designated as fire lanes and signed for no parking.

**2.203 OFF-STREET PARKING AND LOADING
(Commercial, Industrial and Multi-Family Uses Only)**

2.203.01 Purpose

The purpose of this Section is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the City.

2.203.02 Scope

Development of off-street parking and loading areas for commercial, industrial, or multi-family development shall be subject to the Site Design Review procedures of Section 3.104.

The provisions of this Section shall apply to the following types of development:

- A. Any new building or structure erected after the effective date of this Ordinance.
- B. The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure.
- C. A change in the use of a building or structure which would require additional parking spaces or off-street loading areas under the provisions of this Section.
- D. As a condition of approval in a land use decision.

2.203.03 Location

Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that:

- A. In any residential zone or for any residential use permitted in a non-residential zone, automobile parking areas may be located on another lot if such lot is within 200 feet of the lot containing the main building, structure or use;

- B. In any non-residential zone, the parking area may be located off the site of the main building, structure or use if it is within 500 feet of such site.

2.203.04 Joint Use

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to City approval for commercial and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. The requirements of Subsection 2.203.05 may be reduced accordingly. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties.

2.203.05 Off-Street Parking Requirements

Off-street parking shall be provided as required by Section 2.203.08 and approved by the City in the amount not less than listed below.

Residential

- | | | |
|----|---|---|
| A. | 1 and 2 family dwelling | 2 spaces per dwelling unit |
| B. | Multi-family dwellings | 2 spaces per dwelling unit |
| C. | Boarding house, lodging house, or rooming house | 1 space per guest accommodation, plus one space/ employee |

Public Uses

- | | | |
|----|---|---|
| A. | Convalescent hospital, nursing home, sanitarium, rest home, home for the aged, assisted living facility | 1 space per 2 beds plus 1 space/2 employees |
| B. | Library, reading room | 1 space per 400 s.f. |
| C. | Day care facility | 2 spaces/classroom |
| D. | Elementary or Junior High School | 2 spaces/classroom |
| E. | High School | 5 spaces/classroom |
| F. | Other places of public assembly, including churches | 1 space/4 seats or 8 feet of bench length |

G. Government Buildings 2 spaces/600 s.f.

Commercial Uses

- A. Movie Theater, Theater 1 space per 4 seats
- B. Amusement and Recreational Services 1 space per 200 s. f. of gross floor area
- C. Retail store 1 space per 300 s.f. of gross floor area plus one space per 2 employees.
- D. Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture 1 space per 600 s.f. of gross floor area plus one space per 2 employees.
- E. Banks, Financial institutions, professional offices 1 space per 500 s.f. of gross floor area plus one space per employee.
- F. Mortuary 1 space per 4 seats or 8 feet of bench length and 1 space for 2 employees.
- G. Motel or hotel 1 space per guest room and 1 space for 2 employees.
- H. Restaurant 1 space per 3 seats or 6 feet of bench length and 1 space for 2 employees.

Industrial Uses

- A. Manufacturing establishment 1 space per 0.75 employees plus 1

- B. Wholesale establishment, warehouse, rail or truck freight terminal

space per 2,500 s.f. of gross floor area
 1 space per 1,000 s.f. of gross floor or storage area plus one space per employee.

2.203.06 Residential Driveways

All residential driveways shall be paved concrete and have a minimum ten (10) foot approach width at the curb line. The maximum single use residential driveway approach width shall be eighteen (18) feet.

2.203.07 Off-Street Loading Requirements

Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

- A. The following standards shall be used in establishing the minimum number of berths required:

<u>Gross Floor Area</u>	<u>Number of Berths</u>
Up to 10,000 s.f.	1
10,000 s.f. and over	2

Note: For buildings or structures up to 6,000 s.f., regular off-street parking areas may be used to meet the off-street loading requirements.

- B. A loading berth shall contain a space a minimum of 12 feet wide and 35 feet long and have a vertical clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required size of these berths shall be increased.

2.203.08 Parking and Loading Area Requirements

All parking and loading areas, except those for single-family dwellings, shall be developed and maintained as follows:

- A. Surfacing: All driveways, parking, and loading areas shall have a paved surface.

B. Parking Spaces: Parking spaces shall be a minimum 9 feet wide and 18 feet in length, except for spaces designated as compact which can be 9' X 16'. Up to 10% of parking spaces may be designated as compact.

C. Driveways: The following driveway dimensions shall apply:

1. Without adjacent parking:	<u>Minimum</u>	<u>Driveway</u>
	<u>Width</u>	

a. Single family residence: 10 feet

b. One-way: 10 feet

c. Two-way: 16 feet

2. With adjacent parking:

<u>Parking Angle</u>	<u>Driveway Width (in excess of parking area)</u>
0 to 40	12 feet
41 to 45	13 feet
46 to 55	15 feet
56 to 70	18 feet
71 to 90	24 feet

D. Screening: When any public parking or loading area is within or adjacent to a residential zone, such parking or loading area shall be screened from all residential properties with an ornamental fence, wall, or hedge a minimum of five (5) but not more than six (6) feet in height, except along alleys. Along alleys, the fence, wall, or hedge shall be a minimum of four (4) feet in height.

E. Lighting: Any light used to illuminate a parking or loading area shall be arranged to be directed entirely onto the loading or parking area, shall be deflected away from any residential use and shall not cast a glare or reflection onto moving vehicles on public rights-of-way.

F. Areas used for parking and maneuvering of vehicles shall be drained as to avoid flow of water across sidewalks.

- G. Except for parking to serve residential uses, parking and loading areas adjacent to residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
- H. Groups of more than four parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- I. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site.
- J. Service drive exits shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points 15 feet from their intersection.
- K. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least 4" high, located a minimum of 3 feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street.

2.203.09 General Provisions Off-Street Parking and Loading

- A. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show an area that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are observed.
- B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission based upon

the requirements of comparable uses listed and expectations of parking and loading need.

- C. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to Section 2.203.04.
- D. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

2.203.10 Parking Lot Landscaping and Screening Standards

- A. All parking lots, which for purposes of this section include areas of vehicle maneuvering, parking, and loading, shall be landscaped and screened as follows:
 - 1. Screening Abutting Property Lines: Parking for commercial, industrial and multifamily uses which abut a residential use or zone property line shall be screened by a five (5) foot landscaped strip. Where a buffer between zones is required, the screening should be incorporated into the required buffer strip, and will not be an additional requirement. The screen shall grow to be at least 36 inches higher than the finished grade of the parking areas, except for required vision clearance areas.
 - 2. Landscape Standards: Landscaping within or adjacent to a parking lot shall consist of a minimum of 10% of the total parking area plus a ratio of 1 tree per 10 parking spaces. Trees and landscaping shall be installed as follows:
 - a. The tree species shall be an appropriate large canopied shade tree and shall be selected from the street tree list to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians.
 - b. The tree shall be planted in a landscaped area such that the tree bole is at least three (3) feet from any curb or paved area.

- c. The landscaped area shall be planted with shrubs, grass, or living ground cover to assure 90% coverage within 2 years.
 - d. That portion of a required landscaped yard, buffer strip or screening strip abutting parking stalls may be counted toward required parking lot landscaping as long as the tree species, living plant material coverage and placement distribution criteria are also met.
 - e. Landscaping should be evenly distributed throughout the parking area and perimeter.
3. Wheel Guards: Parking lot landscaping shall be protected from damage by a secured wheel guards to prevent vehicles entering into landscaped areas.
4. Hedge Screening: The required hedge screen shall be installed as follows:
- a. Evergreen shrubs shall be planted so that 80% of the desired screening is achieved within 2 years, 100% within 4 years.
 - b. Living ground cover in the screen strip such that 90% coverage is achieved within 2 years.

2.203.11 Bicycle Parking

- A. The following minimum number of bicycle parking spaces shall be provided:

Type of Use	Minimum Number
Single Family Residential	-0-
Duplex, triplex and Multi-Family	Minimum two or one (1) per every two dwelling units, which ever is greater.
Retail, Office and Institutional	Minimum of two or one (1) per every 20 vehicle parking spaces, which ever is greater.

Industrial	Minimum of two or one (1) per every 40 vehicle parking spaces, which ever is greater.
Schools and parks	Minimum of two or one (1) per every 10 vehicle parking spaces, which ever is greater.

Bicycle parking shall also be required for expansions and other remodeling that increases the required level of automobile parking.

- B. At a minimum bicycle parking facilities shall be consistent with the following design guidelines:
1. All bicycle parking shall be within 100 feet from a building entrance and located within a well-lit and clearly visible area.
 2. Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility.
 3. Each bicycle parking space shall be at least 2 feet by 6 feet with a vertical clearance of 6 feet.
 4. An access aisle of at least 5 feet shall be provided in each bicycle parking facility.
 5. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack," upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary.) Note: businesses may provide long-term, employee parking by allowing access to a secure room within a building.

2.204 STORM DRAINAGE

2.204.01 Purpose

To provide for the drainage of surface water from all residential, commercial and industrial development; to minimize erosion; to reduce degradation of water quality due to sediments and pollutants in storm water runoff.

2.204.02 Scope

- A. The provisions of this Section shall apply to all new residential land partitions and subdivisions, planned unit developments, multi-family developments, commercial developments, and industrial development; and to the reconstruction or expansion of such developments.
- B. The provisions of this Section shall apply to all drainage facilities which impact any public storm drain system, public right-of-way or easement, or located within all off-street parking and loading areas.
- C. All storm water runoff shall be conveyed to a public storm sewer or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. In the case of private development, the developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.

2.204.03 Plan for Storm Drainage and Erosion Control

- A. No construction of any facilities in a development included in Subsection 2.204.02 shall be permitted until a storm drainage and erosion control plan for the project is prepared by an engineer registered in the State of Oregon and approved by the City. This plan shall contain at a minimum:
 - 1. The methods to be used to minimize the amount of runoff, siltation, and pollution created from the development both during and after construction.
 - 2. Plans for the construction of storm sewers, open drainage channels, and other facilities which depict line sizes, profiles, construction specifications, and other such information as is

necessary for the City to review the adequacy of the storm drainage plans.

3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included on the site plan drawings and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed using the rational formula and based upon the design criteria outlined in the **City of Amity, Public Works Design Standards** and the **Storm Drain Master Plan** for the City.

2.204.04 General Standards

- A. All development shall be planned, designed, constructed and maintained to:
 1. Protect and preserve existing natural drainage channels to the maximum practicable extent;
 2. Protect development from flood hazards;
 3. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;
 4. Assure that waters drained from the development are substantially free of pollutants, through such construction and drainage techniques as sedimentation ponds, reseeded, phasing of grading;
 5. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development;
 6. Provide dry wells, or similar methods, as necessary to supplement storm drainage systems;
 7. Avoid placement of surface detention or retention facilities in road rights-of-way.

- B. Where culverts cannot provide sufficient capacity without significant environmental degradation, the City may require the watercourse to be bridged or spanned.
- C. In the event a development or any part thereof is traversed by any water course, channel, stream or creek, gulch, or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the City. This does not imply maintenance by the City.
- D. Channel obstructions are not allowed except as approved for the creation of detention or retention facilities approved under the provisions of this Ordinance. Fences with swing gates may be utilized.
- E. Prior to acceptance of a storm sewer system by the City, the storm sewers shall be flushed and inspected by the City. All costs shall be borne by the developer.

2.205 UTILITY LINES AND FACILITIES

2.205.01 Purpose

To provide adequate services and facilities appropriate to the scale and type of development.

2.205.02 Standards

- A. The design of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the City, and all improvements for which City approval is required, shall comply with the requirements of the most recently adopted **City of Amity, Public Works Design Standards**.
- B. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site.
- C. Standards for Water Improvements
 - 1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping station which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the City pursuant to the requirements of the City.
 - 2. Specific location, size and capacity of such facilities will be subject to the approval of the City Engineer with reference to the current **Water Master Plan**. All water facilities shall conform with existing City pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.
 - 3. The design of the water facilities shall take into account provisions for the future extension beyond the development to

serve adjacent properties which, in the judgment of the City, cannot be feasibly served otherwise.

4. Design, construction and material standards shall be as specified by the City Engineer for the construction of such public water facilities in the City.

D. Standards for Sanitary Sewer Improvements

1. All developments shall be required to be linked to existing sanitary sewer collection facilities adequately sized to serve their intended area by the construction of sewer lines which connect to existing adequately sized sewer facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the City pursuant to the requirements of the City.
2. Specific location, size and capacity of such facilities will be subject to the approval of the City Engineer with reference to the current **Wastewater Facility Plan**. All sewer facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.
3. All properties shall be provided with gravity sanitary sewer service to a public sanitary sewer system except for parcels which have unique topographic or other natural features which make gravity sewer extension impractical as determined by the City Engineer. Pumping stations will be allowed only when it has been demonstrated to the satisfaction of the City Engineer that the development cannot be served by gravity. Maintenance of residential pumping stations are the responsibility of the property owner(s).
4. Temporary sewer service facilities, including pumping stations, will be permitted only if the temporary facilities, including all facilities necessary for transition to permanent facilities, are approved by the City Engineer.
5. The design of the sewer facilities shall take into account provisions for the future extension beyond the development to

serve upstream properties which, in the judgment of the City, cannot be feasibly served otherwise.

6. All land divisions or other developments requiring subsurface sanitary sewer disposal systems shall be prohibited.
 7. Design, construction and material standards shall be as specified by the City Engineer for the construction of such sewer facilities in the City.
 8. Prior to acceptance of the sanitary sewer system by the City, the sewers shall be flushed and inspected by the City as required by the **City of Amity, Public Works Design Standards**. All costs shall be borne by the developer.
- E. Street Lights: All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the City Engineer. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility for the street lighting system.
- F. Private Utilities: All development which has a need for private utilities, including but not limited to electricity, gas, communication and cable television shall install them pursuant to the requirements of the district or company serving the development.
1. Except as otherwise provided herein, all utility lines, cables or wires, including but not limited to those used for electricity, communication, street lighting, and cable television which are on or adjacent to land partitioned, subdivided or developed within the City of Amity after the effective date of this Ordinance, shall be required to be placed underground. The intent of the City is that no poles, towers, or other structures associated with utility facilities shall be permitted on any street or lot within or adjacent to such partition, subdivision or development.
 2. Exceptions. Above ground facilities shall be permitted for the following in which case the above provisions shall not apply:
 - a. Emergency installations or electric transmission lines to feeders operating at distribution voltages which act as a

main source of supply to primary lateral and to direct connected distribution transformers and primary loads.

Should it be necessary to increase the capacity of major power transmission facilities for service to the area, such new or revised installations shall be made only on rights-of-way or easements on which existing overhead facilities exist at the time of such capacity increase.

- b. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, telephone cable closures, connection boxes and the like.
- c. Structures without overhead wires, used exclusively for fire alarm boxes, street lights, or municipal equipment installed under the supervision and with the approval of the City Engineer.
- d. Power substations, pumping plants, and similar facilities necessary for transmission or distribution of utility services shall be permitted subject to compliance with all zoning regulations and other applicable land use regulations.

Plans showing landscaping and screening shall be approved by the City Engineer for all such facilities, prior to any construction being started.

- e. Television antenna.
- f. Certain industries requiring exceptionally large power supplies may request direct overhead power as a condition.
- g. If existing overhead utilities within or adjacent to the development total less than 150 linear feet, the City may allow the applicant to record an approved "Construction Deferral Agreement and Waiver of Rights to Remonstrance" in lieu of relocating existing private utilities underground at the time of development, in accordance with Section 3.208.03.

3. Information on Development Plans. The developer or subdivider shall show on the development plan or in his explanatory information, easements for all underground utility facilities. Plans showing the location of all underground facilities as described herein shall be submitted to the City Engineer for review and approval. Care shall be taken in all cases to ensure that above-ground equipment does not obstruct vision clearance areas for vehicular traffic.

4. Future Installations. The owner(s) or contract purchaser(s) of subdivided real property within a subdivision shall, upon conveyance or transfer of any interest including a leasehold interest in or to any lot or parcel of land, provide in the instrument conveying such interest a covenant running with and appurtenant to the land transferred under which grantee(s) or lessee(s), their heirs, successors, or assigns mutually covenant not to erect or allow to be erected upon the property conveyed any overhead utility facilities, including electric, communication, and cable television lines, poles, guys, or related facilities, except such facilities as are exempt from underground installation under this title or are owned or operated by the City. Such covenant shall require grantees to install, maintain, and use underground electric, telephone, cable television, or other utility services used or to be used to serve the premises. A copy of the covenant shall be submitted with the final plats.

G. Easements for public and private utilities shall be provided as deemed necessary by the City, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the City and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as follows:

<u>Easement Type</u>	<u>Minimum Width</u>	<u>Location</u>
Water	10 feet	(1)(2)
Sewer	10 feet	(1)(2)
Storm (piped)	10 feet	(1)(2)
Storm (other)	(5)	(5)
Private Utility	5 feet (parallel)	(3)(4)

- (1) Centered on utility line
- (2) Centered on property line, where possible
- (3) All property lines fronting existing or proposed street rights-of-way
- (4) Measured from edge of right-of-way
- (5) Determined on a case-by-case basis

2.206 SIGNS

2.206.01 Purpose

The purpose of these sign regulations is, to provide equitable signage rights, reduce signage conflicts, promote traffic and pedestrian safety, increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner.

2.206.02 Definitions

See Signs, Section 1.200.02.

2.206.03 General Provisions

- A. **Conflicting Standards:** Signs shall be allowed subject to the provisions of this subsection, except when these provisions conflict with the specific standards for signs in the subject zone.
- B. **Signs Subject to State approval:** All signs visible to the traveling public from state highways are subject to the regulations and permit requirements of the State of Oregon Highway Division of the Department of Transportation.
- C. **Uniform Sign Code:** All signs shall comply with the provisions of the Uniform Sign Code of the Uniform Building Code.
- D. **Sign Clearances:** A minimum of eight (8) feet above sidewalks and fifteen (15) feet above driveways shall be provided under free standing or wall mounted signs.
- E. The provisions of Section 2.206 in this Code supersede, rescind, repeal, and nullify Amity Ordinance 626, City of Amity Sign Ordinance, dated July 6, 2011.

2.206.04 Signs Generally Permitted

The following signs and sign work are permitted in all zones. These signs shall not require a permit, and shall not be included when determining compliance with total allowed area:

- A. Painting and maintenance of permanent signs legally existing on the effective date of this Ordinance. If structural changes are made, or there is a change of use, the sign shall conform in all respects with these regulations.
- B. Temporary signs in commercial and industrial zones that do not exceed nine (9) square feet in area. No lot or parcel shall display temporary signs for more than 120 days total in any 365-day period. Only one temporary sign per lot or parcel may be displayed at a time. Temporary signs shall not exceed five (5) feet in height. Temporary signs posted in conjunction with the sale, lease, rental, remodel, or construction of a property or structure shall be exempt from the 120-day time restriction, and shall be removed within 15 days of the lease, sale, or project completion.
- C. Temporary signs in residential zones that do not exceed six (6) square feet in area. No lot or parcel shall display temporary signs for more than 120 days total in any 365-day period. Only one temporary sign per lot or parcel may be displayed at a time. Temporary signs shall not exceed five (5) feet in height. Temporary signs posted in conjunction with the sale, lease, rental, remodel, or construction of a property or structure shall be exempt from the 120-day time restriction and shall be removed within 15 days of the lease, sale, or project completion.
- D. Signs posted by or under governmental authority (to include special districts) including, legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety.
- E. Incidental signs that do not exceed 6 square feet.
- F. Flags on permanent flag poles which are designed to allow raising and lowering of the flags.
- G. Signs within a building.

- H. In a Commercial zone, signs painted or hung on the inside of windows.
- I. Residential Name Plates: Shall not exceed two (2) square feet. Only one such sign shall be permitted upon the premises and may only be indirectly illuminated.

2.206.05 Prohibited Signs

The following signs are prohibited:

- A. Balloons or similar types of tethered objects.
- B. Portable signs.
- C. Roof signs.
- D. Signs that emit odor, visible matter, or sound, however an intercom system for customers remaining in their vehicles, such as used in banks and "drive thru" restaurants, shall be allowed.
- E. Signs that use or employ side guy lines of any type.
- F. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.
- G. Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire.
- H. No vehicle or trailer shall be parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising.
- I. Rotating/revolving signs, except by conditional use permit.

- J. Flashing signs.
- K. Private signs that project into or over driveways and public right-of-ways, except signs under a canopy that projects over a public sidewalk and the sign is not less than 8 feet above the sidewalk.
- L. Signs that obstruct required vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard.
- M. Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light.
- N. Signs attached to any pole, post, utility pole or placed on its own stake and placed into the ground in the public right-of-way.
- O. Message Signs, except by conditional use permit.
- P. Projecting Signs.
- Q. Any sign on unimproved property, unless allowed as a temporary sign.
- R. Any illegible sign or sign that has 25% or more of its surface destroyed, defaced, missing or inaccurately represents the name or nature of the current business(es) occupying the structure.

2.206.06 Signs in Non-Commercial Zones

The following regulations apply to signs in the A-H, R-1, R-2, and R-3 zones:

- A. Maximum number. Any combination of wall, canopy or free-standing signs not exceeding the sign area and height limitations of this Section; plus signs allowed in Section 2.206.04.
- B. Maximum total sign area for property on which the building or buildings are located:

1. Single-family and two-family (duplex) dwelling - 6 square feet provided total sign area on a free-standing sign shall be limited to a maximum of 4 square feet.
 2. Multiple family dwelling - 24 square feet provided total sign area on a free-standing sign shall be limited to a maximum of 18 square feet.
 3. Public and semi-public - 32 square feet provided total sign area on a free-standing sign shall be limited to a maximum of 24 square feet.
- C. Maximum sign height:
1. Wall, canopy or window sign - 4 feet.
 2. Free-standing sign - 6 feet.
- D. Location:
1. Wall, canopy or window sign - shall be set back from the property lines of the lot on which it is located, the same distance as the building containing the permitted use
 2. Free-standing sign - where fences are allowed.
- E. Illumination. Signs may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., and shall not flash, blink, fluctuate or produce glare.

2.206.07 Signs in Commercial and Industrial Zones

The following regulations apply to signs in the G-C and L-I zones.

- A. Total allowed area. Total allowed area of 40 square feet per sign, except monument signs which may be 60 square feet per sign.
- B. Type, maximum number and size of signs. One (1) free standing sign per street frontage, and a total of no more than two (2) wall or canopy signs.

- C. Maximum sign height:
 - 1. Wall and canopy signs - shall not project above the parapet or roof eaves.
 - 2. Free-standing or monument signs - maximum total height of 10 feet.
- 3.
 - D. Location:
 - 1. Wall signs - may project up to 1.5 feet from the building.
 - 2. Free-standing sign and monument signs - no limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.
 - E. Appearance and Construction:
 - 1. Signs must be built of such materials as to be consistent with the age, appearance and purpose of the building(s) adjacent to it.
 - 2. The design and appearance of all signs must reflect and be consistent with the appearance, design, architecture and historical character of adjacent buildings and uses.

2.206.08 Review Procedures

- A. Permit Required. No property owner, lessee or contractor shall construct or alter any sign without first obtaining a valid sign permit.
- B. Current Signs. Owners of conforming signs existing as of the date of adoption of this Ordinance are required to obtain a sign permit. Owners of non-conforming signs shall obtain a Continuation Approval, in accordance with Section 3.106.
- C. Permit Fees. Permit fees shall be established from time to time by City Council resolution.

- D. Application Requirements. An application for a sign permit shall be made on a form prescribed by the City Manager. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.

The City Manager shall issue a permit for a sign unless the sign is in violation of the provisions of these regulations or other provisions of this Code. Sign permits mistakenly issued in violation of these regulations or other provisions of this Ordinance are void. The City Manager may revoke a sign permit if he or she finds that there was a material and misleading false statement of fact in the application for the permit.

- E. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:
1. All signs shall comply with the applicable provisions of Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.
 2. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.
 3. All signs shall be maintained in a good structural condition and readable at all times.
 4. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs.

2.206.09 Nonconforming Signs

- A. Alteration of Nonconforming Sign Faces. When a nonconforming sign face is damaged or destroyed by fire, flood, wind, or other calamity or act of God, such sign face may be restored to its original condition provided such work is completed within thirty (30) days of such calamity. However, a sign structure or support mechanisms so damaged shall not be replaced except in conformance with the provisions of these regulations.
- B. Abandoned Signs. All signs for a business shall be removed within thirty days after that business ceases to operate on a regular basis, and the entire sign structure or structures shall be removed within six (6) months of such cessation of operation. Illegal and abandoned signs which are not removed, or are erected in violation of this ordinance, may be removed by the City of Amity following notice to the property owner. The property owner will be assessed the cost of sign removal if the owner fails to remove the non-conforming, illegal or abandoned sign and the City exercises its authority under this provision.

2.206.10 Variances - Signs

Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to Section 2.206 will be processed according to the procedures in Section 3.102. However, the criteria in Section 3.102 shall not be used, but instead the following criteria shall be used to review and decide sign variance applications:

- A. There are unique circumstances or conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship;
- B. The requested variance is consistent with the purpose of the chapter as stated in Section 2.206.01; and
- C. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter.
- D. The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare.

- E. The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance.
- F. The variance request shall not be the result of a self-imposed condition or hardship.

**2.207 SITE AND LANDSCAPING DESIGN
(Commercial, Industrial, or Multi-Family Uses Only)**

2.207.01 Purpose

The purpose of this section is to establish standards to encourage quality landscaping which will contribute to the appearance and aesthetic appeal of the City of Amity.

2.207.02 Scope

All construction, expansion, or redevelopment of structures or parking lots for commercial, multi-family, or industrial uses shall be subject to the landscaping requirements of this Section.

2.207.03 Approval Process

A. Landscaping plans shall be submitted as required by the Site Design Review of Section 3.104.

B. Submittal Requirements

The applicant shall submit a landscape plan for approval which includes:

1. The percentage of the gross area to be landscaped.
2. The location, type, size, and species of existing and proposed plant materials.
3. All existing and proposed site features including walkways, graveled areas, mailboxes, street lamps, patios, terraces, courts, fences, decks, foundations, potted trees and potted plants, and other open spaces.
4. The location and height of fences, buffers, and screening.
5. The location of underground irrigation system sprinkler heads where applicable.
6. A narrative which addresses soil conditions and erosion control measures that will be used.

2.207.04 Landscaping Installation and Compliance Security

All landscaping required by this ordinance and approved by the Planning Commission or Planning Staff shall be installed prior to issuance of a final occupancy permit unless security equal to 110% of the cost of the landscaping is filed with the City, assuring such installation within 6 months of occupancy. The applicant will obtain cost estimates for landscape materials and installation to the satisfaction of the City prior to approval of the security. "Security" may consist of a faithful performance bond payable to the City, cash, certified checks, time certificates of deposit, assignment of a savings account or other such assurance of completion as shall meet with the approval of the City Attorney.

The final landscape inspection shall be made by the City Staff prior to any security being returned. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed. If the installation of the landscaping is not completed within the six month time period or within an extension of time authorized by the City, the security may be used by the City to complete the installation. Any portion of the security which remains after installation of the landscaping shall be returned to the applicant.

2.207.05 Minimum Area Requirements

Landscaped areas may include landscaping: around buildings, in open spaces and outdoor recreation areas, in islands and perimeter planting areas in parking and loading areas, and in areas devoted to buffering and screening as required in this Section and elsewhere in this Ordinance.

For expansions of existing developments and parking lots, the minimum new landscaped area shall be determined by: first calculating the percentage of the increase of total floor area or parking area; multiplying the gross site area by this percentage of increase; multiplying the resulting area by the minimum percentage for the type of development.

2.207.06 General Provisions

- A. For purposes of satisfying the minimum requirements of this Ordinance, a "landscaped area" must be planted in lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements as defined in this Ordinance.

- B. Landscaping shall be designed, developed, and maintained to satisfy the specific functional and aesthetic objectives appropriate to the development and the district, considering the following:
 - 1. Type, variety, scale and number of plants used;
 - 2. Placement and spacing of plants;
 - 3. Size and location of landscaped areas;
 - 4. Contouring, shaping and preparation of landscaped areas;
 - 5. Use and placement of non-plant elements within the landscaping.
- C. The City may grant the applicant credit for landscaping to be done in the public right-of-way provided the elements set forth for the granting of a variance are met by the applicant. It shall not be necessary to hold a public hearing to grant this credit. The City shall consider the need for future use of the right-of-way for street purposes when granting approval for credit under this section.
- D. The landscape design shall incorporate existing significant trees and vegetation preserved on the site.

2.207.07 Screening and Buffering

Where required by Ordinance, or where placed as a condition of approval, screening and buffering shall meet the following minimum requirements:

- A. Screening shall be used to eliminate or reduce the visual and noise impacts of the following uses:
 - 1. Commercial and industrial uses when abutting residential uses.
 - 2. Industrial uses when abutting commercial uses.
 - 3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas.
 - 4. Outdoor storage areas.

5. Parking areas for 20 or more vehicles for multi-family developments, or 30 or more vehicles for commercial or industrial uses.
 6. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners.
 7. Any other area or use as required by this Ordinance.
- B. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement, or other design techniques.
- C. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:
1. Planting Area: Width not less than twenty (20) feet, planted with the following materials:
 - a. At least two rows of deciduous or evergreen trees staggered and spaced not more than ten (10) feet apart, and.
 - b. At least one row of evergreen shrubs which will grow to form a continuous hedge at least five (5) feet in height within one (1) year of planting, and
 - c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.
 2. Berm Plus Planting Area: Width not less than fifteen (15) feet, developed in accordance with the following standards:
 - a. Berm form shall not slope more than forty (40) percent (2.5H:1V) on the side away from the area screened from view, and
 - b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use, and

- c. Combined total height of the berm plus the hedge shall be at least five (5) feet within one (1) year of planting.
3. Wall Plus Planting Area: Width must not be less than five (5) feet developed in accordance with the following standards:
 - a. A masonry wall or fence not less than six (6) feet in height, and
 - b. Lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area.
4. Other methods which produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the City.

2.207.08 Planting and Maintenance

All landscaping shall be continually maintained, including necessary watering, weeding, pruning, mowing, and replacement, in a substantially similar manner, per the City-approved Landscape Plan. In addition, the following shall apply:

- A. No sight-obscuring plantings exceeding 24 inches in height shall be located within any required clear-vision area as defined in Section 2.209.08.
- B. Plant materials shall not cause a hazard. Landscape plant materials over walks, pedestrian paths, and seating areas shall be pruned to a minimum height of eight (8) feet and to a minimum height of fifteen (15) feet over streets and vehicular traffic areas.
- C. Landscape plant materials shall be selected which do not generally interfere with utilities above or below ground.
- D. Landscape plant material shall be installed to current nursery industry standards.
- E. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.

- F. All landscape material shall be guaranteed by the developer for a period of one year from the date of installation. A copy of the guarantee shall be furnished to the City by the developer.
- G. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas which will not be irrigated should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems and be sound, healthy, free from defects, diseases, infections and infestations.
- H. Deciduous trees should be fully branched, have a minimum caliper of one and one-half (1-1/2) inches, and a minimum height of eight (8) feet at the time of planting.
- I. Evergreen trees shall be a minimum of six (6) feet in height, fully branched.
- J. Shrubs shall be supplied in minimum one (1) gallon containers or eight (8) inch burlap balls with a minimum spread of fifteen (15) inches and a minimum height of eighteen (18) inches.
- K. Ground cover plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum four (4) inch size container or equivalent if planted eighteen (18) inches on center.
- L. All developments are required to provide appropriate methods of irrigation for the landscaping. Sites with over 1000 s.f. of total landscaped area shall be irrigated with automatic sprinkler systems to insure the continued health and attractiveness of the plant materials. Hose bibs and manually operated methods of irrigation may be used for landscaped areas totaling less than 1000 s.f.. Irrigation shall not be required in wooded areas, wetlands, floodplains, or along natural drainage channels or stream banks. Sprinkler heads shall not cause any hazard to the public.
- M. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property.

- N. Landscape plant material shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers or other suitable methods.

2.208 DEVELOPMENT STANDARDS FOR LAND DIVISIONS

2.208.01 Purpose

To provide for the orderly, safe, efficient and livable development of land within the City of Amity.

2.208.02 Scope

The provisions of this Section shall apply to all subdivisions and partitions within the City of Amity.

2.208.03 Standards for Lots or Parcels

- A. Minimum lot area: Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.
- B. Lot width and depth: The depth of a lot or parcel, (at the building line), shall not be more than 3 times the width of the parcel, with the exception that parcels created for public utility uses or in zones where there is no minimum lot area requirement shall be exempt from width to depth ratio provisions.
- C. Access: All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to twenty-five (25) feet. The following exceptions shall apply:
 - 1. Residential lots or parcels and Planned Unit Developments, may be accessed via a private street or easement developed in accordance with the provisions of Section 2.202 when the City finds that public street access is:
 - a. Infeasible due to parcel shape, terrain, or location of existing structures; and
 - b. Not necessary to provide for the future development of adjoining property.
 - 2. Flag lots, as permitted in Subsection 2.208.03(D).

- D. Flag Lots: If a flag lot is permitted, the following standards shall be met:
1. The access strip shall not be less than 20 feet wide. The access strip shall be improved with a minimum 12 foot wide paved driveway which meet applicable City standards. If said access strip is over 200 feet in length, the driveway shall terminate in a turn-around capable of accommodating emergency fire vehicles.
 2. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance.
- E. Through Lots: Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. A ten (10) foot wide screening or buffering easement, pursuant to the provision of Section 2.207, may be required by the City during the review of the land division request.
- F. Lot Side Lines: The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face.
- G. Lot Grading: The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns and other pertinent data, shall be established by the City Building Inspector.
- H. Utility Easements: Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Section 2.205.

2.208.04 Standards for Blocks

- A. General: The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography.

- B. Sizes: Blocks shall not exceed 1,000 feet in length between street lines, except blocks adjacent to arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1,800 feet.
- C. Alleys. Alleys may be provided, however, alleys shall be provided in commercial and industrial areas, unless other permanent provisions for access to off-street parking and loading facilities are provided.

2.208.05 Improvement Requirements

All improvements required by this ordinance or as conditions of approval of any subdivision or partition shall be completed prior to the issuance of any building permits for any structures within the subject development. If the Developer requests approval to record the final plat before all required improvements have been constructed and all conditions of approval have been met by the Developer and accepted by the City, the Developer shall provide a security guarantee satisfactory to the City that all improvements will be constructed in conformance with all City standards and ordinances and all conditions of approval will be satisfied. If the street frontage of the subject property is less than or equal to 250 feet, the applicant may request to sign and the City may grant a non-remonstrance agreement with the City of Amity.

- A. Frontage Improvements: Street improvements shall be required for all public streets on which a proposed land division fronts in accordance with Section 2.202. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.
- B. Project Streets: All public or private streets within the land division shall be constructed as required by the provisions of Section 2.202. Private driveways serving flag lots or private streets shall be surfaced as per the requirements of this Ordinance.

- C. Monuments: Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection at all points of curvature, points of tangency of street center lines, and other points required by state law.
- D. Bench Marks: Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure.
- E. Surface Drainage and Storm Sewer System: Drainage facilities shall be provided within the land division and to connect the land division drainage to drainage-ways or to storm sewers outside the land division and shall be consistent with any adopted Storm Water Master Plan. Design of drainage within the land division shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the land division and to provide extension of the system to serve such areas. The design shall take into account provisions for the future extension beyond the land division to serve upstream properties which, in the judgment of the City, cannot be served otherwise.
- F. Sanitary Sewers: Sanitary sewer shall be installed to serve the land division and to connect the Land division to existing mains both on and off the property being divided. The design shall take into account provisions for the future extension beyond the land division to serve upstream properties which, in the judgment of the City, cannot be served otherwise.

The City may require that the construction of sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed.

- G. Water System: Water lines with valves and fire hydrants serving the land division and connecting the land division to the City mains shall be installed. The design shall take into account provisions for extension beyond the land division to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. Installation costs shall remain entirely the developer's responsibility.

- H. Pedestrian Facilities and Bicycle ways: Sidewalks shall be installed along both sides of each public street and in any pedestrian or bicycle ways within the land division as well as along all frontages to existing streets. Sidewalks shall be extended as required to connect to other sidewalk systems. The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks, sidewalks fronting public property, or sidewalks adjacent to existing structures shall not be deferred.
- I. Design Standards. Pedestrian/bicycle access ways shall meet the following design standards:
1. Minimum dedicated width: 10 feet
 2. Minimum improved width: 5 feet
 3. Vision Clearance: A clear line of visions for the entire length of the accessway shall be required.
 4. Pedestrian scale lighting fixtures shall be provided along the walkway and lighted to a level where the system can be used at night.
 5. The accessway shall be designed to prohibit vehicle traffic.
- J. Other:
1. Curb cuts and driveway installations, excluding common drives, are not required of the land divider but, if installed, shall be according to the City standards.
 2. Street tree planting is not required of the land divider but, if planted, shall be according to City requirements and of a species compatible with the width of the planting strip.
 3. Street Lights. The installation of street lights is required at locations approved by the City and of a type required by City standards.
 4. Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be

appropriate by the city and shall be of a type required by City standards.

2.208.06 Improvement Procedures

In addition to other requirements, improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Ordinance and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedure:

- A. Improvement work shall not commence until plans have been checked for adequacy and approved by the City. Plans shall be prepared in accordance with requirements of the City.
- B. Improvement work shall not commence until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.
- D. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made. Unless otherwise approved by the City, this shall be interpreted as extending to the right-of-way or easement line.
- E. Upon completion of all public improvements and prior to final acceptance of the improvements by the City, the developer shall provide two (2) certified as-built drawings of all public utility improvements to the City. As-built conditions and information shall be reflected on one (1) set of mylar base as-built drawings. The as-built drawings shall be submitted to the City by the Developer's engineer.

2.209 YARD AND LOT STANDARDS

2.209.01 New Buildings Shall be on a Lot

Every building erected shall be located on a lot as herein defined.

2.209.02 Yards Apply Only to One Building

No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, nor shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected.

2.209.03 No Parking in Yard Areas

Exclusive of driveways, no vehicle parking shall be allowed within the required 20' front yard setback area or yards located adjacent to a street. The side yard and rear yard areas may not be used for parking of vehicles except in paved parking areas.

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.

2.209.04 Zero Side Yard Setback

Zero side yard dwelling units authorized in approved Planned Unit Developments shall meet the following use and development standards:

- A. Number of attached units. No more than six dwelling units, each on a lot held in separate ownership.
- B. Yards adjacent to a street. The requirements of this Ordinance for yards adjacent to a street are not relieved by this Section.
- C. Maintenance easement. As a condition of issuance of a permit for any building having an exterior wall contiguous to a property line, the applicant shall furnish an easement from the owner of the property adjacent to said wall providing for ingress, egress, and use of such adjacent property for the purpose of maintaining, repairing, and replacing the building. Said easement shall be appurtenant to the

property on which the building is located and shall be approved as to form by the City Recorder and shall be recorded with the County prior to issuance of the permit.

2.209.05 Front Yard Projections

Planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features of not more than 24 inches, from main buildings need not be included when determining the setbacks. Uncovered porches, and covered but unenclosed porches when not more than one story high and which do not extend more than 5 feet beyond the front walls of the building, are exempt from the front yard setback provisions and need not be included when determining the setback.

2.209.06 Side Yard Projections

- A. Cornices, eaves, gutters, and fire escapes, when not prohibitive by any other code or ordinance, may project into a required side yard not more than one-third of the width of the side yard, nor more than 3 feet in any case.
- B. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, and ornamental features may project not more than 2 feet into a required side yard, provided, however, chimneys and flues shall not exceed 6 feet in width.

2.209.07 Rear Yard Projections

- A. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters and other ornamental features, may project not more than 2 feet into a required rear yard, provided, however, chimneys and flues shall not exceed 6 feet in width.
- B. A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard and set back at least 6 feet from any property line.
- C. Planter boxes, steps, uncovered porches, and covered but unenclosed porches, including covered patios when not more than one story high and not more than 4 feet above grade, and which shall not come closer than 14 feet from the rear lot line, are exempt from the minimum rear yard depth requirements.

- D. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the rear yard property line when they are 3 feet or less in height from ground level.

2.209.08 Vision Clearance

- A. A vision clearance area shall be maintained at each access to a public street and on each corner of property at the intersection of two streets or a street and a railroad. A vision clearance area shall contain no planting, sight-obscuring fence (open chain link excluded), wall, structure, or temporary or permanent obstruction.

The preceding provisions shall not apply to the following:

1. Public utility poles.
2. A tree trimmed (to the trunk) to a line at least eight (8) feet above the level of the intersection.
3. Another plant species of open growth habit that is not planted in the form of a hedge and which is so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view.
4. A supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective.
5. An official warning sign or signal.
6. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.
7. The post section of a pole sign when there are no more than two (2) posts and any post is less than eight (8) inches in diameter.
8. Telephone switch boxes provided they are less than ten inches wide at the widest dimension.

- B. A clear vision area shall consist of a triangular area, two sides of which are right-of-way lines or a right-of-way line and access easement line.

Where the lot lines have rounded corners, the right-of-way lines extended in a straight line to a point of intersection and so measured. The third side of the triangle shall be a line connecting the non-intersecting ends of the other two lines.

- C. For single use residential driveways, the clear vision area shall consist of a triangular area, two sides of which are the curb line and the edge of the driveway. Where no curbs exist, the future location of the curb, based on future full street improvements shall be used.

The following measurements shall establish the clear vision areas:

<u>Type of Intersection</u>	<u>Measurement Along Each Lot Line or Drive Edge*</u>
Controlled Intersection [stop sign or signal]	15 feet
Uncontrolled Intersection	40 feet
Commercial and Industrial District driveways	20 feet
Residential District driveways	10 feet
Alley	15 feet

**When there is an intersection of two or more streets of different right-of-way width, the distance to be measured along the lot lines shall be the distance specified for each type street.*

2.209.09 Fences, Walls and Hedges

A. Materials

1. Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials. Electric fences are not permitted.
2. All required swimming pool and hot tub fencing shall be a minimum of four (4) feet in height and be equipped with a self-locking gate which closes automatically.

B. Standards

1. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing

sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.

2. Fences shall not exceed and four (4) feet in height in front yards, for a distance of ten (10) feet from the front property line on interior yards or side yards adjacent to the street . Fences shall not exceed seven (7) feet in height on other interior yards
3. In no instance shall a fence extend beyond the property line including into a public right-of-way. It is the responsibility of the property owner to determine the property line.

2.210 ACCESSORY STRUCTURES

2.210.01 Generally Accessory structures shall comply with the following requirements

2.210.02 R-1 and R-2 zones:

- A. Location and Number. Accessory structures shall be located within the rear or interior side yard. A maximum of one is permitted.
- B. Height. The maximum allowable height is 20 feet at the peak, except that no accessory structure shall exceed the height of the primary building.
- C. Property Setbacks. For structures 10 feet or less in height there shall be a minimum 5 foot setback along the side and rear property lines. For buildings greater than 10 feet in height there shall be a setback of 5 feet along each side property line and 10 feet along the rear property line.
- D. Building Separation. Accessory structure shall be separated from the primary buildings by a minimum of 6 feet.
- E. Building Size. The accessory structure(s) shall be limited to the greater of the following: 30% of the floor area (excluding garage) for the primary building or 680 square feet. In no case shall the accessory structure occupy more than 25% of the yard area in which it is located. The building size limitation shall be considered the maximum allowable area permitted for all accessory structures.
- D. Exterior Finish. The accessory structure shall have an exterior finish that is residential in character; the exterior finish shall be consistent with the primary structure and the requirements of the underlying zone.
- G. All accessory buildings shall be built on a concrete slab.

2.210.03 R-3, Commercial and Industrial zones:

- A. Location and Number. Accessory structures may be located anywhere the primary structure may be placed. There is no limit to the number of permitted accessory structures.

- B. Height. Accessory structures shall comply with the height provisions in the underlying zone for the primary structure.
- C. Setbacks. Accessory structures shall comply with the setback provisions in the underlying zone for the primary structure.
- D. Building size. There is no limitation, provided the building complies with the setback and height limitations of the underlying zone.

2.300 SUPPLEMENTAL STANDARDS FOR SPECIAL USES

2.301 GENERAL PROVISIONS

2.301.01 Applicability of Special Use Standards

Special uses included in this Section are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same Zoning District. When a dimensional standard for a special use differs from that of the underlying zone, the standard for the special use shall apply.

2.301.02 Process

The status of a special use as a permitted or conditional use is set forth in the underlying Zoning District.

Conditional uses shall be processed in accordance with the criteria and procedures specified in Section 3.103. Permitted uses shall be reviewed for compliance with the standards of Section 2.200 in the manner specified in the particular special use section.

Special uses which are conditional uses in the underlying Zoning District shall be reviewed for compliance with the standards of Section 2.200 during the review of the Conditional Use Permit. In addition to any specific requirements under the special use, the following information shall be included with the application submittal:

- A. A description of the proposed use and specific reason for the request.
- B. A vicinity map indicating the relationship of the proposed use to the surrounding area.
- C. A site plan of the property, including existing and proposed improvements, and other information necessary to address the requirements and conditions associated with the use.
- D. A building profile of proposed new or remodeled structures, as applicable.
- E. Information addressing the criteria set forth under Section 3.103.

2.302 PLANNED UNIT DEVELOPMENT (P.U.D.)

2.302.01 Purpose

- A. To produce a development which would provide housing opportunities not easily achieved from traditional lot-by-lot development while protecting the City's goals of overall density and character.
- B. To allow flexibility which will encourage a more creative approach that will result in a more efficient, aesthetic, and desirable use of open area, while substantially maintaining the same population density and area coverage permitted in the zone in which the project is located.
- C. To allow flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas, and to best utilize the site potential characterized by special features of geography, topography, size and shape.

2.302.02 Area of Application

Planned Unit Developments may be established in residential districts on parcels of land which are suitable for and of sufficient size to be planned and developed in a manner consistent with the purposes and objectives of this Section.

2.302.03 Applicant

Planned Unit Development projects may be applied for:

- A. By the owner of all the property involved, if under one (1) ownership, or:
- B. Jointly by all owners of the property in the area proposed for the Planned Unit Development project, if there is more than one owner.

2.302.04 Uses Permitted

In a Planned Unit Development only the following uses are permitted:

- A. Residential Uses.

- B. Recreational facilities including, but not limited to, tennis courts, swimming pools, and playgrounds.
- C. Open space uses.
- D. Schools, libraries, community halls, and churches.
- E. Offices, buildings, and facilities required for the operation, administration, and maintenance of any Planned Unit Development and for recreation purposes such as: golf courses, recreation rooms, and vehicle storage areas.
- F. Convenience establishments of a commercial and service nature, including stores, restaurants, laundry, and dry-cleaning establishments, beauty shops and barber shops, (but specifically excluding gas stations and a repair garage) provided:
 - 1. Such convenience establishments are an integral part of the general plan of development for the Planned Unit Development and provide facilities related to the needs of the prospective residents.
 - 2. Such convenience establishments and their parking areas will not collectively occupy more than one (1) acre per one hundred (100) dwelling units.
 - 3. Such convenience establishments will be located, designed, and operated to efficiently serve frequent trade and to serve the needs of persons residing in the Planned Unit Developments.
 - 4. Such convenience establishments will not, by reason of their location, construction, or operation, have adverse effects on residential uses within or adjoining the district, or create traffic congestion or hazards to vehicular or pedestrian traffic.

2.302.05 Development Requirements

Planned Unit Developments shall comply with the applicable General Development Standards of Section 2.200. Underlying zoning lot

dimensions, densities and areas need not be met in a Planned Unit Development.

- A. Site Adaptation: To the maximum extent possible, the plan and design of the development shall assure that natural or unique features of the land and environment are preserved.
- B. Lot Arrangement: All lots within the development shall be designed and arranged to have a maximum of 200 feet walking distance from, or frontage on, open space or recreation areas.
- C. Density of Development: Permitted density of development in all PUD's shall be determined in accordance with the following procedures:
 - 1. Determine total gross site area (G.S.A.)
 - 2. Multiply the G.S.A. by .85 to determine the Net Site Area (N.S.A.).
 - 3. Deduct from the N.S.A. any acres of 20 percent or greater slope which will be developed, proposed commercial areas, and other non-residential uses to determine Net Developable Site Area (N.D.S.A). Open space areas and hillside areas which will be in open space areas are not required to be deducted.
 - 4. Determine maximum density of development in accordance with the appropriate method below:
 - a. R-1 and R-2 Zone Developments: Multiply NDSA by 5 Dwelling Units per acre.
 - b. R-3 Zone Developments Proposing Multi-Family Units Only: Multiply NDSA by 12 units per acre.
 - c. R-3 Zone Developments Proposing Mixed Uses of Multi-Family Dwelling and Other Residential Uses: Multiply multi-family NDSA areas by 10 units per acre; multiply other NDSA by 6 units per acre; add the two results together to determine maximum site density permitted.

- D. Amount of Open Space: The required amount of open space or outdoor recreational area shall be at least twenty (20) percent of the gross area. Such open space should include school access routes, bicycle trails, natural or landscaped buffer areas, covered bus stops and the like, whenever practical or appropriate.
- E. Community Option: The City may request the dedication of proposed open space in lieu of payment of park system development charges. The land must be reasonably suited for use as a City park or for recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, location, and applicable Comprehensive Plan policies, when such dedication is consistent with the ability of the City to maintain such parks.
- F. Structure Setback Provisions: Yard setbacks for lots on the perimeter of the project shall be the same as that required for the subject zone. Detached structures shall maintain a minimum side yard setback from interior space lines of three (3) feet or meet the Uniform Building Code requirement for fire walls. A minimum front yard setback of twenty (20) feet shall be required for any garage structure whose opening faces onto a public street. Otherwise the minimum setbacks of the underlying zone apply.
- G. Circulation:
1. Streets within a PUD shall comply with the applicable standards of Section 2.202.
 2. Roads and pedestrian and bikeway paths shall be an integrated system designed to provide efficient and safe circulation to all users. Developments should be designed to minimize the length of roadway.
 3. Pedestrian/bikeways shall be clearly signed and have adequate crossing facilities where warranted.
- H. Off-Street Parking
- Off-street parking requirements shall be as specified in Section 2.203. Parking may be provided on each lot or in clustered parking areas. Additional off-street parking for guests and recreational vehicles

may be required by the City if warranted by reduced lot sizes, type of street, and/or traffic volumes.

I. Utilities

In addition to other requirements set forth herein, the following shall apply:

1. All sewer and water provisions shall be approved by the City before construction of such improvements.
2. All utility services shall be placed underground.
3. Provisions shall be made for fire prevention, including service water lines, non-freeze hydrants, and free emergency access for fire fighting equipment around buildings.
4. Provision shall be made for control of site storm water drainage, as required by Section 2.204.

J. Homeowners Association

A non-profit incorporated homeowners association, or an alternative acceptable to the City Attorney, shall be required for improving, operating, and maintaining common facilities, including open space, streets, drives, service and parking areas, and recreation areas. The following principles shall be observed in the formation of any homeowners association and shall be reviewed by the City Attorney.

1. A homeowners association shall be set up before approval of the final plat, or any portion thereof.
2. Membership shall be mandatory for each home owner and any successive buyer.
3. The open space restrictions shall be in perpetuity.
4. The homeowners association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

5. Home owners shall pay their pro rated share of the cost or the assessment levied by the association, or it shall become a lien on the property.
6. The association shall be able to adjust the assessment to meet changes needed.
7. No change in open space use or dissolution of homeowners association shall occur without a public hearing before the Planning Commission and approval by the City Council.

2.302.06 Process

Planned Unit Developments shall be processed in accordance with the submittal requirements and procedures established in Section 3.109. Approval shall only be granted if the requirements of this Section and all other applicable requirements of this Ordinance are met.

2.302.07 Modification of Approval

A new public hearing shall be required if any one of the following changes is proposed to an approved planned unit development site plan:

- A. Increase or decrease of 10% (or more) in the number of dwelling units.
- B. Increase or decrease of 10% (or more) in the area devoted to open space or recreational space.

2.303 MANUFACTURED HOMES

2.303.01 Scope

The following general standards are applicable to all manufactured homes sited on individual lots within the City of Amity, including Manufactured Home Parks.

2.303.02 General Standards

- A. The manufactured home shall enclose a space of no less than 850 square feet.
- B. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 18 inches above grade. The perimeter foundation must be constructed of or fronted by continuous concrete or grouted concrete block.
- C. The manufactured home shall have a roof with a nominal pitch of no less than 3/12.
- D. Roofing material shall be composition asphalt, fiberglass, wood shake, or tile.
- E. The exterior siding must be standard wood siding, T-111, or a siding of equivalent appearance.
- F. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards specified by state law for single-family dwellings.
- G. The manufactured home shall have an enclosed, attached or detached garage. The garage shall be constructed of materials which are similar in color, material, and appearance to the manufactured home. The garage shall be constructed prior to occupancy.
- H. Transportation mechanisms, including wheels, axles, and hitch must be removed prior to occupancy.
- I. The manufactured home shall be provided with gutters and downspouts to direct storm water away from the placement site.

- J. All utilities shall be connected to the manufactured home in compliance with City and State requirements prior to occupancy.
- K. The manufactured home and any manufactured home accessory buildings shall be constructed and maintained in conformance with the state and federal safety construction standards, applicable at the time of placing the manufactured home. The home shall bear the Oregon "Insignia of Compliance".
- L. A manufactured home shall not be placed within an acknowledged historical district nor adjacent to a historic landmark.
- M. All manufactured homes not of the current model year shall be subject to an inspection to assess it's compliance with all relevant health and safety codes, as well as this section, prior to its placement on a lot or Manufactured Home Park.

2.303.03 Process

Compliance with the standards of this Section shall be reviewed administratively by the City during the review of applicable building permits and set-up permits.

2.304 MANUFACTURED HOME PARKS

2.304.01 Scope

The following standards shall apply to the design and development of all manufactured home parks in the City of Amity.

2.304.02 General Standards

- A. Any lot or site used for a manufactured home park and any modifications to a manufactured home park shall comply with the provisions of ORS 446.002 to ORS 446.210 and Manufactured Home Dwelling Park Standards, adopted as Oregon Administrative Rule, Chapter 814, Subdivision 3, Manufactured Home Parks, Sections 28.010 to 28.170, inclusive, or as may be amended or superceded.
- B. All parks shall require a minimum of one acre.
- C. Density. The maximum density of a manufactured home park shall be less than eight units per gross acre.
- D. Minimum area. The minimum area to be contained on a manufactured home space by a manufactured home and its accessory structures shall be 4,200 square feet.
- E. Setbacks. The following setback standards shall apply:
 - 1. General park development: Setbacks for structures other than a manufactured homes, carports and related accessory buildings shall comply with the minimum residential setbacks in the underlying zone.
 - 2. Manufactured homes:
 - a. Front: 5 feet minimum to the sidewalk; 8 feet minimum to the curb
 - b. Side: 5 feet minimum to side lot line
 - c. Rear: 10 feet minimum to rear lot line

- d. Manufactured homes on the periphery of a manufactured home park shall maintain the same setback as required for the front, side and rear yard in the underlying zone.
- 3. Accessory structures:
 - a. Front: 5 feet minimum to the sidewalk; 8 feet minimum to the curb
 - b. Adjacent Side and rear: 5 feet minimum to lot line
- 4. Carports:
 - a. Front: 20 feet minimum to the sidewalk or curb, if a sidewalk is not provided
 - b. Side and rear: Carports attached to, or within 3 feet of, the manufactured home shall comply with the setbacks for the manufactured home. Otherwise, the setback provisions for accessory structures shall apply.
- F. Minimum width. No manufactured home space shall be less than 45 feet in width at its driveway frontage.
- G. Boundaries of space. The boundaries of each manufactured home space shall be clearly marked by a fence, landscaping or by permanent markers.
- H. Driveways. All driveways shall be paved with an asphaltic material or concrete and shall be a minimum of 40 square feet. In addition, if parking is to be permitted along the driveway, a minimum width of 30 feet is required. All driveways shall be adequately designed as to permit safe, easy access by emergency vehicles.
- I. Parking. A minimum of two off-street parking spaces shall be provided for each manufactured home space.
- J. Walks. Provisions shall be made for a walk from each manufactured home to each driveway. All walks must be hard surfaced, well drained and not less than 36 inches in width. All walks adjacent to driveways and thoroughfares shall be curb line walks.

- K. Patio. Each manufactured home space shall have a slab or patio or concrete, asphalt or flagstone or similar substance not less than 20 feet in length and 10 feet in width adjacent to each manufactured home parking site.
- L. Storage area. A storage space in a building having a gross floor area of at least 60 square feet shall be constructed and completed prior to occupancy of the manufactured home for storing the outdoor equipment and accessories necessary to residential living.
- M. Accessory buildings. Accessory buildings which are placed on a manufactured home space shall be sited in a manner so as not to hinder or restrict access to the side and rear yard areas adjacent to the manufactured home.
- N. Manufactured home space coverage. Not more than 45 percent of a manufactured home space may be occupied by a manufactured home and its accessory structures, whether or not it is attached to the manufactured home.
- O. Signs. All signs shall be in accordance with Section 2.206 of this ordinance.
- P. Lighting. Common driveways and walkways must be adequately lighted.
- Q. Open space. A minimum of at least 5,000 square feet per 25 manufactured home spaces or portion thereof shall be provided for a recreational play area group or community activities. No approved open space area shall contain less than 5,000 square feet. The floor area of indoor facilities, such as a community building, may be included in calculating the open space requirement.
- R. Utilities. All utility services shall be underground. The applicant shall furnish the city with proper easements for reading the meters and for inspecting water and sewer lines. All meters and water and sewer lines shall be maintained by the park owners to city standards.
- S. Water, sewer and surface drainage. Adequate provisions shall be made for an ample supply of safe and potable water and adequate provisions shall be made for sewage disposal and surface drainage

and plans for such must have prior approval of the health department and the City Engineer before a manufactured home park is approved. All meters, sewer and water lines shall be inspected while being installed and the installation shall meet normal city standards.

- T. Additions to manufactured homes. Carports, cabanas, ramadas, awning and all other structures, whether defined herein or not, which are situated upon a manufactured home space and are attached to the manufactured home, shall conform to the requirements of the city building code. Such additions and structures shall be considered as a portion of the manufactured home for determining the extent of lot coverage, setback lines and all other requirements for manufactured homes, as if such additions and structures were a part of such manufactured home.
- U. No part of any manufactured home park shall be used for the parking or storage of any heavy equipment, or trucks with a rated capacity exceeding 2 tons.
- V. A caretaker, owner or manager shall be responsible for keeping the manufactured home park, its facilities and equipment in a clean, orderly and sanitary condition.
- W. Landscaped buffer areas shall be developed around the perimeter of all manufactured home parks. Buffering shall comply with the standards of Section 2.207.
- X. All units placed within a manufactured home park after the effective date of this ordinance shall be "manufactured homes" as defined in Section 1.200.02, and shall meet the standards of Section 2.303.02 A, B, C, D, E, F, H, I, J, K & M.

2.304.03 Process

Manufactured home parks shall be subject to the Site Design Review procedures of Section 3.105. Submittal requirements and review procedures shall be as specified in that Section. Approval shall not be granted unless all provisions of this Section and other applicable requirements of this Ordinance are met.

2.305 HOME OCCUPATIONS

2.305.01 Standards

Home occupations may be allowed as an accessory use on any property on which there is a residence, subject to the following standards and restrictions:

- A. Participation: No more than one person shall be employed who is not a member of the family residing on the premises
- B. Traffic: A home occupation located on a local street, or privately maintained road serving three or more residences, shall not generate more than twenty (20) vehicle trips in one day. A "trip" is a vehicle traveling in one direction to or from a source. Twenty (20) trips are equivalent to ten (10) round trips.
- C. Noise: A home occupation shall not create noise of a type, duration or intensity which, measured at the property line, exceeds 60 DBA between the hours of 7:00 a.m. and 6:00 p.m. No noise shall be created by the home occupation between the hours of 6:00 p.m. and 7:00 a.m. that is detectable to normal sensory perception, off the premises of the home occupation.
- D. Equipment and Process Restrictions: No home occupation shall create vibration, glare, fumes, odors, or electrical interference detectable to normal sensory perception outside the dwelling unit. In the case of electrical interference, nothing shall be used which creates visual or auditory interference in any radio or television off the premises.
- E. Hazards: No equipment, process or material shall be used which will change the fire rating or structure separation, fire wall, or ventilation requirements for the structure in which the home occupation is located. No hazardous materials shall be used or stored on the property on which a home occupation located in quantities not typical of those customarily used in conjunction with activities or primary uses allowed in the zoning district.
- F. Signs: Signing shall be as provided in Section 2.206.
- G. On-Premise Client Contact: Customer and client contact shall be primarily by telephone or mail, and not on the premises of the home occupation, except those home occupations, such as tutoring,

counseling or personal services, which cannot be conducted except by personal contact. Services or sales conducted on the premises shall be by appointment only, and shall not be oriented toward, or attract, off-the-street customer or client traffic.

- H. Deliveries and Large Vehicle Storage: Delivery of materials to and from the premises shall not involve the use of vehicles over two (2) ton capacity, except parcel post or private parcel delivery trucks. Vehicles over one (1) ton capacity and used in conjunction with a home occupation shall be stored within an enclosed structure on the property. Regardless of capacity, storage of vehicles within the public right-of-way shall be prohibited.
- I. Parking: Parking spaces needed for the conduct of a home occupation shall be provided off the street, in defined areas which are appropriately designed and surfaced for that purpose, and not located within the side or rear yard setbacks of the district. No more than two (2) home occupation-related vehicles shall be located on the property at one time.
- J. Storage and Use of Yard Areas: Storage of tools, equipment and materials, and display of merchandise and all other activities associated with a home occupation, except as provided above for parking, shall be contained and conducted wholly within covered and enclosed structures and shall not be visible from the exterior of the containing structure(s). Home occupations which involve the care of children by a baby sitter may use rear yard areas for playground equipment.
- K. Day care facilities with 12 or fewer children or group care homes shall not be subject to the provisions of this Section.

2.305.02 Process

Home occupations are allowed as an accessory use to any residential use in the City of Amity, subject to the Type I approval process listed in Subsection 3.201.01. The standards of this Section shall govern all home occupations.

2.305.03 Non-Compliance

Any home occupation which does not comply with the requirement of this Section and the provisions of the underlying district shall be a violation of this

Ordinance and shall be subject to the penalties and remedies of Subsection 1.102.03.

2.400 GENERAL PROVISIONS

2.401 GENERAL STANDARDS

2.401.01 Minimum Requirements

In interpreting and applying this Ordinance, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

2.401.02 Completion of a Structure

A structure not completed within one year of beginning construction shall constitute a violation of this Ordinance unless a performance bond or other guarantee is provided to the City in accordance with Section 3.112.

2.401.03 Lots of Record

- A. A parcel is a legal lot of record for purposes of this Ordinance when the lot conforms to all zoning requirements and Comprehensive Plan provisions, if any, in effect on the date when a recorded separate deed or contract creating the separate lot or parcel was signed by the parties to the deed or contract.
- B. A lot or parcel which is a separate legal lot or parcel prior to the adoption of this provision shall remain a separate legal lot regardless of ownership.
- C. The use or development of any legal lot of record shall be subject to the regulations applied to the property when such development or use is commenced, irrespective of the lot width, street frontage, depth or area, but subject to all other regulations. However, no dwelling shall be built on an existing lot of less than 3,000 square feet in area.

2.401.04 Lots Abutting a Partial Street

New structures which are proposed to be constructed on lots abutting an existing public street which does not meet the minimum standards of Section 2.202 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way. Building permits shall not be issued unless a yard setback equal to the minimum yard requirements of the zoning

district plus the required minimum additional right-of-way width is provided.

2.401.05 Reserved

2.401.06 Unsafe Building

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe.

2.401.07 Limitations on Buildings

In the R-1 and R-2 Zones there shall be only one main building on a lot.

2.402 GENERAL EXCEPTIONS

2.402.01 General Exception to Building Height

Projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of the underlying zone.

2.402.02 Height Exceptions for Public Buildings

Public or quasi-public buildings, hospitals, churches or temples, and educational institutions may be constructed to a height not to exceed 45 feet provided the required yards are increased one foot for each foot of additional building height above the height regulation for the zone.

2.402.03 Public Dedications

Setback restrictions of this Ordinance shall not apply to existing structures whose setback is reduced by a public dedication.

2.402.04 Miscellaneous Setback Exceptions

Setback limitations stipulated elsewhere in this Ordinance may be modified as follows:

- A. Bus shelters which are intended for use by the general public and are under public ownership and/or control shall be exempt from setback requirements.
- B. Side and rear yards of underground structures may be reduced to 3 feet except all openings into the structure, including doors, windows, skylights, plumbing, intake and exhaust vents, shall meet the minimum setbacks of the district.

2.403 USES PERMITTED IN ALL ZONES

2.403.01 Permitted Uses

The following uses and activities are permitted in all zones:

- A. Placement and maintenance of underground or above ground wires, cables, pipes, guys, support structures, pump stations, drains, and detention basins within rights-of-ways by public agencies and utility companies for telephone, TV cable, or electrical power transmission, or transmission of natural gas, petroleum products, geothermal water, water, wastewaters, sewage and rainwater.
- B. Railroad tracks and related structures and facilities located within rights-of-ways controlled by railroad companies.
- C. Surfaced travel lanes, curbs, gutters, drainage ditches, sidewalks, transit stops, landscaping and related structures and facilities located within rights-of-ways controlled by a public agency.
- D. Expansion of public right-of-way and widening or adding improvements within the right-of-way, provided the right-of-way is not expanded to more width than prescribed for the street in the Public Facilities segment of the Comprehensive Plan.

