

**ORDINANCE NO. 723**

**AN ORDINANCE ESTABLISHING LAND USE ZONES TO REGULATE THE LOCATION OF BUILDING STRUCTURES AND THE USE OF LAND WITHIN THE CITY OF MADRAS, OREGON; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; REPEALING ORDINANCE NO. 712, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.**

**WHEREAS**, Ordinance No. 712, adopted by Council on January 27, 2004, has been found to be in need of replacement; and

**WHEREAS**, the changes that have been incorporated into Ordinance No. 723 were presented to the City Planning Commission during a scheduled public hearing on November 3, 2004; and

**WHEREAS**, the City Planning Commission, after receiving public testimony, and deliberating fully on the proposed changes, voted unanimously to recommend approval of the changes to the City Council; and

**WHEREAS**, the City Council, after receiving public testimony on the proposed changes during a scheduled public hearing on Tuesday, November 16, 2004, continued deliberations to January 25, 2005; and

**WHEREAS**, Ordinance No. 723, containing the incorporated changes, was presented to the City Council on January 25, 2005, for deliberations and possible approval; and

**WHEREAS**, after making final changes on January 25, 2005, the City Council asked that the changes be incorporated and that Ordinance No. 723 be presented for final consideration on February 8, 2005.

**NOW, THEREFORE**, The City of Madras ordains as follows:

**ARTICLE 1: INTRODUCTORY PROVISIONS**

**SECTION 1.1:** **TITLE** - This ordinance shall be known as the City of Madras Zoning Ordinance.

**SECTION 1.2:** **PURPOSE**

- A. To implement the Comprehensive Plan as adopted by the Madras City Council on June 20, 1979, as well as, any adopted revisions thereafter.

- B. To comply with Chapters 227 and 197, Oregon Revised Statutes.
- C. To promote the public health, safety, and welfare of the citizens of the City of Madras.
- D. To protect the character and values of land and buildings and economic stability of sound residential, business and industrial districts and to enhance the quality of the desired environment in them by:
  - 1. Preventing the intrusion of inharmonious uses.
  - 2. Preventing the encroachment on desirable open space appurtenant to each district.
  - 3. Providing for the safe and efficient movement of existing and prospective traffic.
  - 4. Assuring the provision of necessary off-street parking space for vehicles.
- E. To provide for additional growth and development in a manner appropriate to the character of the city and which will contribute to the economic stability of the city and strengthen the basis of its private and governmental economy.
- F. To assure that future development occurs in an orderly manner and is relatively compact to provide for economy and efficiency in public services and utilities and to protect the city from costs which may be incurred when unsuitable, scattered or premature development occurs.
- G. To assure satisfactory physical relationships between districts of different use characteristics and among uses of various types and to minimize conflicts among land uses.
- H. To minimize traffic hazard, traffic congestion and the conflict between land uses and the movement of traffic.
- I. To preserve the city's right to be attractive and pleasing in appearance, and to aid in the development of the city by assuring that development in areas of higher density or of commercial or industrial use and along appropriate routes of travel is neat, orderly and attractive.

**SECTION 1.3: DEFINITIONS.** As used in this ordinance the singular includes the plural and the masculine includes the feminine and neuter; the word "may" is discretionary, the word "shall" is mandatory. The following words and phrases shall mean:

**ACCESS.** The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

**ACCESSORY STRUCTURE.** A structure, which is incidental and subordinate to the primary use of residential property and located on the same lot as the main use. Shipping containers or like are not allowed within the city limits or urban growth boundary.

**ADULT CARE COMPLEX.** Multi-living unit(s) where the integral part of this facility shall have health and medical services provided by the operator either externally or internally by a State of Oregon Licensed health/medical provider and shall have a separate area for a communal recreational facility and may have a separate area for a communal dining facility.

**AFFECTED GOVERNMENTAL BODY.** A city, county, state or federal agency or special district which either has a jurisdictional interest or is of such proximity to the land partition that a reasonable likelihood of annexation exists.

**AFFECTED PERSON.** Includes those owners of record of real property located within a minimum distance of 250 feet, exclusive of public street and other right-of-ways, from the property subject to a permit required by this ordinance.

**AGENT.** Any person who represents or acts for any other person in disposing of interests in a land development. Includes a real estate broker as defined in ORS 696.010(12) but does not include an attorney-at-law whose representation of another person consist solely of rendering legal services.

**AIRPORT.** A tract of leveled land where aircraft can take off and land, usually equipped with hard surfaced landing strips, a control tower, hangars, and accommodations for passengers and cargo.

- ~ **Approach Safety Zone.** A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of:
- i. 1,250 feet for a utility runway having only visual approaches;
  - ii. 1,500 feet for a runway other than a utility runway having only visual approaches;
  - iii. 2,000 feet for a utility runway having a non-precision instrument approach; and
  - iv. 3,500 feet for a non-precision instrument other than utility, having visibility minimums greater than three-fourths (3/4) of a statute mile.

The Airport Approach Safety Zone extends for a horizontal distance of 5,000 feet at a slope of twenty feet (20') for each foot upward (20:1) for all utility and visual runways and 10,000 feet at a slope of thirty-four feet (34') for each one foot upward (34:1) for all non-precision instrument runways other than utility.

- ~> **Clear Zone.** Extended from the primary surface to a point where the approach surface is fifty feet (50') above the runway and elevation.
- ~> **Conical Surface.** Extends one foot upward for each twenty feet (20') outward (20:1) for 4,000 feet beginning at the edge of the horizontal surface [5,000 feet from the center of each end of the Primary Surface of each visual and utility runway or 10,000 feet from all non-precision instrument runways other than utility at one-hundred fifty feet (150') above the airport elevation] and upward extending to a height of three-hundred fifty feet (350') above the airport elevation.
- ~> **Hazard.** Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.
- ~> **Horizontal Surface.** A horizontal plane one-hundred fifty feet (150') above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and 10,000 feet from the center of each end of the Primary Surface of all other runways and connecting the adjacent arcs by lines tangent to those arcs.
- ~> **Imaginary Surfaces.** Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Transitional Zones, Horizontal Zone, Clear Zone, and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
- ~> **Instrument Runway.** A runway equipped or to be equipped with a precision electronic navigation aid or landing aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions. Instrument runways are classed as precision and non-precision instrument runways.
- ~> **Landing Area.** The area of the airport used for the landing, taking off or taxiing of aircraft.
- ~> **Noise Impact.** Noise levels exceeding fifty-five (55) Ldn.
- ~> **Primary Surface (Runway).** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of the runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
  - a. 250 feet for utility runways having only visual approaches
  - b. 500 feet for utility runways having non-precision instrument approaches

- c. for other than utility runways the width is:
1. 500 feet for visual runways having only visual approaches
  2. 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths of a statute mile.
  3. 1,060 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile and for precision instrument runways.

~ **Runway.** The paved surface of an airport landing strip.

~ **Transitional Zones.** Extended one foot upward for each seven feet (7') outward (7:1), beginning on each side of the Primary Surface, which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of one-hundred fifty feet (150') above the airport elevation (Horizontal Surface).

~ **Utility Runway.** A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight or less.

**AISLE.** The traveled way by which vehicles enter and depart parking spaces.

**ALLEY.** A public or private street primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street. An alley can also be defined as a narrow way used primarily for vehicular service access to the back or side of properties abutting a street.

**ANCILLARY.** uses or services that are subordinate to other uses or services within a structure.

**APARTMENT.** A building or portion thereof designed for occupancy by three (3) or more families living independently of each other.

**APPLICANT.** Any person submitting an application for development.

**ARTERIAL.** A restricted access street of substantial continuity which is primarily a traffic artery for inter-communication among large areas, and so designated by the City of Madras.

**ASSISTED LIVING FACILITY.** A residential facility that provides either apartments or rooms that provide a range of specialized services exclusively for elderly and/or handicapped individuals. At a minimum, assisted living facilities must provide on-site nursing care, communal laundry, meals, and activities, public restrooms and twenty-four (24) hour on-call care.

**AUTO BODY SHOP.** A shop or garage where the body of automotive vehicles are repaired.

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

**AUTOMOBILE/TRAILER SALES AREA.** An open area other than a street, used for the display, sale or rental of new or used automobiles or trailers and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold, or rented on the premises.

**AUTOMOBILE WRECKING YARD.** Premises used for the storage or sale of used automobile or truck parts or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof.

**BASE FLOOD.** The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

**BASEMENT.** Any area of the building having its floor subgrade (below ground level) on all sides. A story partly underground.

[Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

**BICYCLE ROUTE.** A right-of-way for bicycle traffic.

**BOARDING HOUSE.** A building or portion thereof, other than a hotel, where meals or lodging or both are provided for compensation for more than four (4) persons, but not to exceed twenty (20) persons.

**BREAKAWAY WALL.** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

**BUILDING.** A structure which is designated and suitable for the habitation or shelter of human beings or animals or the shelter or storage of property or for the use and occupation for some purpose of trade or manufacture.

- ~ **COMMUNITY.** A building for civic, social, educational, cultural and recreational activities of a neighborhood or community group or association and not operated primarily for gain.
- ~ **ELEVATED.** For insurance purposes, a non-basement building which has its lowest elevated floor raised above-ground level by foundation walls, shear walls, post, piers, pilings, or columns.

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

8-12.1.3

**Madras Ordinances**

8-12.1.3

- ~ **EXISTING.** Any building upon which construction was lawfully begun prior to the effective date of this ordinance or the effective date of amendments to this ordinance may be completed, and thereafter shall be considered an existing building.
- ~ **HEIGHT.** The vertical distance measures between the average level of the finished ground surface adjacent to the building and the uppermost point of the building excluding only those features which may exceed the district height limits.
- ~ **LINE.** A line on a plat indicating the limit beyond which buildings or structures may not be erected. If no line is shown on the plat, the building line shall be that set forth in the City Zoning Ordinance.
- ~ **SITE.** A parcel of land occupied or to be occupied by a principal use and accessory uses and/or a building or group of buildings, which parcel complies with all the requirements of this ordinance relating to building sites.

**BUILDING SITE, AVERAGE WIDTH.** That figure obtained by dividing the total area of the parcel of land by the maximum depth of such parcel measured in the general direction of side lines.

**CARRYING CAPACITY.** Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land, and water resources.

**CEMETERY.** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes.

**CITY.** City of Madras.

**CITY COUNCIL.** Madras City Council.

**CLINIC, ANIMAL.** A business establishment in which veterinary services are rendered domestic pets and stock on an outpatient basis.

**CLINIC, MEDICAL-DENTAL.** Single or multiple offices for physicians, surgeons, dentists, chiropractors and osteopaths or other medical practitioners.

**COLLECTOR.** A restricted access street supplementary to the arterial street system used or intended to be used principally for the movement of traffic between arterials and local streets.

**COMMERCIAL.** The purchase, sale, or other transaction involving the handling or disposition, other than included in the term "Industry" as defined in the appropriate section, of any article,

substance, or commodity for the livelihood or profit, including shops for the sale of personal services including professional services, and places where commodities, services, or merchandise are sold or agreements are made to furnish them.

8-12.1.3

Madras Ordinances

8-12.1.3

**COMMERCIAL AMUSEMENT ESTABLISHMENT.** Any place where entertainment or amusement is provided, where the public on a commercial basis may observe or join in the activities.

**CONDOMINIUMS.** A type of residential development utilizing zero lot lines, individual ownership of units and common ownership of open spaces and other facilities, and which are regulated in part, by State Law (ORS 91.010 and ORS 91.657). Condominiums shall be reviewed in the same manner as either a duplex, multi-family dwelling, multi-family complex or as a Planned Unit Development. Provided, however, any development involving four (4) acres or more shall be reviewed as a Planned Unit Development.

**CONFORMING.** In compliance with the regulations of the applicable zone designation.

**CONTIGUOUS LAND.** Two (2) or more parcels or units of land including water, under a single ownership which are not separated by an intervening parcel of land under a separate ownership, including limited access right-of-way which would deny access between the two (2) parcels under single ownership.

**CORNICE.** The horizontal projecting part crowning the wall of a building.

**CRAWLSPACE.** Space between the first floor and the surface of the ground (not basement); space is high enough to crawl through for repairs and installation of utilities.

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

**CRITICAL FACILITY.** A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

**CUL-DE-SAC.** A short street having one (1) end open to traffic and terminated by a vehicle turn-around.

**DAY CARE FACILITY.** Day care facility means any facility that provides day care to children, including a child day care center, group day care home, home of a family day care provider, including those known under a descriptive name, such as nursery school, preschool, kindergarten, child play school, child development center, except for those facilities excluded by law. This term applies to the total day care operation. It includes the physical setting, equipment, staff, provider, program, and care of children.

**DENSITY.** The permitted number of dwelling units per gross acre of land to be developed.

8-12.1.3

Madras Ordinances

8-12.1.3

**DESIGN STANDARD.** Standards that set forth specific improvement standards.

**DEVELOPER.** The legal or beneficial owner or owners of a lot or any land included in a proposed development. The holder of an option or contract to purchase, or any other person having enforcement proprietary interest in such land, as well as any person, corporation, partnership or other legal entity who creates or proposes to create a land development; includes any agent of a developer.

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

[Added by ordinance No. 734, Passed by Council on May 10, 2005.]

**DORMER.** A window set vertically in a gable projecting from a sloping roof.

**DRAINAGE EASEMENT.** An easement required for drainage ditches, or required along a natural stream for the flow of water therein, and to safeguard the public against flood damage or the accumulation of surface water.

**DRIVE-IN.** An establishment dispensing food and/or drink and catering to customers who remain, leave or return to their automobile for consumption of said food or drink on the premises.

**DWELLING.** A building or part thereof designed for and/or used for residential occupancy and containing one (1) or more dwelling units.

- ~· **Duplex or Two Family.** A detached building containing two (2) dwelling units.
- ~ **Multi-Family.** A building or group of buildings on a single lot containing three (3) or four (4) dwelling units.
- ~· **Seasonal.** A dwelling unit, including a mobile home, travel trailer, or camping vehicle, designed for and used as a temporary dwelling by one (1) family for recreational or seasonal purposes only.
- ~· **Single Family.** A detached building containing one (1) dwelling unit and designed for occupancy by one (1) family only, excluding a manufactured dwelling and mobile home.
- ~· **Unit.** Means one (1) or more rooms constituting a separate, independent housekeeping

establishment for owner occupancy, or rental or lease, and physically separated from any other room or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

8-12.1.3

**Madras Ordinances**

8-12.1.3

**EASEMENT.** A grant of the right to use a parcel of land or portion thereof for specific purposes where ownership of the land or portion thereof is not transferred.

**FACADE.** The portion of any exterior elevation on the building extending from grade to the top of the parapet, wall or eaves and extending the entire length of the building.

**FAMILY.** An individual or two (2) or more persons related by blood, marriage or legal adoption or legal guardianship, living together in a dwelling unit at, which meals or lodging may also be provided for not more than four (4) additional persons, excluding servants, or individuals or a group of not more than five (5) persons, excluding servants, who need not be related by blood, marriage, adoption, or legal guardianship, living in a dwelling unit.

**FLOOD.** An overflow of water onto lands not normally covered by water.

**FLOOD HAZARD AREA.** The relatively flat area of lowlands adjoining the channel of a river, stream, water course, land or reservoir.

**FLOOD INSURANCE RATE MAP (FIRM).** The official map in which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

**FLOOD INSURANCE STUDY.** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

**FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

**FLOOR AREA.** The sum of the gross horizontal areas of the floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings, but not including:

- ~· attic space providing headroom of less than seven feet (7')
- ~· basement, if the floor above is less than six feet (6') above grade
- ~· uncovered steps or fire escapes
- ~· private garages, carports, or porches
- ~· accessory water towers or conning towers
- ~· accessory off-street parking or loading spaces

8-12.1.3

**Madras Ordinances**

8-12.1.3

**FRONTAGE.** All property fronting on one (1) side of a street and measured along the street line, between intersecting streets or between a street and a right-of-way, water-way, end of a dead-end of city boundary.

**GABLE.** A triangular wall section at the end of a pitched roof, bounded by the two roof slopes.

**GARAGE.** A commercial establishment where cars are repaired, serviced, or parked inside the building.

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

**GRADE.** The slope of a street, or other public way, specified in percentage (%) terms.

- ~· Ground Level. The average of the finished ground level at the center of all walls of a building. In case a wall is parallel to and within five feet (5') of a sidewalk, the ground level shall be figured at the sidewalk.

**GROUP DAY CARE HOME OR HOME.** Group day care or home means a day care facility located in a building constructed as a single family dwelling that is certified to care for no more than twelve (12) children at any given time.

**GUEST HOUSE.** A detached building used as sleeping quarters for guests of the occupants of the main dwelling on a non-commercial basis and having no cooking facilities.

**HANDICAPPED PARKING.** Parking spaces designed for physically handicapped people shall be at least ninety-six inches (96") wide and shall have an adjacent aisle a minimum of sixty inches (60") wide.

**HEALTH SERVICES.** Clinically related diagnostic, treatment or rehabilitative services, or medical services, medical laboratories, outpatient care facilities, and/or including State of Oregon licensed professionals who are operating facilities engaged solely in medical and health care services to people, including but not limited to medical, dental, orthodontic, cosmetic (plastic) surgery, chiropractic, naturopathic, specialized medical, physical therapy, and/or includes alcohol, drug or controlled substance abuse and mental health services that may be provided either directly or indirectly on an inpatient or ambulatory patient basis.

**HEARING, INITIAL.** An initial hearing is a quasi-judicial hearing authorized and conducted by

the Hearings Body to determine if a change or land subdivision shall be granted or denied except those subject to administration review.

**HEARINGS BODY.** The Subdivision Committee, Hearings Officer, or Governing Body.

8-12.1.3

Madras Ordinances

8-12.1.3

**HEARINGS OFFICER.** A planning and zoning Hearings Officer appointed or designated by the City Council pursuant to ORS 227.165 or in the absence of such appointed Hearings Officer, the Planning Commission.

**HEIGHT OF BUILDING.** The vertical distance from the "grade" to the highest point of the coping of a flat roof or to a deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

**HOME OCCUPATION.** The lawful occupation conducted in the dwelling or accessory structure by the property owner(s) or person(s) residing in the dwelling.

**HOSPICE.** A facility that provides residential living quarters for up to six (6) terminally ill persons.

**HOSPITAL.** A facility with an organized medical staff, with permanent facilities, that include inpatient beds and with medical services, including physician services and continuous nursing services under the supervision of registered nurses, to provide diagnosis and medical or surgical treatment primarily for but not limited to acutely ill patients and accident victims, to provide treatment for the mentally ill or to provide treatment in special inpatient care facilities.

**IMPERVIOUS SURFACE.** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

**IMPROVEMENTS.** Include, but are not limited to, streets, alleys, curbs, roadbed, road surface, storm drains, and appurtenances, sidewalks, street lights, street signs, fire hydrants, sanitary sewers and appurtenances, public water supply and water distribution systems and other utilities.

**INDUSTRIAL.** The manufacturing, processing, production, compounding, packaging or assembling of products for sale, which does or does not require or create emissions or discharges other than normal sanitary sewage wastes or the storage of materials which require permits be issued by the Oregon State Department of Environmental Quality.

**INTERESTED PERSON.** Any person appearing on record or presenting written evidence at a hearing shall have standing and shall be a party.

**JUNK.** Scrap, thrown away or discarded as useless.

**JUNKYARD.** A lot that is used to store junk as scrap metal or old car parts that can be resold.

**KENNEL.** A shelter in which four (4) or more dogs or cats, at least four (4) months of age, are kept commercially for board, propagation, training or sale.

8-12.1.3

**Madras Ordinances**

8-12.1.3

**LAND USE PERMIT.** "Land Use Permit" includes any approval of a proposed development of land under the standards in the City land development and zoning ordinances involving the exercise of significant discretion in applying those standards. By way of illustration, "land use permit" includes review of the following applications: conditional use, variance, partition, master plan, exceptions, site plan, modification of condition, and subdivision.

**LANDSCAPING.** To adorn or improve (a section of ground) by contouring the land and planting flowers, shrubs, and/or trees.

**LIVESTOCK.** Domestic animals such as cattle, horses, goats, chickens, fowl, rabbits, pigs, llamas, or sheep, which are raised for home use or for profit, which is conducted outside of city limits.

- ~· **Feeding Yard (Feedlot).** An enclosure designed or used for the purpose of the concentrated feeding or fattening of livestock for marketing.
- ~· **Sales Yard.** An enclosure or structure designed or used for holding livestock for purposes of sale or transfer by auction, consignment or other means.

**LOADING SPACE.** An off-street space within a building or on the same lot with a building, for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials, and which space has access to a street or alley.

**LOT.** A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required; such lot shall have frontage on a public street, or easement approved by the Planning Commission or City Council. A lot may be a single lot of record, or a combination of complete lots of record, or complete lots of record and portions of lots of record, or a parcel of land described by metes and bounds; provided that in case of division there shall have been approval given to said division by the Planning Commission under the conditions set forth in the Subdivision Ordinance.

- ~· **Area.** The total horizontal area within the lot lines of a lot, exclusive of streets and easements of access to other property.
- ~· **Corner.** A lot abutting upon two (2) or more streets other than alleys, at their

intersection, or upon two (2) parts of the same street, such streets or parts of same street forming an interior angle of less than 135 degrees within the lot line.

- ~· Coverage. The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street other than an alley shall be considered frontage, and yards shall be provided as indicated under yard in this section.

8-12.1.3

**Madras Ordinances**

8-12.1.3

- ~· Depth. The average horizontal distance between the front lot line and the rear lot line.
- ~· Line. Any line bounding a lot as herein defined.
- ~· Front. The line on the lot facing the street from which the access to the lot is commonly made.
- ~· Rear. A lot line, which is opposite the front lot line. In the case of an irregular or triangular-shaped lot, a lot line ten feet (10') in length within the lot parallel to and at the maximum distance from the front lot line.
- ~· Side. Any lot line not a front lot line or a rear lot line.
- ~· Measurements:
  - > Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rear most points of the side lot lines in the rear.
  - > Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width, except in the case of lots on the turning circle of a cul-de-sac, where the eighty percent (80%) requirement shall not apply.
- ~· Through. An interior lot having a frontage on two (2) streets and/or highways, not including an alley.
- ~· Width. The horizontal distance between the side lot lines measured within the lot boundaries or the average distance between side lot lines within the buildable area. In the case of a corner lot, lot width shall mean the mean horizontal distance between the longest front lot line and the opposite lot line not abutting the street.

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

8-12.1.3

Madras Ordinances

8-12.1.3

**MANUFACTURED HOME.** A structure transportable in one (1) or more sections, when erected on a site, is seven hundred (700) or more square feet in area, and which is built on a permanent chassis, and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, and electrical systems therein. A manufactured home is a home built on or after June 15, 1976, to the standards and requirements of the National Manufactured Construction and Safety Act of 1974. The unit shall have the "Insignia of Compliance" as provided by State law.

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

- ~ **Existing.** A manufactured home park or subdivision for which the construction facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.
- ~ **Expansion.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

**MEDICAL RELATED OFFICE.** An office with functions such as consulting, record keeping, clerical work, and sales related directly to hospitals and clinics.

**MEDICAL RELATED USES:** Medical schools and associated dormitories, medical conference centers, medical appliance sales, or pharmacies.

- ~. Ancillary Uses: Ancillary uses or services that comprise less than 30% of the square footage of medical/health care structure; provided there are no visible indications of the use or service outside of the medical/health care structure. No outside signs shall be allowed to advertise said ancillary use or service.

**MOBILE HOME.** A single-family dwelling designed for long-term human habitation rather than for recreation purposes; constructed on a site other than its place of permanent use and capable of being transported to its location of use on its own chassis and wheels. If an integral part of the design of the unit is for the transportation to location, then it is a mobile home, notwithstanding subsequent changes or alteration of the unit or its capability of being placed on a foundation of any type.

8-12.1.3

Madras Ordinances

8-12.1.3

**MOBILE HOME PARK.** Any privately owned place where two (2) or more mobile homes used for human occupancy are parked within five hundred feet (500') of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is the rental of spaces.

**MODULAR HOME.** A sectional or factory built house to which wheels may or may not be attached for the purpose of moving it to a home site where it is affixed to real property on a permanent foundation.

**NEIGHBORHOOD COMMERCIAL.** Limited commercial activities primarily for the convenience of the surrounding residential neighborhood.

**NEW CONSTRUCTION.** Structures for which the "start of construction" commenced on or after the effective date of this ordinance (July 11, 1989).

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

**NON-CONFORMING STRUCTURE OR USE.** A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

**OPEN SPACE (ORS 197.434).** Land that is retained in a substantially natural condition or is improved for recreational uses such as golf courses, hiking or nature trails or equestrian or bicycle paths. May include ponds, or natural features. Does not include parking areas, streets or residential lots or yards.

**OWNER.** A person, his authorized agent, or representative having legal authority to use, transfer, or lease land.

**PARAPET.** The portion of a wall that extends above the roof.

**PERMITTED USES (MEDICAL OVERLAY).** State of Oregon licensed facilities, including but not limited to hospitals, for elder, medical, or health care and/or treatment. And, elder, medical, or health care and/or treatment facilities that are under the jurisdiction of a State of Oregon licensed elder, medical, or health care and/or treatment provider. And, professional offices and facilities, including but not limited to clinics, for medical and health care, diagnosis, or treatment

which are operated by State of Oregon licensed medical or healthcare operators.

**PLACE OF PUBLIC ASSEMBLY.** A structure or place, which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation, or similar activity.

**PLANNED UNIT DEVELOPMENT.** The development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulations otherwise required by this ordinance.

8-12.1.3

Madras Ordinances

8-12.1.3

**PLANNING COMMISSION.** The Madras City Planning Commission made up of seven (7) individuals who reside inside city limits and within the urban growth boundary.

**PRIMARY (PRINCIPLE) USE.** The first use to which property is or may be devoted, and to which all other uses on the premises are derived as accessory or secondary uses. As used relative to dwelling units, the primary dwelling would be the first dwelling unit to be located on a specific parcel or lot.

**PROVIDER.** Provider means the person in the group day care home who is responsible for the children in care and in whose name the certificate is issued.

**PUBLIC FACILITY.** A facility (building) for public use by the community or people.

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

**PUBLIC USE.** Maintained and/or used by the people or community. Participated in or attended by the people or community.

**PUBLIC UTILITY.** An organization supplying water, gas, communication, and electricity to the community.

**RECREATIONAL VEHICLE.**

A vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

**RECREATIONAL VEHICLE PARK.** A parcel of land upon which two (2) or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles, tents or other camping facilities, as temporary living quarters for recreation or vacation purposes.

**RESERVE STRIP.** Means a strip of land usually one foot in width, reserved across the end of a street or alley terminating at the boundary of a subdivision, or a strip of land between a dedicated street of less than full width and adjacent acreage, in either case reserved or held for future street extension or widening.

8-12.1.3

Madras Ordinances

8-12.1.3

**RESIDENCES FOR TEMPORARY OCCUPANCY.** Residences that are used on a temporary basis for the length of stay of a patient in the hospital by the patient's family or guardians.

**RESIDENTIAL CARE FACILITY.** A residential care, residential training or residential treatment facility licensed or registered by or under the authority of ORS 443.400-443.460, or licenses under ORS 418.205-418.327 which provides residential care alone or in conjunction with treatment, or training, or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet licensing requirements of the State of Oregon shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

**RESIDENTIAL HOME FACILITY.** A residential treatment or training or an adult foster home licensed by or under the authority of the ORS 443.440-443.825, which provides residential care along or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. Staff persons required to meet licensing requirements of the State of Oregon shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

**RESIDENTIAL USE.** A structure or use for occupancy as a human dwelling or lodging place such as a single family, two (2) family, and multi-family dwellings, duplex, apartments, boarding, lodging, or rooming houses, mobile home parks, and labor camps.

**RIGHT-OF-WAY.** The area between the boundary lines of a street, road, or other easement.

**ROAD OR STREET.** A public or private way that is created to provide ingress or egress for persons to one (1) or more lots.

~. Frontage. A minor street parallel and adjacent to a major arterial providing access to abutting properties, but protected from and protecting through traffic.

**ROADWAY.** That portion of a street or road right-of-way developed for vehicular traffic.

**SATELLITE RECEIVING ANTENNA.** Shall mean a combination of: (1) a device or structure used for receiving television, telecommunication or microwave signals transmitted from satellites on earth-based transmitters; and (2) an amplifier, which is situated at the focal point of the receiving components and whose purpose is to magnify and transfer signals.

**SCHOOL.** A place for teaching, demonstration or learning. However, unless otherwise qualified, the word "school" means a place for primarily academic instruction equivalent to what is commonly known as kindergarten, grade school, junior high school, high school, college, or a combination of them.

**SEASONAL.** Dependent upon, or occurring during one of the four (4) seasons (spring, summer, fall and winter) of the year, which does not exceed three (3) months duration.

8-12.1.3

**Madras Ordinances**

8-12.1.3

**SEMI-PUBLIC USE.** A structure or use intended or used for a semi-public purpose by a church, lodge, club or any other nonprofit organization.

**SERVICE STATION.** A business where fuel for motor vehicles is sold and can include, repairs of vehicles.

**SETBACK.** Distance from the outside wall of a structure to the property line of a parcel or lot.

- ~· Front - Distance (measurement) from the "front" of the outside wall (where the entrance faces the street) of a structure to the property line of a parcel or lot.
- ~· Side - Distance (measurement) from the "side" of the outside wall of a structure to the property line of a parcel or lot.
- ~· Rear - Distance (measurement) from the "rear" or "back" of the outside wall of a structure to the property line of a parcel or lot.

**SIGN.** An outdoor sign (includes supporting structure), display, message, emblem, device, figure, poster, billboard, or other means of advertisement on premises for the sole purpose to inform, or attract the attention of the public.

**SITE OBSCURING.** A fence or planting arranged in such a way as to obscure vision. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site.

**START OF CONSTRUCTION.** Substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date.

The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

8-12.1.3

Madras Ordinances

8-12.1.3

**STORAGE FACILITY.** An enclosed, secure facility used for the storage of property.

**STREET.** The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic, and includes the terms road, highway, lane, place, avenue, alley or other similar designation which is commonly open to use by the public.

- ~· **Dead End.** A minor street with only one (1) outlet.
- ~· **Frontage.** That portion of a building site that has a common line with a street right-of-way line, and said street frontage is designated as the front property line.
- ~· **Half.** A portion of, the width of a street, sufficient enough for vehicle safety, temporarily (as approved by the City Public Works Director), usually along the edge of a subdivision, when the remaining portion of the street is likely to be provided in another subdivision.
- ~· **Local Street.** A street intended primarily for access to abutting properties.
- ~· **Stubbed Street.** A street having only one (1) outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands.

**STRUCTURE.** Something which is constructed or built having a fixed base on or fixed connection to the ground or other structure. This includes a gas or liquid storage tank that is principally above ground.

[Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

- ~· **Alteration.** Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.

**SUBDIVIDE LAND.** To divide a lot into four (4) or more tax lots.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started, or

8-12.1.3

Madras Ordinances

8-12.1.3

- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

This term does not, however, include either:

- (3) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or;
- (4) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

**TEMPORARY USE.** A use meant to last only for a limited amount of time.

**UTILITY FACILITY.** Any major structure owned or operated by a public, private or cooperative electric, fuel, communication, sewage or water company for the generation, transmission, distribution or processing its products or for the disposal of cooling water, waste, or by-products, and including power transmission lines, major trunk pipelines, power substations, dams, water towers, sewage lagoons, sanitary landfills, and similar facilities, but excluding sewer, water, gas, telephone and power local distribution lines and similar minor facilities allowed in any zone.

**VACANT.** Not occupied by a business; building is empty of business(es) and furniture for the purpose of doing business.

**VISION CLEARANCE AREA.** A triangular area on a lot at the intersection of two (2) streets or

a street and a railroad--two (2) sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in these regulations.

The third side of the triangle is a line across the corner of a lot joining the ends of the other two (2) sides. Where the lot lines at intersections have rounded corners, the lot lines shall be extended in a straight line to a point of intersection.

The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding three and one-half feet (3-1/2') in height, measured from the top of the curb.

**YARD.** An open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this ordinance, and includes driveways.

8-12.1.3

Madras Ordinances

8-12.2.4

**ZERO LOT LINE.** The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.

**ZERO LOT LINE SUBDIVISION.** A type of residential subdivision utilizing zero lot lines between dwelling units and providing for individual ownership of each lot.

## **ARTICLE 2: BASIC PROVISIONS**

### **SECTION 2.1: COMPLIANCE WITH ORDINANCE PROVISIONS**

- A. No building (or part of building) shall be erected, moved, or altered; and no lot shall be altered, unless the action conforms with the regulations herein specified for the zone in, which it is located, except as otherwise provided therein.
- B. No permit for construction or alteration of any building shall be issued unless plans, specifications, and intended use of such building shall be submitted and on file with the City Community Development Department and conform in all respects with the provisions of this ordinance.
- C. A building permit shall be issued within ten (10) days after application has been made if such use is in conformity with this ordinance.

**SECTION 2.2: ZONING APPLICATION** : Prior to the construction, alteration, or change of use for any structure or lot a zoning application may be required, from the City Community Development Department.

**SECTION 2.3: TIME LIMIT ON A ZONING APPLICATION** : Authorization of a zoning application shall be void after one (1) year unless a building permit has been obtained and substantial construction has taken place. However, the Community Development Director may extend authorization for an additional period not to exceed one (1) year upon request by the applicant or property owner.

**SECTION 2.4: ESTABLISHMENT OF ZONING DISTRICTS AND OVERLAY DESIGNATIONS:**  
 This ordinance hereby establishes the following land use zoning districts and overlay designations. Overlay designations are subordinate to the primary zoning district. They are as follows:

8-12.2.4

**Madras Ordinances**

8-12.2.6

<u><b>ZONE</b></u>	<u><b>DESIGNATION</b></u>
Single-family Residential	R-1
Multiple-family Residential	R-2
Planned Residential Development	R-3
Corridor Commercial	C-1
Downtown Commercial	C-2
Community Commercial	C-3
Neighborhood Commercial	NC
Industrial	I
Open Space/Public Facilities	OS/PF
Airport Development	A/D
<u><b>OVERLAY</b></u>	<u><b>DESIGNATION</b></u>
Flood Hazard	FH
Medical Overlay	MO
Airport Overlay	AO
Master Planned Community Overlay	MPC

[Commercial Designations changed or added by Ordinance No. 771, Passed by Council on July 25, 2006]

[Master Planned Community Overlay added by Ordinance No. 782, Passed by Council on December 12, 2006]

[Open Space changed to Open Space/Public Facilities by Ordinance No. 794, Passed by Council on September 25, 2007.]

**SECTION 2.5: LOCATION OF ZONES** : The boundaries of the zones listed in this ordinance are indicated on the Madras Zoning Map, which is hereby adopted by reference. The boundaries shall be modified in accordance with zone map amendments pursuant to this section and shall be adopted by reference.

**SECTION 2.6: ZONING MAP**

- A. The official zoning map is maintained at the Madras City Hall. Amendments to this map shall be reflected as soon as practicable after adoption by the Madras City Council.
- B. Due to the wide distribution of copies of this ordinance, amendments to the zoning map or text of this ordinance may not be able to be reflected in each and every copy. The official ordinance map shall be maintained in the Madras City Hall.

**8-12.2.7**

**Madras Ordinances**

**8-12.3.1**

**SECTION 2.7: ZONING DISTRICT BOUNDARIES**: Unless otherwise specified, Zoning District Boundaries are lines, which may also be identified as lot lines, center lines of streets, alleys, canal or railroad right-of-ways, water courses, ridges or rimrocks, other readily recognizable or identifiable natural features. Whenever any uncertainty exists as to the boundary of a zone as shown on the Zoning Map, the following regulations shall control:

- A. Where a zoning district boundary line is indicated as following a street, alley, canal or railroad right-of-way, it shall be construed as following the centerline of such right-of-way.
- B. Where a zoning district boundary line follows or approximately coincides with a section, lot or property ownership line, it shall be construed as following such line.
- C. If a lot is split with two (2) or more zoning district boundaries, the primary or prominent (which covers a majority of the lot) zoning district shall be the governing zone. The Community Development Director shall determine the governing zone.

**SECTION 2.8: ZONING OF ANNEXED AREAS**: An area annexed to the city shall, upon annexation, assume the zoning classification in compliance with the Comprehensive Plan, as determined by the city.

**SECTION 2.9: CONFLICTING STANDARDS**

- A. Interpretation. Where the provisions of zoning standard conflict with comparable standards described in any other ordinance, resolution or regulation, the provisions of the applicable zoning district shall govern.

**ARTICLE 3: LAND USE ZONES**

**SECTION 3.1: SINGLE FAMILY RESIDENTIAL (R-1)**

**A. PERMITTED USES.**

1. Single-family dwellings shall have a minimum of a 1-car garage, which is architecturally integrated with and has an exterior similar to the dwelling.
2. Duplex shall have a minimum of a 1-car garage for each unit, which is architecturally integrated with and has an exterior similar to the dwelling unit.

[Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

**8-12.3.1**

**Madras Ordinances**

**8-12.3.1**

3. Manufactured Homes shall have a minimum of a 1-car garage, which is architecturally integrated with and has an exterior similar to the dwelling unit. (See Section 3.3)

[Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

4. Public parks, recreation areas, and community centers (Subject to Site Plan Review)
5. Accessory structures under 950 sq. ft (Shipping containers or the like are not allowed)
6. Day Care (1-5 children)
7. Model home shall be allowed only after construction plans have been approved by the City Public Works Director; occupancy and use is prohibited until documentation has been received by the City Public Works Director that the utilities have been connected.

**B. CONDITIONAL USES.** (Subject to Site Plan Review)

1. Home occupations (See Section 3.1.2) (Planning Commission Review)
2. Churches
3. Public buildings, such as library, fire station, museum, schools
4. Public utilities; except for communication towers
5. Lodge or civic organizations

6. Medical and dental clinics, hospitals, sanitariums, rest homes, homes for the aged, nursing homes or convalescent homes.
7. Day Care (over 5 children)
8. Accessory structures over 950 sq. ft. (shipping containers or the like are not allowed)
9. Bed and Breakfast (see Section 3.1.1)
10. Residential Care Facilities (Planning Commission Review)
11. Residential Home Facilities (Planning Commission Review)

8-12.3.1

**Madras Ordinances**

8-12.3.1

**C. AREA REQUIREMENTS.** The minimum lot size requirements are as follows:

1. For platted lots before the enactment of Ordinance No. 252 (each structure must meet the setback requirements from property lines in order to be allowed):
  - i. One Single-family dwelling per lot; or
  - ii. One Duplex per lot; or

[Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

2. Lots not already platted at the time of enactment of this ordinance and non-platted areas annexed to the city following enactment of City of Madras Ordinance No. 252 shall have a minimum lot size as follows:
  - i. One Single-family dwelling per lot -- 7,500 square feet
  - ii. Duplex -- 8,000 square feet for the first two (2) units, plus 2,000 square feet for each additional dwelling unit; or

[Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

**D. SETBACK REQUIREMENTS.** The minimum setback requirements for structures from property lines shall be as follows:

1. Front Setback. The minimum depth of a proposed structure from the front setback shall be twelve (12') feet from the property boundary line; or existing public easement, if abutting the front property line.

2. Side and Rear Setbacks. The minimum side and rear setbacks for any proposed structure shall be five feet (5') from the property line.
3. Corner Setback for a lot with more than one (1) property line abutting a street - proposed structure(s) shall be twelve feet (12') from the property lines.

**E. HEIGHT OF BUILDING.** No primary or accessory building shall exceed a height of thirty-five feet (35') when measured from the ground to the peak of the roof.

**F. OFF-STREET PARKING REGULATIONS.**

1. Dwellings. Two (2) parking spaces shall be provided on each lot for each dwelling, multiple dwelling unit or manufactured home.

8-12.3.1

**Madras Ordinances**

8-12.3.1

2. All Other Uses. Refer to Table #1.

**G. SANITATION REGULATIONS.** Before any structure receives a Certificate of Occupancy it shall be connected to the city sewer system. Where the structure is within three hundred feet (300') of an existing city sewer.

**H. WATER REGULATIONS.** Before any structure receives a Certificate of Occupancy it shall be connected to the city water system unless authorized by the city for connection to an adjoining water system.

**I. FLOODPLAIN.** Any structure proposed to be located in the floodplain must meet Federal Emergency Management Agency (FEMA) and ordinance regulations.

**J. LIGHTING.**

1. Structural exterior lighting shall not project directly into an abutting lot.
2. Outdoor lighting for safety purposes shall be allowed, however, the outdoor lighting shall not project directly into the abutting lot.
3. Not be able to see source of light, or light reflective, or amplifying device from outside property line.
4. No structure has blinking, strobe, or rotating light(s) unless required by FAA.
5. Lighted poles shall not exceed twenty feet (20') in height.

**K. LANDSCAPING.**

1. Dwelling:

- i. New Construction - landscaping is required on the front and side portions of the lot adjacent to the dwelling or structure. The developer is required to put up an equivalent security amount of \$1000 to the City of Madras Finance Department for landscaping prior to obtaining the building permit for the dwelling or structure. Once the landscaping has been completed, the City's Finance Department shall release the bond back to the developer. The developer has one (1) year from the date of final inspection to complete landscaping the lot.
- ii. Existing dwelling - the existing landscaping (lawn, flowers, trees, shrubs, etc.) shall be maintained and kept in healthy condition. If the yard(s) are left to weeds and noxious vegetation the City of Madras shall enact Section 4-16 of the City Code.

**8-12.3.1**

**Madras Ordinances**

**8-12.3.1.1**

2. Duplex:

- i. New Construction - landscaping is required on the front and side portion of the lot adjacent to the duplex is required. The developer is required to put up an equivalent security amount of \$1000 to the City of Madras Finance Department for landscaping prior to obtaining the building permit for the dwelling unit. Once the landscaping has been completed, the City's Finance Department shall release the bond back to the developer. The developer has one (1) year from the date of final inspection to complete landscaping the lot.
- ii. Landscaping around the perimeter of the development with a combination of lawn, trees, shrubs, flower beds, ornamental yards, etc. The vegetation used to create the landscaped area shall be maintained and kept in a healthy condition. If the landscaping is not maintained and goes to weeds and noxious vegetation the City of Madras shall enact Section 4-16 of the City Code.
- iii. Shared areas. Usable outdoor recreation space shall be provided for the shared use of residents in any residential development, as follows:
  - (A) Units with one (1) or two (2) bedrooms: 200 square feet of lawn per unit.
  - (B) Units with three (3) or four (4) bedrooms: 400 square feet of lawn per unit.
- iv. Storage. Areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc.

**SECTION 3.1.1: BED AND BREAKFAST** - Purpose: to allow for the inclusion of Bed and Breakfast establishments within residential zones of the City of Madras.

A. Requirements:

1. Owner occupied single-family dwelling.
2. Provides up to five (5) guest rooms without individual kitchens.
3. Temporary sleeping accommodations for paying guests not to exceed 30 consecutive days.
4. Meal service shall be included as a part of the B&B establishment.

**8-12.3.1.1**

**Madras Ordinances**

**8-12.3.1.1**

5. Signs: sign application must be approved through the City of Madras Community Development Department.

B. Standards:

1. Must meet all four (4) requirements in Section 3.1.1(A)(1-4).
2. Plot plan showing location of existing dwelling and parking for guests and residents.
3. Parking required. Two (2) spaces, plus one (1) space per guest room. Utilizing on-street parking shall not infringe on other property owners in the area of the B&B.
4. Shall comply with Jefferson County Health Department and provide a copy of the certificate to the City of Madras Community Development Department.
5. Shall comply with Fire and Safety regulations through the Jefferson County Community Development Building Codes and the Jefferson County Fire Department.
6. Shall comply with and obtain any building permits required from the Jefferson County Community Development Department (Building Division).
7. Sign: one (1) sign is allowed, which must comply with the City's sign ordinance.
8. A business license from the City of Madras shall be obtained prior to commencement of the business.
9. Expansion of existing dwelling to accommodate the B&B shall be limited to 20% of the existing floor area.

C. Criteria:

1. Does the dwelling exist and will be occupied by the owner of the home and will be the operator of the proposed B&B.
2. Will the residential character of the neighborhood change because of the commercial nature of the proposal?
3. Will the residential character of the neighborhood change due to increased traffic in the neighborhood caused by the proposed use?
4. Will the proposed use violate any provisions of applicable covenants, conditions and restrictions (if they exist) governing the property? (The applicant shall provide appropriate documentation to support their findings.)

**8-12.3.1.1**

**Madras Ordinances**

**8-12.3.1.2**

5. Will the hours of operation be consistent with the residential character of the neighborhood?
6. Will the proposal be consistent with the City of Madras Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies of the city.
7. Will not unreasonably interfere with other uses permitted in the residential zone in which the property is located?
8. The proposal will preserve assets of particular interest to the community.

**SECTION 3.1.2: HOME OCCUPATION** - Purpose: To conduct a lawful occupation by the resident(s) of the dwelling.

A. Requirements:

1. Home occupation must be operated in the primary dwelling or accessory structure on the same lot by the resident(s) of the dwelling.
2. Plot plan required showing:
  - i. location of the dwelling and accessory structure(s) from the property lines;
  - ii. Parking spaces for employee(s) and resident(s) of the dwelling
  - iii. Landscaping, in place or projected improvement.
3. Sign: a sign application must be submitted and approved through the City of Madras

Community Development Department.

B. Criteria:

1. Will the operation of the home occupation be conducted in the dwelling or an accessory structure on the lot?
2. Will the operation of the home occupation be conducted by a resident(s) of the dwelling?
3. Will there be employees? Part-time or full-time.
4. Will the residential character of the neighborhood change because of the "commercial" nature of the proposal? State how this will not change the residential character.

**8-12.3.1.2**

**Madras Ordinances**

**8-12.3.2**

5. Will traffic increase because of the proposal? State how it will not increase traffic in the residential neighborhood.
6. Will the hours of operation be consistent with the residential character of the neighborhood?
7. Will not unreasonably interfere with other uses permitted in the residential zone in which the property is located.
8. The proposal will be consistent with the City of Madras Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies of the city.
9. Taking into account the location, size, design, and operation characteristics of the proposal, will there be any adverse impact on the livability, value, and/or appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.
10. The proposal will preserve assets of particular interest to the community.

**SECTION 3.2: MULTIPLE FAMILY RESIDENTIAL (R-2)**

**A. PERMITTED USES.**

1. Single-family dwellings shall have a minimum of a 1-car garage, which is architecturally integrated with and has an exterior similar to the dwelling.
2. Boarding houses. (Subject to Site Plan Review)
3. Multiple-family dwellings of two (2) or more units shall have a minimum of a 1-car

garage for each unit, which is architecturally integrated with and has an exterior similar to the dwelling unit (with site plan review).

[Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

4. Manufactured Homes shall have a minimum of a 1-car garage, which is architecturally integrated with and has an exterior similar to the dwelling unit (see Section 3.3)

[Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

5. Day Care (1-5 children)
6. Public Parks, recreation areas, and community centers (Subject to Site Plan Review)
7. Accessory Structures under 950 sq.ft. (Shipping containers or the like are not allowed)

**8-12.3.2**

**Madras Ordinances**

**8-12.3.2**

8. Model home shall be allowed only after construction plans have been approved by the City Public Works Director; occupancy and use is prohibited until documentation has been received by the City Public Works Director that the utilities have been connected.

**B. CONDITIONAL USES.** (Subject to Site Plan Review)

1. Churches.
2. Public buildings, schools and libraries.
3. Governmental uses, such as City Hall, fire station, police station, and offices for governmental agencies.
4. Lodge for civic or fraternal organizations.
5. Necessary public utilities and public services with safeguards against harm to adjacent or abutting residential property as required by the City Council; except for communication towers.
6. [Deleted by Ordinance No. 734, Passed by Council on May 10, 2005.]
7. Home Occupations (see Section 3.1.2) (Planning Commission Review)
8. Day Care (over 5 children)
9. Apartments
10. Accessory structures over 950 sq.ft. (Shipping containers or the like are not allowed)

- 11. Bed and Breakfasts (see Section 3.1.1)
- 12. Residential Care Facilities (Planning Commission Review)
- 13. Residential Home Facilities (Planning Commission Review)

**C. AREA REQUIREMENTS.** Minimum lot size requirements area:

- 1. For platted lots before the enactment of Ordinance No. 252 (each structure must meet the setback requirements from property lines in order to be allowed):

- i. One Single-family dwelling per lot; or
- ii. One Duplex per lot; or

**8-12.3.2**

**Madras Ordinances**

**8-12.3.2**

- iii. Multiple-family dwellings --10,000 square feet for the first two (2) units, plus 2,000 square feet for each additional dwelling unit.

[Item 1 Amended by Ordinance No. 734, Passed by Council May 10, 2005.]

- 2. Lots not already platted at the time of enactment of City of Madras Ordinance No. 252 and non-platted areas annexed to the city following enactment of this ordinance shall have a minimum lot size as follows:

- i. One Single-family dwelling per lot -- 7,500 square feet; or
- ii. Duplex -- 8,000 square feet for the first two (2) units, plus 2,000 square feet for each additional dwelling unit; or

[Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

- iii. Multiple-family units --10,000 square feet for the first two (2) units, plus 2,000 square feet for each additional dwelling unit.

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

**D. SETBACK REQUIREMENTS.** The minimum setback requirements for structures from property lines shall be as follows:

- 1. Front Setback. The minimum depth of a proposed structure from the front setback shall be twelve (12') feet from the property boundary line; or existing public easement, if abutting the front property line.
- 2. Side and Rear Setbacks. The minimum side and rear setbacks for any proposed

structure shall be five feet (5') from the property line.

3. Corner Setback for a lot with more than one (1) property line abutting a street - proposed structures shall be twelve feet (12') from these property lines.

**E. HEIGHT OF BUILDING.** No primary or accessory structure shall exceed a height of thirty-five feet (35') when measured from the ground to the peak of the roof.

**F. OFF-STREET PARKING REGULATIONS.**

1. Dwellings. Two (2) parking spaces shall be provided on each lot for each dwelling, or manufactured home.

8-12.3.2

Madras Ordinances

8-12.3.2

2. All Other Uses, including duplexes, triplexes and apartments refer to Table #1.

[Items 1 and 2 Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

**G. SANITATION REGULATIONS.** Before any structure receives a Certificate of Occupancy it shall be connected to the city sewer system. where the structure is within three hundred feet (300') of an existing city sewer.

**H. WATER REGULATIONS.** Before any structure receives a Certificate of Occupancy shall be connected to the city water system unless authorized by the city for connection to an adjoining water system.

**I. FLOODPLAIN.** Any structure proposed to be located in the floodplain must meet Federal Emergency Management Agency (FEMA) and ordinance regulations.

**J. LIGHTING.**

1. Structural exterior lighting shall not project directly into an abutting lot.
2. Outdoor lighting for safety purposes shall be allowed, however, the outdoor lighting shall not project directly into the abutting lot.
3. Not be able to see source of light, or light reflective or amplifying device from outside property line.
4. No structure has blinking, strobe, or rotating light(s) unless required by FAA.

5. Lighted poles shall not exceed twenty feet (20') in height.

**K. LANDSCAPING.**

1. Dwelling:

- i. New Construction - landscaping is required on the front and side portions of the lot adjacent to the dwelling or structure. The developer is required to put up a equivalent security amount of \$1000 to the City of Madras Finance Department for landscaping prior to obtaining the building permit for the dwelling or structure.

Once the landscaping has been completed, the City's Finance Department shall release the bond back to the developer. The developer has one (1) year from the date of final inspection to complete landscaping the lot.

**8-12.3.2**

**Madras Ordinances**

**8-12.3.3**

- ii. Existing dwelling - the existing landscaping (lawn, flowers, trees, shrubs, etc.) shall be maintained and kept in healthy condition. If the yard(s) are left to weeds and noxious vegetation the City of Madras shall enact Section 4-16 of the City Code.

2. Duplex, Triplex, or Apartments:

[Item 2, Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

- i. New Construction - landscaping is required on the front and side portion of the lot adjacent to the duplex is required. The developer is required to put up an equivalent security amount of \$1000 to the City of Madras Finance Department for landscaping prior to obtaining the building permit for the dwelling unit. Once the landscaping has been completed, the City's Finance Department shall release the bond back to the developer. The developer has one (1) year from the date of final inspection to complete landscaping the lot.

- ii. Landscaping around the perimeter of the development with a combination of lawn, trees, shrubs, flower beds, ornamental yards, etc. The vegetation used to create the landscaped area shall be maintained and kept in a healthy condition. If the landscaping is not maintained and goes to weeds and noxious vegetation the City of Madras shall enact Section 4-16.1 of the City Code.

- iii. Shared areas. Usable outdoor recreation space shall be provided for the shared use of residents in any residential development, as follows:

(A) Units with one or two (2) bedrooms: 200 square feet of lawn per unit.

(B) Units with three (3) or more bedrooms: 300 square feet of lawn per unit.

- iv. Storage. Areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc.

**SECTION 3.3: MANUFACTURED HOMES - MANUFACTURED HOMES MEETING THE FOLLOWING CRITERIA ARE ALLOWED AS A PERMITTED USE IN BOTH THE R-1 AND R-2 ZONES:**

- A. Only those manufactured homes used as permanent residences.
  - 1. Manufactured after June 15, 1976, which exhibit the Oregon Department of Commerce "Exhibit of Compliance" that indicates conformance with Housing and Urban Development (HUD) standards shall be permitted.

**8-12.3.3**

**Madras Ordinances**

**8-12.3.3**

- 2. Said manufactured homes shall be at least twenty-four feet (24') wide, with exterior dimensions enclosing a space of not less than eight-hundred sixty-four square feet (864 sq.ft).
- 3. In addition, the manufactured home shall have horizontal siding or other siding materials, similar to that presently used on houses constructed under the Uniform Building Code (UBC).
- 4. A fire resistant composition or wood shingle or shake roof, at a minimum slope of two inches (2") in twelve inches (12") (sixteen percent - 16%).
- 5. Skirting, which in design, color, and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
- 6. Manufactured homes located on:
  - i. Lot, not within a Manufactured Dwelling Park shall :
    - a. be attached to permanent foundations. Foundations, tie-downs, or other supports shall be provided to withstand the specified horizontal, up-lift and overturning wind forces on a manufactured home, based on accepted engineering design standards, as approved by the Oregon State Department of Commerce.
    - b. All wheels and towing assemblies shall be removed.
    - c. Must meet all Federal Emergency Management Agency (FEMA) standards if

placed in the floodplain.

ii. Manufactured Dwelling Park shall:

- a. Comply with State Building Codes for setup of the dwelling in the manufactured dwelling park;
- b. All wheels and towing assemblies shall be removed;
- c. Must meet all Federal Emergency Management Agency (FEMA) standards if placed in the floodplain.

7. Comply with all other requirements in the zoning district in which the manufactured dwelling will be located.

8-12.3.4

**Madras Ordinances**

8-12.3.4

**SECTION 3.4: PLANNED RESIDENTIAL DEVELOPMENT (R-3)**

**A. PURPOSE:** The intent of the R-3 Zone is to recognize and enhance areas of scenic quality and view amenities.

1. Allow for flexibility in project design while providing for essential development standards;
2. Encourage development, which is sensitive to the natural topography of the site, minimizes alterations to the land, and maintains and enhances significant natural resources;
3. Provide for projects, which are compatible with surrounding developments;
4. Ensure that the project's circulation system is designed to be efficient and well integrated with the overall city circulation system and shall not dominate the project.

**B. PERMITTED USES:** The following uses are permitted outright in the Planned Residential Development (R-3) Zone:

1. Single family dwelling (does not include manufactured dwellings or mobile homes) shall have at a minimum a 1-car garage, which shall be attached to the dwelling and is architecturally integrated with and has an exterior similar to the dwelling.
2. Accessory structure(s) under 950 sq. ft. (Shipping containers or the like are not allowed)
3. Day Care (1-5 children)
4. Public parks, recreation areas and community centers (subject to site plan)
5. Model home shall be allowed only after construction plans have been approved by the

City Public Works Director; occupancy and use prohibited until documentation has been received by the City Public Works Director that the utilities have been connected.

**C. CONDITIONAL USES** (Subject to Site Plan)

1. Schools
2. Day Care (over 5 children)
3. Accessory structure over 950 sq. ft. (Shipping containers or the like are not allowed)
4. Bed and Breakfasts (see Section 3.1.1)
5. Home Occupation (see Section 3.1.2) (Planning Commission Review)

8-12.3.4

**Madras Ordinances**

8-12.3.4

6. Residential Home Facility in accordance with ORS 197.665 (i.e., adult foster care) (Planning Commission Review)

**D. LOT SIZE:** The minimum lot size in the R-3 Zone shall be a minimum of 6,000 square feet.

1. Each lot shall have a minimum street frontage of 50 feet except for lots fronting on a cul-de-sac turn around upon which said frontage may be reduced to 40 feet. This frontage shall be measured at the front yard setback.

**E. SETBACK REQUIREMENTS:** The minimum setback requirement for structures from property lines shall be as follows:

1. Front Setback. The minimum depth of a proposed structure from the front setback shall be twelve (12') feet from the property boundary line; or existing public easement, if abutting the front property line.
2. Side and Rear Setbacks. The minimum side and rear setbacks for any proposed structure shall be five feet (5') from the property line.
3. Corner Setback for a lot with more than one (1) property line abutting a street - proposed structure(s) shall be twelve feet (12') from these property lines.

**F. HEIGHT OF BUILDING:** No building shall exceed a height of 35 feet when measured from the ground to the peak of the roof.

**G. OFF-STREET PARKING AND LOADING:** Off-street parking and loading within the R-3

Zone shall be provided in accordance with the provisions of Article IV (8-12.4.4, Supplementary Provisions).

**H. FLOODPLAIN.** Any structure proposed to be located in the floodplain must meet Federal Emergency Management Agency (FEMA) and ordinance regulations.

**I. LIGHTING.**

1. Structural exterior lighting shall not project directly into an abutting lot.
2. Outdoor lighting for safety purposes shall be allowed, however, the outdoor lighting shall not project directly into the abutting lot.

**8-12.3.4**

**Madras Ordinances**

**8-12.3.5**

3. Not be able to see source of light, or light reflective or amplifying device from outside property line.
4. No structure has blinking, strobe, or rotating light(s) unless required by FAA.
5. Lighted poles shall not exceed twenty feet (20') in height.

**J. SANITATION REGULATIONS.** Before any structure receives a Certificate of Occupancy it shall be connected to the city sewer system; or where the structure is within three hundred feet (300') of an existing city sewer.

**K. WATER REGULATIONS.** Before any structure receives a Certificate of Occupancy shall be connected to the city water system unless authorized by the city for connection to an adjoining water system.

**L. LANDSCAPING.**

1. Dwelling:
  - i. New Construction - landscaping is required on the front and side portions of the lot adjacent to the dwelling or structure. The developer is required to put up an equivalent security amount of \$1000 to the City of Madras Finance Department for landscaping prior to obtaining the building permit for the dwelling or structure. Once the landscaping has been completed, the City's Finance Department shall release the bond back to the developer. The developer has one (1) year from the date of final inspection to complete landscaping the lot.
  - ii. Existing dwelling - the existing landscaping (lawn, flowers, trees, shrubs, etc.) shall

be maintained and kept in healthy condition. If the yard(s) are left to weeds and noxious vegetation the City of Madras shall enact Section 4-16 of the City Code.

**SECTION 3.5: COMMERCIAL**

**A. PERMITTED USES.** (Subject to site plan review.)

1. Motels, hotels
2. Recreational vehicle parks (see Section 3.5.2) (Planning Commission Review)
3. Food stores.

**8-12.3.5**

**Madras Ordinances**

**8-12.3.5**

4. Automobile/truck service stations (requirements in Article IV, Section 8-12.4.14 also apply).
5. Cafes and restaurants including drive-ins.
6. All commercial uses including retail stores, service establishments, professional and other office, recreational enterprises, financial institutions, hotels, and similar uses.
7. Telephone exchange, electrical substations, or public utilities; except for communication towers
8. Fire, police, or other governmental buildings.
9. Clubs and lodges.
10. Electrical, plumbing, heating or paint sales, service and repair.
11. Garage - automobile, light truck and trailer, or marine sales, rental storage, service and repair.
12. Laundry or dry cleaning.
13. Machine shop repair.
14. Manufacture of artificial limbs, dentures, hearing aides, surgical instruments, and dressings or other devices employed by the medical or dental profession.
15. Sign painting shop, sale or repair.
16. Churches

17. Storage Facility
18. Residential occupancy(ies) located above the ground floor (1st floor) of the commercial structure, provided there is an existing or proposed commercial use on the 1st floor of the structure.
19. Dwellings (existing and being lived in as of the adoption date of this ordinance revising this section) NO SITE PLAN REQUIRED FOR REPLACEMENT OR ADDITION TO THE EXISTING DWELLING, BUT A PLOT PLAN IS REQUIRED FOR LOCATION AND SETBACKS.
20. Veterinary clinics
21. Mortuary, crematorium

**8-12.3.5**

**Madras Ordinances**

**8-12.3.5**

22. Planned Unit Development  
[Added by Ordinance No. 761, Passed May 23, 2006]
23. Building roof and wall mounted antennas for cellular, PCS, and similar radio services see Section 8-12.3.5 (O)  
[Added by Ordinance No. 768, Passed July 25, 2006]

**B. LARGE RETAIL STRUCTURES (Big Box) DEVELOPMENT STANDARDS** (Planning Commission Review) shall comply with Section 8-12.3.5 (M).

**C. TEMPORARY USES.** These uses may be seasonal or year and are for such activities as: mobile food vendors and sales of sunglasses, housewares, toys, crafts, vegetables and fruit stands. All temporary use permits are for business activities that are not located in a permanent structure that is built on a fixed foundation and would be commonly referred to as a building. All temporary uses must comply with State of Oregon health regulations and

evidence of compliance (i.e., copy of permit, County Health Department Certificates, etc.) must be provided to the City of Madras Community Development Department prior to issuance of a temporary use permit. The following requirements shall be met and complied with prior to starting of business. (Seasonal or Year-long Temporary Use application required).

1. Seasonal Temporary Uses. This type of temporary use (and Seasonal Temporary Use Permit) is for a duration of not more than three (3) months (i.e. 90 consecutive days). To be eligible for a Seasonal Temporary Use Permit, the following information must be provided and conditions met and adhered to:

- i. The address and/or location where the Seasonal Temporary Use activity will occur.
- ii. Property Owner's written authorization for the use of the property for the Seasonal Temporary Use.
- iii. Duration of Temporary Use, including starting date and time, and ending date and time.

[Subsection C, Item1, and Sub-Items i, ii, and iii, amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

- iv. Hours of operation

**8-12.3.5**

**Madras Ordinances**

**8-12.3.5**

- v. Obtain a Business License from the City of Madras prior to business operation.
- vi. The Temporary Use activity and all structures are to be removed from authorized site at least once each day and at all times when the activity is not open for business, except for a one-time exception not to exceed seven (7) consecutive days as specifically authorized by the (Community Development Director). For certain uniquely seasonal activities, like Christmas tree sales, 4<sup>th</sup> of July fireworks sales, the Community Development Director may allow a longer period.

[Sub-Item vi, added by Ordinance No. 734, Passed by Council on May 10, 2005.]

2. Year-long Temporary Uses. This type of use (and Year-long Temporary Use Permit) is required for any qualified Temporary Use activity that will exceed three (3) months (90 consecutive days) duration. The Temporary Use activity and all structures, buildings, vehicles and any other support structure or equipment must be removed from the property (location of selling product) every evening and be absent from the site for a period of not less than six (6) consecutive hours.

The Year-long Temporary Use vendor must move around town and have a number of locations (no less than two) for the Temporary Use activity. No Year-long Temporary Use business activity can occur at the same location for more than 90 consecutive days without a 90 consecutive days absence from the same site before being allowed to return for another period not to exceed 90 consecutive days. To be eligible for a Year-long Temporary Use Permit, the following information must be provided and conditions met and adhered to:

[Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

- i. The address and/or location where the Year-long Temporary Use activity will occur.

[Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

- ii. Property owner's written authorization for the use of property for the Year-long Temporary Use.

[Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

- iii. Hours of operation

**8-12.3.5**

**Madras Ordinances**

**8-12.3.5**

- iv. Duration of Year-long Temporary Use, including starting date and time, and ending date and time.

[Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

- v. Shall obtain a Business License from the City of Madras prior to conducting business.

- vi. All signage must comply with all state and local requirements.

[Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

- vii. No furniture (i.e., table and chairs), separate awnings, or tents are permitted.

[Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

- 3. Temporary Structures may be placed on a lot while constructing an office or building.

[Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

**D. AREA REQUIREMENTS.** None.

**E. SETBACK REQUIREMENTS.** None, except, structure(s) shall not be less than ten feet (10') from the property line where abutting a residential zone.

- F. **HEIGHT OF BUILDING.** No commercial structure shall exceed a height of forty-five feet (45') without submitting a Variance Application and receiving prior authorization from the City Planning Commission and/or the City Council.
  
- G. **PARKING REGULATIONS.** Shall meet the requirements of Table #1, Attachment 'A' in Section 8-12.4.7 and requirements of Sections 8-12.4.4 through 4.7 of the City's Zoning and Land Development Ordinance and shall be reviewed as part of the site plan review.
  
- H. **SANITATION REGULATIONS.** Before any structure receives a Certificate of Occupancy, it shall be connected to the city sewer system; or where the structure is within three-hundred feet (300') of an existing city sewer.

8-12.3.5

**Madras Ordinances**

8-12.3.5

- I. **WATER REGULATIONS.** Before any structure receives a Certificate of Occupancy it shall be connected to the city water system unless authorized by the city for connection to any adjoining water system.
  
- J. **FLOODPLAIN.** Any structure proposed to be located in the floodplain must meet Federal Emergency Management Agency (FEMA) and ordinance regulations.
  
- K. **LIGHTING.**
  - 1. Structural exterior lighting shall not project directly into an abutting lot.
  - 2. Outdoor lighting for safety purposes shall be allowed, however, the outdoor lighting shall not project directly into the abutting lot.
  - 3. Not be able to see source of light, or light reflective or amplifying device from outside property line.
  - 4. No structure has blinking, strobe, or rotating light(s) unless required by FAA.
  - 5. Lighted poles shall not exceed twenty feet (20') in height.
  
- L. **USES PROHIBITED IN THE COMMERCIAL ZONE**
  - 1. Bulk fuel facilities for loading and storage

**M. LANDSCAPING.**

1. All unused portions of the property shall be maintained with landscaping consisting of ground cover, or planted grass, shrubs, trees, flower beds, bark dust, or other suitable landscaping.
2. Property owner shall be responsible for establishing and maintaining the landscaping on the lot.
3. A minimum of fifteen percent (15%) of the total lot area shall be landscaped. This is submitted with the site plan application and must receive approval. Exceptions to this provision may be granted where:
  - i. The proposed development is in the established downtown area.
  - ii Areas of the lot used for vehicle maneuvering, parking, loading, or storage, shall be landscaped and screened as follows:

**8-12.3.5**

**Madras Ordinances**

**8-12.3.5**

- (A) At least seven percent (7%) of the parking lot area shall be landscaped. Trees shall be planted at a ratio of one tree per ten (10) parking spaces to achieve a canopy effect over fifty percent (50%) of the lot area.
- (B) Landscape buffers are required between parking areas and streets and shall have a minimum width of three feet (3').
- (C) Landscape buffers between parking abutting a property line shall have a minimum width of three feet (3').
- (D) Front or exterior yard landscaping may not be submitted for the interior landscaping required for interior parking stalls.
- (E) There shall be a minimum distance of five feet (5') between parking areas and adjacent residential lots.
- (F) Landscape buffers shall consist of evergreens ground cover and shrubs mixed with a variety of flowering and deciduous plant species of trees and shrubs.
- (G) Landscaping in a parking or loading area shall have a width of not less than five feet (5'). Landscaping in a parking lot or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
- (H) Provision shall be made for the irrigation of planting area.
- (I) Required landscaping shall be continuously maintained.

- (J) Vegetation planted in accordance with an approved site plan shall be maintained by the property owner or developer. Plants or trees that die or are damaged shall be replaced and maintained.
- (K) Drainage. Surface drainage shall be contained on-site.

**N. DESIGN REVIEW:** To provide design standards for commercial development within the city limits of Madras. These standards ensure that the public health, safety and general welfare are protected and the general interest of the public is served. The standards provide for originality, flexibility and innovation in site planning and development to enhance the special characteristics that make Madras a unique place to live.

- 1. Ordinance Provisions. Except as exempted by #2, the provisions of this ordinance section shall apply to the following activities:

**8-12.3.5**

**Madras Ordinances**

**8-12.3.5**

- a. All new building construction.
  - b. Any exterior modifications to existing buildings.
  - c. All new parking lots.
  - d. All outdoor storage and display areas.
  - e. All new signs.
  - f. All building expansions greater than 10,000 square feet.
  - g. Structures shall be painted or repainted in a single primary color in whites, creams or earth tones with complimentary trim. The trim shall not exceed twelve inches (12") in width.
- 2. Exemptions. This ordinance section does not apply to the following activities:
    - a. Maintenance of the exterior of an existing structure such as re-roofing or residing.
    - b. Interior remodeling.
    - c. Reconstruction of buildings located on properties which have been destroyed or substantially damaged by fire or natural causes. The building(s) shall be reconstructed in the same location as it existed prior to damage or destruction. Reconstruction shall commence within one (1) year of the damage or destruction.
    - d. Building expansions not exceeding 25% of the gross square footage of the original

building and where the expansion does not exceed 10,000 square feet in area.

- e. Parking lot expansions not exceeding 25% of the gross square footage of the original lot and where the total amount of parking provided will not exceed 150% of the parking allowed by the Zoning Ordinance.
3. Process. The review authority (Community Development Director) shall approve, approve with conditions or deny an application based upon compliance with the site plan criteria, and design review standards. Approval shall be obtained from the review authority prior to the issuance of a building permit for all activities described in Paragraph (1) of this section.
4. Application Requirements. The applicant shall attend a pre-application conference prior to filing an application for Design Review with the City. After attending the pre-application conference the applicant shall file an application for Design Review along with other applicable applications (site plan and/or conditional use) with the City.

**8-12.3.5**

**Madras Ordinances**

**8-12.3.5**

5. Standards for Approvals for Buildings 30,000 gross square feet or less. The review authority shall use the standards in this section and the criteria for site plan review to ensure compliance with the purpose of Design Review.
  - a. Natural Features - Buildings shall be sited to protect areas of special interest or other natural features such as natural grade, trees, vegetation and rock outcroppings are encouraged to be incorporated into the overall site plan and may be calculated as part of the landscaping requirement if healthy and not damaged during construction.
  - b. Building, location and orientation - New buildings shall have at least one principle building entrance oriented toward the primary frontage property line.
  - c. Pedestrian Walkways
    - i. Walkways from the sidewalk to building entrances. A continuous pedestrian walkway shall be provided from the primary frontage sidewalk for pedestrians to access building entrances. This internal walkway shall incorporate a mix of landscaping, benches, drop-off bays and bicycle facilities for at least 50% of the length of the walkway. This walkway is necessary for persons who will access the site by walking, biking or transit. Walkways shall be connected to adjacent sites wherever practicable.
    - ii. Walkways from parking areas to building entrances. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from the parking pods. The walkways shall be located within the pods and shall be designed to provide access from the pods to the entrances of the building(s). The walkways shall be designed to separate people from moving vehicles as much as possible. These walkways shall have a minimum width of 5 feet with

no car overhang or other obstruction. The walkways must also be designed for disabled access according to the Uniform Building Code. This may require the walkways to be widened or modified. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

- d. Mechanical equipment and service areas. Mechanical equipment and service areas shall be screened with visual barriers from adjacent properties, public roadways, parks, or other public areas. The architectural design of the building shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.
- e. Building design.
  - i. Exterior building design.

**8-12.3.5**

**Madras Ordinances**

**8-12.3.5**

- (A) Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls which can be viewed from public streets shall be designed using architectural features and landscaping (abutting the building) for at least 50% of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall length.
- (B) Architectural Features include, but are not limited to the following: recesses, projections, wall insets, arcades, window display areas, awning, balconies, window projections, landscape structures or other features that complement the design intent of the structure and are acceptable to the review authority.
- (C) A portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
- (D) Building materials. The predominant building materials should be materials that are characteristic of Central Oregon such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.

- ii. **Roof Design.** Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged. Architectural methods shall be used to conceal flat roof tops. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged.
- iii. **Customer Entrances.** Clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, and integral planters are highly encouraged.
- iv. **Community Amenities,** such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.

8-12.3.5

**Madras Ordinances**

8-12.3.5

- f. **Building and Sign Colors:** Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors such as black, neon, metallic or florescent for the facade and, or roof of the building are prohibited except as approved for building trim. The use of Trademark colors will require approval.
6. The Standards for Buildings Greater than 30,000 Gross Square Feet (Big Box Stores). The purpose of these regulations are to break up the apparent mass and scale of large retail structures and to ensure that such development is compatible with, and does not detract from the City of Madras' unique character, scale, and sense of place. To encourage a mixture of uses and sizes of structures and to promote and facilitate a safe and comfortable pedestrian scale environment, as well as to reduce the visual impact of large areas of parking. The building(s) shall be kept in good condition and shall be the responsibility of the property owner or building owner.
- a. Size and Mass. No single retail establishment greater than 150,000 gross square feet is permitted. However, the total structure can be larger than 150,000 gross square feet so long as no single retail space exceeds 150,000 gross square feet.
  - b. Building Design. Buildings should have architectural features and patterns that provide visual interest, at the scale of the pedestrian, reduce massive aesthetic effects, and reflect the local character. The following elements should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint: color changes, material changes, texture changes and relief feature (such as offsets, projections and reveals):
    - i. Architectural Unity. All buildings on the same site shall be architecturally

unified. This provision shall apply to new construction, additions and remodeling. Architectural unity means that buildings shall be related in architectural style, color scheme, and building materials.

- ii. Exterior Materials. Predominant exterior building materials shall be of high quality material. These include, without limitation: brick, exterior wood siding, rock, stone or tinted and textured concrete masonry units. Facade colors shall be neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors, but these colors may not comprise more than 15% of any building facade. The use of high intensity, metallic, black or fluorescent colors including primary colors. Exterior building materials shall not include the following:

- (A) Smooth-faced concrete block;
- (B) Smooth-faced tilt-up concrete panels; or
- (C) Pre-fabricated steel panels

**8-12.3.5**

**Madras Ordinances**

**8-12.3.5**

- iii. Facades and Exterior Walls. The following standards, which apply to all building facades which are visible from adjoining public streets or properties, are intended to reduce the massive scale of large buildings which, without application of these standards, be incompatible with City's desired character.

- (A) Facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet.

- iv. Roofs. The following standards are intended to foster variations in roof lines to add interest to, and reduce the massive scale of, large buildings. Roof features should complement the character of adjoining development. Roofs shall have no less than two (2) of the following features:

- (A) Parapets concealing flat roofs and rooftop equipment, such as HVAC units from the public view. The average height of such parapets shall not exceed 15% of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall.

Such parapets shall feature three dimensional cornice treatment and shall not be of a constant height for a distance of greater than 150 feet.

- (B) Overhanging eaves, extending no less than 3 feet past the supporting walls, for no less than 30% of the building perimeter.

- (C) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run.
  - (D) Three or more roof slope planes.
- v. Entryways. Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The following standards identify desirable entryway design features:
- (A) Large retail buildings shall feature multiple entrances that are separated by not more than 300 feet along any side of a building requiring customer entrances. Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments of a store. Multiple entrances also

8-12.3.5

**Madras Ordinances**

8-12.3.5

mitigate the effect of the unbroken walls and neglected areas that often characterize building facades that face bordering land uses.

- (B) All sides of a principle building that directly faces an abutting public street shall feature at least one customer entrance. Where a principle building directly faces more than two (2) abutting public streets, this requirement shall apply only to two (2) sides of the building, those sides which are abutting the streets.
- (C) When structures are adjacent to a residential zone and separated from that zoning district by a public or private street, the structure shall have at least one (1) entryway facing that street.
- (D) Each principle building on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:
  - (1) Canopies or porticos;
  - (2) Overhangs;
  - (3) Recesses/projections;
  - (4) Arcades;
  - (5) Raised corniced parapets over the door;

- (6) Peaked roof forms;
- (7) Arches;
- (8) Outdoor patios;
- (9) Display windows;
- (10) Architectural details, such as tile work and moldings which are integrated into the building structure and design; or
- (11) Integral planters that incorporate landscaped areas and/or places for sitting.

vi. Multiple Entryways. Multiple entryways or architectural features shall be incorporated into the design in order to break up the apparent mass and scale of large retail structures. Entrances may be to tenant spaces other than the primary retail tenant. For structures:

**8-12.3.5**

**Madras Ordinances**

**8-12.3.5**

- (A) 50,000 square feet to 75,000 square feet, there shall be a clearly articulated public entrance on at least two (2) sides of the structure. At least one (1) such entrance shall be visible from a public street and connected to that street by a pedestrian sidewalk.
- (B) 75,000 square feet and above, shall provide a significant pedestrian amenity such as outdoor seating areas, play areas for children, and public courtyards.

vii. Site Design. All buildings and enclosures shall be designed to be compatible with the primary structure. Compatibility shall be measured in terms of design, form, use of materials and color.

- (A) Integration into the Street Network. Applicant shall work with the City Public Works Department to ensure that internal and new street(s) shall connect to existing streets or be designed to facilitate future connections to the maximum extent possible. The need for a Traffic Impact Study (TIS) and/or a Traffic Control Device Study shall be determined by the City Public Works Director.
- (B) Community Spaces. Large retail developments shall provide outdoor spaces and amenities to link structures with the remainder of the community. Passenger drop-off/pick-up points shall be integrated with traffic patterns on the site. Special design features shall enhance the building's function as a center of community activity. Each retail

development shall provide at least two (2) of the following design features, which shall be constructed of materials that match the principle structure and linked by sidewalks to the principle structure:

- (1) Patio/seating area;
- (2) Pedestrian plaza with benches;
- (3) Window shopping walkway;
- (4) Outdoor playground area;
- (5) Water feature, clock tower; or

viii. Landscaping: all buildings shall provide the following landscaping, and shall be the property owner's responsibility to ensure that the landscaping remain healthy and in good condition:

- (A) A landscaped buffer of at least twenty (20) feet in width shall be provided along all property lines abutting roadways, with breaks for approved access points. A minimum of 5 feet wide landscape buffer shall be planted along all other property lines. No parking is permitted within these required landscape areas.

**8-12.3.5**

**Madras Ordinances**

**8-12.3.5**

- (B) A minimum of 5% of the area within the boundaries of the parking lot shall be landscaped. Landscaped areas shall be protected by raised curbs or fixed wheel stops approved by the City Public Works Department. A variety of trees, shrubs and flowers shall be incorporated into the landscaping.

ix. Pedestrian Circulation. Pedestrian accessibility opens auto-oriented developments to nearby neighborhoods, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for internal pedestrian circulation systems that will provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience.

- (A) Pedestrian walkways, no less than five (5) feet in width, shall be provided from the public sidewalk or right-of-way to the principle customer entrance of all principle buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, street crossings, building and store entry points, and shall feature adjoining landscaped areas that includes trees, shrubs, benches, flower beds, groundcover, or other such materials.
- (B) Sidewalks, no less than six (6) feet in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. These sidewalks shall be located at least six (6) feet from the front of the building to provide planting beds for foundation landscaping, except

here features such as arcades or entryways are part of the facade.

- (C) Weather protection features such as awnings or arcades shall extend at least twenty (20) feet from all customer entrances.
  - (D) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- x. Parking Orientation. Parking areas shall provide safe, convenient, and efficient access. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. When buildings are located closer to streets, pedestrian traffic is encouraged and architectural details take on added importance. To achieve this, for any retail building, no more than twenty (20%) percent of the off-street parking area for the entire property shall be located between the principle building(s) and an arterial street, unless other buildings located between the principle building and the arterial street extend along at least fifty (50%) percent of the frontage between the arterial and the principle building.

**8-12.3.5**

**Madras Ordinances**

**8-12.3.5**

- (A) Vehicle traffic utilizing drive-up windows on buildings within the development shall be designed for pedestrian safety, and not conflict with the pedestrian traffic.
- xi. Lighting. Must comply with requirements in Section 8-12.3.5(K).
- xii. Outdoor Storage, Trash Collection and Loading Areas. The following standards are intended to reduce the impacts of outdoor storage, loading and operations areas on adjacent land uses.
- (A) Areas for truck parking and loading shall be screened by a combination of attractive structures and evergreen landscaping to minimize visibility from adjacent streets.
  - (B) Outdoor storage, loading and operations areas shall be attractively screened from adjacent parcels and streets.
  - (C) Outdoor storage, trash collection and/or compaction, loading or other such uses shall be located in the rear of the lot.
  - (D) Outdoor storage, HVAC equipment, trash collection, trash compaction and other service functions shall be incorporated into the overall site design. Views of these areas shall be screened from visibility from all property lines and separated from sidewalks and on-site pedestrian ways. Screening structures shall be made of the same materials as the

principle structure;

- (E) Areas for the storage and sale of seasonal merchandise shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and or fences shall conform to those used as in the principle structure. If such areas are to be covered, then the covering shall conform to the colors on the building.
- (F) Outdoor display and storage shall not encroach on any portion of a walkway, drive aisles or required parking spaces. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 30 feet of any internal pedestrian way.

**O. ANTENNAS MOUNTED ON BUILDING ROOFS AND WALLS FOR CELLULAR, PCS, AND SIMILAR RADIO SERVICES**

- 1. Roof-Mounted Antennas. Antennas installed on a building roof shall be concealed from the ground level of abutting public streets and adjacent properties. Acceptable types of screening are placement behind the roof parapet, placement behind a screen designed to blend with the existing building,

8-12.3.5

**Madras Ordinances**

**8-12.3.5.1**

placement within or on the mechanical penthouse or on a roof-mounted building element such as a chimney, exhaust pipe, cupola, bell tower or flagpole.

- 2. Wall-Mounted Antennas. Antennas mounted to the roof edge or sidewall elevation of a building shall be completely covered with the same exterior finish, or painted the same color as the exterior of the building or structure.
- 3. Allowable Height for Antennas Mounted on Building Roofs and Walls. Antennas mounted on building roofs and walls shall not extend more than ten (10) feet above the highest existing architectural feature on the building.

[Subsection O, Items 1, 2, and 3 added by Ordinance No. 768, Passed July 25, 2006]

**SECTION 3.5.1: CORRIDOR COMMERCIAL (C-1), DOWNTOWN COMMERCIAL (C-2), AND COMMUNITY COMMERCIAL (C-3)**

**A. USES.**

- 1. Types of uses. For the purposes of this chapter, there are three types of uses:
  - (a) A permitted (P) use is a use which is permitted outright subject to site plan approval and to all of the applicable provisions of this title. If a use is not listed

as a permitted use, it may be held to be a similar unlisted use under the provisions of Section 8-12.9.27.

- (b) A conditional (C) use is a use the approval of which is at the discretion of the Planning Commission and subject to site plan approval. The approval process and criteria are set forth in 8-12.6. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Section 8-12.9.27.
  - (c) A prohibited (X) use is one which is expressly prohibited in the zone. In addition, uses not specifically listed as permitted or conditional in Table 3.5-1 or deemed to be similar uses pursuant to Section 8-12.9.27 are also prohibited.
2. Use Table. A list of permitted, conditional and prohibited uses in commercial zones is presented in Table 3.5-1.

**Table 3.5-1: Uses in the C-1, C-2 and C-3 Zones**

Uses	Corridor Commercial (C-1)	Downtown Commercial (C-2)	Community Commercial (C-3)
<b>Commercial</b>			
Clubs and lodges, similar uses	P	P	P
Eating and drinking establishments, including drive-through/drive-ins (1)	P	X	C
Eating and drinking establishments, excluding drive-through/drive-ins	P	P	P
Entertainment uses, including theaters, indoor amusement uses such as bowling alleys, and similar uses	P	P	P
Office uses including medical and dental offices, clinics and laboratories	P	P	P
Retail trade and services, except vehicle-oriented	P/C (5)	P/C (5)	P/C (5)
Retail trade and services, vehicle-oriented (2)	P/C (5)	X	C (5)
Personal and professional services, including laundromats, dry cleaners, barber shops and salons, bank and financial institutions, and similar uses (1)	P	P	P
Motels, hotels	P	P	P
Recreational vehicle parks subject to Section 8-12.3.5.1 (D)	C	X	X
Veterinary clinics (3)	C	X	C
Mortuary, crematorium	P	C	P
Commercial storage facilities (4)	C	X	X
Repair Services	P	C (6)	P
Light manufacture (e.g. small-scale crafts, electronic equipment, furniture, similar goods) when in conjunction with retail	C	C	C
Bakeries and similar food processing where goods are to be sold primarily on-site and to the general public	P	C	P
Bulk fuel facilities	X	X	X
Temporary Uses subject to Section 8-12.3.5.1 (C)	P	P	P
<b>Public and Institutional</b>			
Fire, police, or other government buildings	P	P	P
Libraries, museums, community centers, concert halls and similar uses	P	P	P
Public parking lots and garages	P	P	P
Public parks and recreational facilities	P	P	P
Schools (public and private)	C	C	C
Utilities, public and private (except towers)	P	P	P
Churches and places of worship	P	P	P
<b>Residential</b>			
Mixed use residential subject to Section 8-12.3.5.1 (B)	C	C	C
Dwellings (existing as of July 25, 2006)	P	P	P

## Notes:

- (1) Drive-through or drive-in facilities are subject to the standards in Section 8-12.3.5.1 (O) 5 (l).
- (2) "Vehicle oriented retail trade and services" refers to those uses where automobiles and/or other motor vehicles are an integral part of the use, including, but not limited to, businesses that repair, sell, rent, store, or service automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, and similar vehicles and equipment. Those retail uses selling automobile parts and similar items are not considered vehicle oriented uses provided no vehicle servicing is conducted on-site.
- (3) Veterinary Clinics - Boarding of animals in conjunction with a veterinary clinic may be approved provided that the applicant can show that odor, dust, noise and drainage shall not constitute a nuisance, hazard, or health problem to adjoining property or uses. Fencing and/or vehicular access and loading restrictions may be required to protect surrounding properties.
- (4) Commercial storage facilities may include areas designed for the outdoor storage of boats, RVs and similar items provided the applicant can show that the facility will not create a nuisance to surrounding properties and uses. All commercial storage activities not conducted within an enclosed building shall be screened from view of all adjacent properties and adjacent streets by a sight obscuring fence, landscaping or similar means. The sight obscuring fence shall be subject to the provisions of Section 8-12.4.3.
- (5) Retail structures over 30,000 square feet are subject to Conditional Use approval by the Planning Commission.
- (6) No outdoor repair activity is permitted. Repair services are permitted only when conducted entirely indoors.

**B. MIXED USE RESIDENTIAL.** Residential uses (multiple-family dwellings) shall be permitted only when part of a mixed use development (residential with commercial or public/institutional uses) and subject to the following standards:

1. "Vertical" mixed use (housing above the ground floor) and "horizontal" mixed use (housing on the ground floor) developments may be permitted.
2. Within horizontal mixed use developments, residential uses shall be located behind commercial uses relative to the front lot line.
3. Access to residential uses shall not occupy more than twenty (20) feet or ten (10) percent (whichever is more) of frontage along the front lot line.

**C. TEMPORARY USES.** These uses may be seasonal or year and are for such activities as: mobile food vendors and sales of sunglasses, housewares, toys, crafts, vegetables and fruit stands. All temporary use permits are for business activities that are not located in a permanent structure that is built on a fixed foundation and would be commonly referred to as a building. All temporary uses must comply with State of Oregon health regulations and evidence of compliance (i.e. copy of permit, County Health Department Certificates, etc.) must be provided to the City of Madras Community Development Department prior to issuance of a temporary use permit. The following requirements shall be met and complied with prior to starting of business (Seasonal or Year-long Temporary Use application required).

1. Seasonal Temporary Uses. This type of temporary use (and Seasonal Temporary Use Permit) is for a duration of not more than three (3) months (i.e. 90 consecutive days). To be eligible for a Seasonal Temporary Use Permit, the following information must be provided and conditions met and adhered to:
  - (a) The address and/or location where the Seasonal Temporary Use activity will occur.
  - (b) Property Owner's written authorization for the use of the property for the Seasonal Temporary Use.
  - (c) Duration of Temporary Use, including starting date and time, and ending date and time.
  - (d) Hours of operation.
  - (e) Obtain a Business License from the City of Madras prior to business operation.
  - (f) The Temporary Use activity and all structures are to be removed from authorized site at least once each day and at all times when the activity is not open for business, except for a one-time exception not to exceed seven (7) consecutive days as specifically authorized by the Community Development Director. For certain uniquely seasonal activities, like Christmas tree sales, 4<sup>th</sup> of July fireworks sales, the Community Development Director may allow a longer period.
2. Year-long Temporary Uses. This type of use (and Year-long Temporary Use Permit) is required for any qualified Temporary Use activity that will exceed three (3) months (90 consecutive days) duration. The Temporary Use activity and all structures, buildings, vehicles and any other support structure or equipment must be removed from the property (location of selling product) every evening and be absent from the site for a period of not less than six (6) consecutive hours.

The Year-long Temporary Use vendor must move around town and have a number of locations (no less than two) for the Temporary Use activity. No Year-long Temporary Use business activity can occur at the same location for more than 90 consecutive

days without a 90 consecutive days absence from the same site before being allowed to

return for another period not to exceed 90 consecutive days. To be eligible for a Year-long Temporary Use Permit, the following information must be provided and conditions met and adhered to:

- (a) The address and/or location where the Year-long Temporary Use activity will occur.
- (b) Property owner's written authorization for the use of property for the Year-long Temporary Use.
- (c) Hours of operation.
- (d) Duration of Year-long Temporary Use, including starting date and time, and ending date and time.
- (e) Shall obtain a Business License from the City of Madras prior to conducting business.
- (f) All signage must comply with all state and local requirements.
- (g) No furniture (i.e. table and chairs), separate awnings, or tents are permitted.

3. Temporary Structures may be placed on a lot while constructing an office or building.

**D. RECREATIONAL VEHICLE PARKS.** - Purpose: to provide for recreational vehicle parks, which are suitable for the placement and occupancy of recreational vehicles for recreational purposes with the necessary amenities.

1. Requirements

- (a) Recreational vehicle parks shall not be occupied by manufactured dwellings, except for one (1) dwelling (manufactured or conventional) for an on-site manager or care taker.
- (b) Access shall be paved and have direct access onto a street.
- (c) Site obscuring fencing or buffering of the RV park shall be provided.
- (d) Entrance to the RV park shall be designed with an adequate parking area for those registering, or checking out without blocking access to the designated RV park spaces and will not cause congestion on adjacent streets.

(e) Lighting.

- (i) Structural exterior lighting shall not project directly into an abutting lot.
- (ii) Outdoor lighting for safety purposes shall be allowed, however, the outdoor lighting shall not project directly into the abutting lot.
- (iii) Not be able to see source of light, or light reflective or amplifying device from outside property line.
- (iv) No structure has blinking, strobe, or rotating light(s) unless required by FAA.
- (v) Lighted poles shall not exceed twenty feet (20') in height.
- (f) A dump station for discharging wastewater holding tanks shall be provided unless each space is equipped with a sewer connection.
- (g) RV park spaces shall provide on-site electrical, dump station or sewer connection, and water hookups.
- (h) Occupied RV park spaces shall not exceed 120 days by the same RV owner.
- (i) Accessory uses in conjunction with the RV park may include laundry facilities, playground, and convenience store.

2. Regulations:

- (a) No person shall establish or enlarge an RV Park without first obtaining the required approvals and permits as required by this Ordinance.
- (b) The following regulations and statutes must be adhered to by any applicant for an RV park permit in addition to all requirements included in this Ordinance.
  - (i) Oregon Revised Statutes regarding RV parks.
  - (ii) Oregon State Health Division administrative rules regarding RV parks.
  - (iii) Oregon State Building Codes regarding plans review and construction of the RV park.

3. Procedure: An application for RV Park approval must be included with the submittal of a Conditional Use Application.

- (a) A completed application for an RV Park and the applicable fee submitted;

- (b) An area map at a scale which clearly shows the general neighborhood, streets, existing structures and facilities, hazard areas, and other significant features in the area;
- (c) A map of the proposed site showing all existing landscape features, existing structures, existing utilities (water, sewer, power, etc.) and existing vegetation;
- (d) A preliminary drawing indicating the general layout and design of the project, prepared at a suitable scale, to clearly show all streets, property boundaries, walkways, proposed permanent structures and recreational areas, parking and storage areas, and other facilities. Include approximate dimensions, where appropriate.
- (e) A preliminary utility plan, indicating sewer and water lines, electric, gas, telephone, cable television, and storm water facilities.
- (f) A conceptual landscaping plan indicating all existing vegetation to be retained, all proposed landscaping features including trees, shrubs, grass, flowering plants, fences, berms, and open space.
- (g) Access approach for the RV park must be existing or approved by the governing jurisdiction.
- (h) The RV park is compatible with the adjacent neighborhood.
- (i) The RV park shall not adversely affect the neighborhood in which the RV park will be located.

E. **AREA REQUIREMENTS.** None.

F. **SETBACK REQUIREMENTS.**

1. **Minimum Setback.** None, except, structure(s) shall not be less than ten (10) feet from the property line where the commercial lot line(s) abuts residentially zoned parcels.
2. **Maximum Setback.** The maximum setback requirement applies only in the C-2 Downtown zone. The maximum allowable front yard setback in C-2 is five (5) feet. This standard is met when 100 percent of the front building elevation is placed no more than five (5) feet back from the front property line. On parcels with more than one building, this standard applies to the largest building. The setback standard may be increased when a usable public space with pedestrian amenities (e.g. extra-wide sidewalk, plaza, pocket park, outdoor dining area or seating area) is provided between the building and front property line. On through lots (lots with front and rear

frontage on a street), this standard applies only to the designated front setback.

8-12.3.5.1

**Madras Ordinances**

8-12.3.5.1

**G. HEIGHT OF BUILDING.**

1. Maximum Height. No commercial structure shall exceed a height of forty-five feet (45') without submitting a Variance Application and receiving prior authorization from the City Planning Commission and/or the City Council.
2. Minimum Height. Within the C-2 zone, the minimum building height for building facades facing an arterial street shall be twenty (20) feet unless otherwise approved through the site plan approval process.

**H. PARKING REGULATIONS.** Shall meet the requirements of Table 4.5-1, in Section 8-12.4.5 and requirements of Sections 8-12.4.4 through 8-12.4.7 of the City's Zoning and Land Development Ordinance and shall be reviewed as part of the site plan review.

**I. SANITATION REGULATIONS.** Before any structure receives a Certificate of Occupancy, it shall be connected to the city sewer system; or where the structure is within three-hundred feet (300') of an existing city sewer.

**J. WATER REGULATIONS.** Before any structure receives a Certificate of Occupancy it shall be connected to the city water system unless authorized by the city for connection to any adjoining water system.

**K. FLOODPLAIN.** Any structure proposed to be located in the floodplain must meet Federal Emergency Management Agency (FEMA) and ordinance regulations.

**L. LIGHTING.**

1. Structural exterior lighting shall not project directly into an abutting lot.
2. Outdoor lighting for safety purposes shall be allowed, however, the outdoor lighting shall not project directly into the abutting lot.
3. Not be able to see source of light, or light reflective or amplifying device from outside property line.
4. No structure has blinking, strobe, or rotating light(s) unless required by FAA.
5. Lighted poles shall not exceed twenty feet (20') in height.

**M. OUTDOOR STORAGE, TRASH COLLECTION AND LOADING AREAS.** The following standards are intended to reduce the impacts of outdoor storage, loading and operations areas on adjacent land uses.

1. Areas for truck parking and loading shall be screened by a combination of attractive structures and evergreen landscaping to minimize visibility from adjacent streets.
2. Outdoor storage, loading and operations areas shall be attractively screened from adjacent parcels and streets.
3. Outdoor storage, trash collection and/or compaction, loading or other such uses shall be located in the rear of the lot, where feasible.
4. Outdoor storage, HVAC equipment, trash collection, trash compaction and other service functions shall be incorporated into the overall site design. Views of these areas shall be screened from visibility from all property lines and separated from sidewalks and on-site pedestrian ways. Screening structures shall be made of the same materials as the principle structure.
5. Areas for the storage and sale of seasonal merchandise shall be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences shall conform to those used as in the principle structure. If such areas are to be covered, then the covering shall conform to the colors on the building.
6. Outdoor display and storage shall not encroach on any portion of a walkway, drive aisles or required parking spaces. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 30 feet of any internal pedestrian way.

**N. LANDSCAPING AND SCREENING**

1. Landscape plans shall be submitted with the site plan application and must receive approval.
2. All unused portions of the property shall be maintained with landscaping consisting of ground cover, or planted grass, shrubs, trees, flower beds, bark dust, or other suitable landscaping.
3. Property owner shall be responsible for establishing and maintaining the landscaping on the lot.
4. A minimum of fifteen percent (15%) of the total lot area shall be landscaped. Within the C-2 zone, an exception to this provision may be granted where the applicant provides alternative landscaping or pedestrian amenities, including, but not limited to, street

trees, benches, and planters.

8-12.3.5.1

Madras Ordinances

8-12.3.5.1

5. Areas of the lot used for vehicle maneuvering, parking, loading, repair, or storage, shall be landscaped and screened as follows:
  - (a) At least seven percent (7%) of the parking lot area shall be landscaped. Trees shall be planted at a ratio of one tree per ten (10) parking spaces to achieve a canopy effect over fifty percent (50%) of the lot area.
  - (b) Landscape buffers are required between parking areas and streets and shall have a minimum width of three feet (3').
  - (c) Landscape buffers between parking abutting a property line shall have a minimum width of three feet (3').
  - (d) Front or exterior yard landscaping may not be submitted for the interior landscaping required for interior parking stalls.
  - (e) There shall be a minimum distance of five feet (5') between parking areas and adjacent residential lots.
  - (f) Landscape buffers shall consist of evergreens ground cover and shrubs mixed with a variety of flowering and deciduous plant species of trees and shrubs.
  - (g) Landscaping in a parking or loading area shall have a width of not less than five feet (5'). Landscaping in a parking lot or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
6. Provision shall be made for the irrigation of planting area.
7. Required landscaping shall be continuously maintained.
8. Vegetation planted in accordance with an approved site plan shall be maintained by the property owner or developer. Plants or trees that die or are damaged shall be replaced and maintained.
9. Drainage. Surface drainage shall be managed in accordance with the City's storm water master plan.

**O. DESIGN REVIEW.** To provide design standards for commercial development within the city limits of Madras. These standards ensure that the public health, safety and general welfare are protected and the general interest of the public is served. The standards provide for originality, flexibility, and innovation in site planning and development to enhance the special characteristics that make Madras a unique place to live.

1. **Applicability.** Except as exempted by Section 3.5.O.2 the design standards of this section shall apply to the following activities.
  - (a) All new building construction.
  - (b) Any exterior modifications or expansion of existing buildings.
  - (c) All new parking lots.
  - (d) All outdoor storage and display areas.
  - (e) All new signs.
  - (f) All new drive-through and drive-up facilities.
  
2. **Exemptions.** This section does not apply to the following activities:
  - (a) Maintenance of the exterior of an existing structure such as re-roofing or residing.
  - (b) Interior remodeling.
  - (c) Reconstruction of buildings located on properties which have been destroyed or substantially damaged by fire or natural causes. The building(s) shall be reconstructed in the same location as it existed prior to damage or destruction. Reconstruction shall commence within one (1) year of the damage or destruction.
  - (d) Building expansions as follows:
    - (i) Within the C-1 and C-3 zoning district, where the expansion does not exceed 25% of the gross square footage of the original building or 10,000 square feet in area, whichever is less.
    - (ii) Within the C-2 zoning district, where the expansion does not exceed ten (10) percent of the gross square footage of the original building or 3,000 square feet in area, whichever is less.
  - (e) Parking lot expansions not exceeding 25% of the gross square footage of the original lot and where the total amount of parking provided will not exceed 150% of the parking allowed by the Zoning Ordinance.

3. **Process.** In addition to the requirements of Section 8-12.4.8 (Site Plan Approval) the review authority shall approve, approve with conditions or deny an application based upon compliance with the design review standards of this section. The review authority for developments of 30,000 square feet or less shall be the Community Development Director. For developments of greater than 30,000 square feet, the Community Development Director shall forward the application to the Planning Commission.

The process is intended to be flexible. Therefore, where strict application of the design standards in this section would be counterproductive to the goal of encouraging high quality development that enhances the City, an applicant may propose alternative design solutions. However, the burden of proof shall be on the applicant to show that the alternative design better accomplishes the City's goals.

4. **Application Requirements.** The applicant shall attend a pre-application conference prior to filing an application with the City.

5. **Standards for Approvals for all Buildings.**

- (a) **Natural Features** - Buildings shall be sited to protect areas of special interest or other natural features such as natural grade, trees, vegetation and rock out-croppings are encouraged to be incorporated into the overall site plan and may be calculated as part of the landscaping requirement if healthy and not damaged during construction.
- (b) **Building, location and orientation** - New buildings shall have at least one principle building entrance oriented toward the primary frontage property line.
- (c) **Pedestrian Walkways**
  - (i) Walkways from the sidewalk to building entrances. A continuous pedestrian walkway shall be provided from the primary frontage sidewalk for pedestrians to access building entrances. This internal walkway shall incorporate a mix of landscaping, benches, drop-off bays and bicycle facilities for at least 50% of the length of the walkway. This walkway is necessary for persons who will access the site by walking, biking or transit. Walkways shall be connected to adjacent sites wherever practicable.
  - (ii) Walkways from parking areas to building entrances. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from the parking pods. The walkways shall be located within the pods and shall be designed to provide access from the pods to the entrances of the building(s). The walkways shall

no car overhang or other obstruction. The walkways must also be designed for disabled access according to the Uniform Building Code. This may require the walkways to be widened or modified.

- (iii) All internal pedestrian walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.
- (iv) Pedestrian walkways shall be provided from the public sidewalk or right-of-way to the principle customer entrance of all principle buildings on the site.
- (v) At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, street crossings, building and store entry points, and shall feature adjoining landscaped areas that includes trees, shrubs, benches, flower beds, groundcover, or other such materials.
- (d) Mechanical equipment and service areas. Mechanical equipment and service areas shall be screened with visual barriers from adjacent properties, public roadways, parks, or other public areas. The architectural design of the building shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.
- (e) Building elevations. The exterior walls of buildings which can be viewed from a public street and which are greater than 20 feet in horizontal length shall be constructed using a combination of the architectural features identified in subsection (f), below. The minimum number of architectural features to be incorporated into each wall is three (3) in the C-1 and C-3 zones and four (4) in the C-2 zone. Where appropriate, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
- (f) Architectural Features. Architectural features are elements that complement the design intent of the structure and are acceptable to the review authority. Architectural features shall be appropriate for the proposed building type and style and features may vary on rear/side/front elevations. Architectural

features include, but are not limited to the following:

8-12.3.5.1

**Madras Ordinances**

8-12.3.5.1

- (i) recesses,
- (ii) projections,
- (iii) wall insets,
- (iv) arcades,
- (v) window display areas,
- (vi) awning,
- (vii) balconies,
- (viii) window projections (e.g. bay windows),
- (ix) permanent landscape structures (e.g. built-in planter boxes),
- (x) cupolas or towers,
- (xi) pillars or posts
- (xii) decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation and similar features),
- (xiii) window trim (minimum four (4) inches wide),
- (xiv) other features that complement the design intent of the structure and are acceptable to the review authority.

- (g) Building materials. The predominant building materials should be materials that are characteristic of Central Oregon such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Within the Downtown Commercial (C-2) zone, the following exterior finish materials are prohibited (except when used as foundation materials): smooth-faced (plain) concrete block, plain concrete panels, corrugated metal, plywood, sheet press board, and vinyl siding. Metal roofs may be allowed if compatible with the overall architectural design of the building.

- (h) Roof Design. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged. Architectural methods shall be used to conceal flat roof tops. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged.
- (i) Customer Entrances. Clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, and integral planters are highly encouraged. Within the Downtown Commercial (C-2) zone, buildings must provide weather protection for patrons using customer entrances. At a minimum, the main public entrance must have an awning, canopy, arcade, or similar feature that provides weather protection.
- (j) Community Amenities, such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.
- (k) Building and Sign Colors: Exterior colors shall be of low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors such as black, neon, metallic or florescent for the facade and/or roof of the building are prohibited except as approved for building trim. The use of Trademark colors will require approval.
- (l) Drive-Through and Drive-up Facilities: The regulations of this section apply to all uses that have drive-through or drive-up facilities and apply only to the portions of the site development that comprise the drive-through or drive-up facility.
  - (i) Stacking lanes must be set back 5 feet from all lot lines.
  - (ii) All driveway entrances, including stacking lane entrances, must be at least 50 feet from an intersection.
  - (iii) Stacking lanes must be designed so that they do not interfere with parking and vehicle circulation.
  - (iv) Stacking lanes must be clearly identified and separated from parking and travel areas through such means as striping, curbing, landscaping, and signs.

- (v) Gasoline service stations. A minimum of 30 feet of stacking lane is required between a curb cut and the nearest gasoline pump.

**Madras Ordinances**

- (vi) Drive in restaurants. A minimum of 150 feet for a single stacking lane or 80 feet per lane when there is more than one stacking lane, is required. A stacking lane is measured from the curb cut to the area where the service is provided. Stacking lanes do not have to be linear.

- (vii) Other drive-through and drive-up facilities. A minimum of 45 feet for a single stacking lane or 30 feet when there is more than one stacking lane, is required. A stacking lane is measured from the curb cut to the area where the service is provided. Stacking lanes do not have to be linear.

- (m) Integration into the Street Network. Applicant shall work with the City Public Works Department to ensure that internal and new street(s) shall connect to existing streets or be designed to facilitate future connections to the maximum extent possible. The need for a Traffic Impact Study (TIS) and/or a Traffic Control Device Study shall be determined by the City Public Works Director.

6. **The Standards for Buildings Greater than 30,000 Gross Square Feet (Big Box Stores)**. The purpose of these regulations are to break up the apparent mass and scale of large retail structures and to ensure that such development is compatible with, and does not detract from the City of Madras' unique character, scale, and sense of place, to encourage a mixture of uses and sizes of structures and to promote and facilitate a safe and comfortable pedestrian scale environment, as well as to reduce the visual impact of large areas of parking. The building(s) shall be kept in good condition and shall be the responsibility of the property owner or building owner. The standards in this section shall apply in addition to the standards of 8-12.3.5 (O)5. In case of a conflict, the more restrictive standards shall prevail.

- (a) **Size and Mass**. No single retail establishment greater than 150,000 gross square feet is permitted. However, the total structure can be larger than 150,000 gross square feet so long as no single retail space exceeds 150,000 gross square feet.
- (b) **Building Design**. Buildings should have architectural features and patterns that provide visual interest, at the scale of the pedestrian, reduce massive aesthetic effects, and reflect the local character. The following elements should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint: color changes, material changes, texture changes and relief feature (such as offsets, projections and reveals):

- (i) Architectural Unity. All buildings on the same site shall be architecturally unified. Architectural unity means that buildings shall be related in architectural style, color scheme, and building materials.
- (ii) Exterior Materials. Predominant exterior building materials shall be of high quality material. These include, without limitation: brick, exterior wood siding, rock, stone or tinted and textured concrete masonry units. Facade colors shall be neutral or earth tone colors. Building trim and accent areas may feature brighter colors, including primary colors, but these colors may not comprise more than 15% of any building facade. The use of high intensity, metallic, black or fluorescent colors, including primary colors, is not allowed. Exterior building materials shall not include the following:
- (a) Smooth-faced concrete block;
  - (b) Smooth-faced tilt-up concrete panels; or
  - (c) Pre-fabricated steel panels
- (iii) Facades and Exterior Walls. The following standards, which apply to all building facades which are visible from adjoining public streets or properties, are intended to reduce the massive scale of large buildings which, without application of these standards, would be incompatible with City's desired character.
- (a) Facades greater than 150 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade. No uninterrupted length of any facade shall exceed 150 horizontal feet.
- (iv) Roofs. The following standards are intended to foster variations in roof lines to add interest to, and reduce the massive scale of, large buildings. Roof features should complement the character of adjoining development. Roofs shall have no less than two (2) of the following features:
- (a) Parapets concealing flat roofs and rooftop equipment, such as HVAC units from the public view. The average height of such parapets shall not exceed 15% of the height of the supporting wall and such parapets shall not at any point exceed one-third of the height of the supporting wall. Such parapets shall feature three dimensional cornice treatment and shall not be of a constant height for a distance of greater than 150 feet.

8-12.3.5.1

- (b) Overhanging eaves, extending no less than 3 feet past the supporting walls, for no less than 30% of the building perimeter.

**Madras Ordinances**

8-12.3.5.1

- (c) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run.
- (d) Three or more roof slope planes.
- (v) Entryways. Entryway design elements and variations should give orientation and aesthetically pleasing character to the building. The following standards identify desirable entryway design features:
  - (a) Large retail buildings shall feature multiple entrances that are separated by not more than 300 feet along any side of a building requiring customer entrances. Multiple building entrances reduce walking distances from cars, facilitate pedestrian and bicycle access from public sidewalks, and provide convenience where certain entrances offer access to individual stores, or identified departments of a store. Multiple entrances also mitigate the effect of the unbroken walls and neglected areas that often characterize building facades that face bordering land uses.
  - (b) All sides of a principle building that directly faces an abutting public street shall feature at least one customer entrance. Where a principle building directly faces more than two (2) abutting public streets, this requirement shall apply only to two (2) sides of the building, those sides which are abutting the streets.
  - (c) When structures are adjacent to a residential zone and separated from that zoning district by a public or private street, the structure shall have at least one (1) entryway facing that street.
  - (d) Each principle building on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:
    - (i) Canopies or porticos;

- (ii) Overhangs;
- (iii) Recesses/projections;

8-12.3.5.1

**Madras Ordinances**

8-12.3.5.1

- (iv) Arcades;
- (v) Raised corniced parapets over the door;
- (vi) Peaked roof forms;
- (vii) Arches;
- (viii) Outdoor patios;
- (ix) Display windows;
- (x) Architectural details, such as tile work and moldings which are integrated into the building structure and design; or
- (xi) Integral planters that incorporate landscaped areas and/or places for sitting.

(vi) **Multiple Entryways.** Multiple entryways or architectural features shall be incorporated into the design in order to break up the apparent mass and scale of large retail structures. Entrances may be to tenant spaces other than the primary retail tenant. For structures:

- (a) 50,000 square feet to 75,000 square feet, there shall be a clearly articulated public entrance on at least two (2) sides of the structure. At least one (1) such entrance shall be visible from a public street and connected to that street by a pedestrian sidewalk.
- (b) 75,000 square feet and above, shall provide a significant pedestrian amenity such as outdoor seating areas, play areas for children, and public courtyards.

(c) **Site Design.** All buildings and enclosures shall be designed to be compatible with the primary structure. Compatibility shall be measured in terms of design, form, use of materials and color.

- (i) **Community Spaces.** Large retail developments shall provide outdoor spaces and amenities to link structures with the

remainder of the community. Passenger drop-off/pick-up points shall be integrated with traffic patterns on the site. Special design features shall enhance the building's function as a center of community activity. Each retail development shall

**Madras Ordinances**

provide at least two (2) of the following design features, which shall be constructed of materials that match the principle structure and linked by sidewalks to the principle structure:

- (1) Patio/seating area;
- (2) Pedestrian plaza with benches;
- (3) Window shopping walkway;
- (4) Outdoor playground area; or
- (5) Water feature, clock tower.

- (d) **Landscaping.** all buildings shall provide the following landscaping, and shall be the property owner's responsibility to ensure that the landscaping remain healthy and in good condition:
- (i) A landscaped buffer of at least twenty (20) feet in width shall be provided along all property lines abutting roadways, with breaks for approved access points. A minimum of 5 feet wide landscape buffer shall be planted along all other property lines. No parking is permitted within these required landscape areas.
  - (ii) Landscaped areas shall be protected by raised curbs or fixed wheel stops approved by the City Public Works Department. A variety of trees, shrubs and flowers shall be incorporated into the landscaping.
- (e) **Pedestrian Circulation.** Pedestrian accessibility opens auto-oriented developments to nearby neighborhoods, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This section sets forth standards for internal pedestrian circulation systems that will provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience.
- (i) Sidewalks, no less than six (6) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. These sidewalks shall be located at least six (6) feet from the front of the building to provide planting beds for foundation landscaping, except here features such as arcades or entryways are part of the façade.

- (ii) Weather protection features such as awnings or arcades shall extend at least twenty (20) feet from all customer entrances.

**8-12.3.5.1**

**Madras Ordinances**

**8-12.3.5.2**

- (f) **Parking Orientation.** Parking areas shall provide safe, convenient, and efficient access. They should be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks and to reduce the overall scale of the paved surface. When buildings are located closer to streets, pedestrian traffic is encouraged and architectural details take on added importance. To achieve this, for any retail building, no more than twenty (20) percent of the off-street parking areas for the entire property shall be located between the principle building(s) and an arterial street, unless other buildings located between the principle building and the arterial street extend along at least fifty (50) percent of the frontage between the arterial and the principle building.

[Section 3.5.1 Added by Ordinance No. 771, Passed by Council on July 25, 2006]

**SECTION 3.5.2 NEIGHBORHOOD COMMERCIAL (NC)** - The City's goal is to provide the community with a location for people to gather and create a local business center along side and amongst residential areas. This chapter provides standards for the orderly improvement and expansion of a Neighborhood Commercial District based on:

[Neighborhood Commercial (NC) renumbered to Section 3.5.2 per Ordinance No. 771, Passed by Council on July 25, 2006]

- A. Efficient use of land and urban services;
- B. A mixture of land uses to encourage walking as an alternative to driving, and provides more employment and housing options.
- C. Provides both formal and informal community gathering places;
- D. Connects neighborhoods with employment areas; and
- E. Reduces reliance on the automobile and reduces parking needs in the commercial district. Transportation improvements (or emergency measures) to allow for normal operation, maintenance, and/or repair of existing transportation facilities, and project(s) identified within the adopted Transportation System Plan are allowed outright.
- F. **PERMITTED USES** (Subject to Site Plan Review)
  - 1. Retail trade establishments in which the operation takes place solely within an enclosed

building

2. Business or professional offices

**8-12.3.5.2**

**Madras Ordinances**

**8-12.3.5.2**

3. Public park and recreation areas, and community centers
4. Building roof and wall mounted antennas for cellular, PCS, and similar radio services [see Section 8-12.3.5.1 (Q)]

[Item 4 added by Ordinance No. 768, Passed July 25, 2006]

**G. CONDITIONAL USE (with Site Plan Review)**

1. Retail trade establishments where any part of the operation takes place outside an enclosed building.
2. Residential occupancies located on the second floor of a commercial structure, provided there is an existing, or proposed commercial use on the ground floor of the structure.
3. Lodge for civic or fraternal organization
4. Churches
5. Apartments

**H. SETBACK REQUIREMENTS:**

1. Front Setback: Shall be a minimum of 12 feet from the front property line.
2. Side and Rear Setback: No requirements.
3. Corner Setback for a lot with more than one (1) property line abutting a street - proposed structure(s) shall be twelve feet (12') from these property lines.

**I. HEIGHT REQUIREMENTS: No structure shall exceed a height of thirty-five feet (35') when measured from the ground to the peak of the roof.**

**J. PARKING REGULATIONS. Shall meet the requirements of Table #1, Attachment 'A' in Section 8-12.4.7 and requirements of Sections 8-12.4.4 through 4.7 of the City's Zoning and Land Development Ordinance.**

**K. SANITATION REGULATIONS.** Before any structure receives a Certificate of Occupancy it shall be connected to the City sewer system; or where the structure is within three hundred feet (300') of an existing city sewer.

8-12.3.5.2

Madras Ordinances

8-12.3.5.2

**L. WATER REGULATIONS.** Before any structure receives a Certificate of Occupancy it shall be connected to the City water system unless authorized by the City for connection an adjoining water system.

**M. FLOODPLAIN.** Any structure proposed to be located in the floodplain must meet Federal Emergency Management Agency (FEMA) and ordinance regulations.

**N. LIGHTING.**

1. Structural exterior lighting shall not project directly into an abutting lot.
2. Outdoor lighting for safety purposes shall be allowed, however, the outdoor lighting shall not project directly into the abutting lot.
3. Not be able to see source of light, or light reflective or amplifying device from outside property line.
4. No structure has blinking, strobe, or rotating light(s) unless required by FAA.
5. Lighted poles shall not exceed twenty feet (20') in height.

**O. LANDSCAPING.**

1. All unused portions of the property shall be maintained with landscaping consisting of ground cover, or planted grass, shrubs, trees, flower beds, bark dust, or other suitable landscaping.
2. Property owner shall be responsible for establishing and maintaining the landscaping on the lot.
3. A minimum of fifteen percent (15%) of the total lot area shall be landscaped. This is submitted with the site plan application and must receive approval.

Exceptions to this provision may be granted where:

- i. The proposed development is in the established downtown area.

- ii Areas of the lot used for vehicle maneuvering, parking, loading, or storage, shall be landscaped and screened as follows:

**8-12.3.5.2**

**Madras Ordinances**

**8-12.3.5.2**

- (A) At least seven percent (7%) of the parking lot area shall be landscaped. Trees shall be planted at a ratio of one tree per ten (10) parking spaces to achieve a canopy effect over fifty percent (50%) of the lot area.
- (B) Landscape buffers are required between parking areas and streets and shall have a minimum width of three feet (3').
- (C) Landscape buffers between parking abutting a property line shall have a minimum width of three feet (3').
- (D) Front or exterior yard landscaping may not be submitted for the interior landscaping required for interior parking stalls.
- (E) There shall be a minimum distance of five feet (5') between parking areas and adjacent residential lots.
- (F) Landscape buffers shall consist of evergreens ground cover and shrubs mixed with a variety of flowering and deciduous plant species of trees and shrubs.
- (G) Landscaping in a parking or loading area shall have a width of not less than five feet (5'). Landscaping in a parking lot or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
- (H) Provision shall be made for the irrigation of planting area.
- (I) Required landscaping shall be continuously maintained.
- (J) Vegetation planted in accordance with an approved site plan shall be maintained by the property owner or developer. Plants or trees that die or are damaged shall be replaced and maintained.
- (K) Drainage. Surface drainage shall be contained on-site.

**P. DESIGN REVIEW:** To provide design standards for commercial development within the city limits of Madras. These standards ensure that the public health, safety and general welfare are protected and the general interest of the public is served. The standards provide for originality, flexibility and innovation in site planning and development to enhance the special characteristics that make Madras a unique place to live.

1. Ordinance Provisions. Except as exempted by #2, the provisions of this ordinance section shall apply to the following activities:

8-12.3.5.2

**Madras Ordinances**

8-12.3.5.2

- a. All new building construction.
- b. Any exterior modifications to existing buildings.
- c. All new parking lots.
- d. All outdoor storage and display areas.
- e. All new signs.
- f. All building expansions greater than 10,000 square feet.

Structures shall be painted or repainted in a single primary color in whites, creams or earth tones with complimentary trim. The trim shall not exceed twelve inches (12") in width.

2. Exemptions. This ordinance section does not apply to the following activities:

- a. Maintenance of the exterior of an existing structure such as re-roofing or residing.
- b. Interior remodeling.
- c. Reconstruction of buildings located on properties which have been destroyed or substantially damaged by fire or natural causes. The building(s) shall be reconstructed in the same location as it existed prior to damage or destruction. Reconstruction shall commence within one (1) year of the damage or destruction.
- d. Building expansions not exceeding 25% of the gross square footage of the original building and where the expansion does not exceed 10,000 square feet in area.
- e. Parking lot expansions not exceeding 25% of the gross square footage of the original lot and where the total amount of parking provided will not exceed 150% of the parking allowed by the Zoning Ordinance.

3. Process. The Community Development Director shall approve, approve with conditions or deny an application based upon compliance with the site plan criteria, and design review standards. Approval shall be obtained from the Community Development Director prior to the issuance of a building permit for all activities described in Paragraph (1) of this section.

4. Application Requirements. The applicant shall attend a pre-application conference prior to filing an application for Design Review with the City. After attending the pre-

application conference the applicant shall file an application for Design Review along with other applicable applications (site plan and/or conditional use) with the City.

8-12.3.5.2

**Madras Ordinances**

8-12.3.5.2

5. Standards for Approvals for Buildings 30,000 gross square feet or less. The Community Development Director shall use the standards in this section and the criteria for site plan review to ensure compliance with the purpose of Design Review.
  - a. Natural Features - Buildings shall be sited to protect areas of special interest or other natural features such as natural grade, trees, vegetation and rock outcroppings are encouraged to be incorporated into the overall site plan and may be calculated as part of the landscaping requirement if healthy and not damaged during construction.
  - b. Building, location and orientation - New buildings shall have at least one principle building entrance oriented toward the primary frontage property line.
  - c. Pedestrian Walkways
    - i. Walkways from the sidewalk to building entrances. A continuous pedestrian walkway shall be provided from the primary frontage sidewalk for pedestrians to access building entrances. This internal walkway shall incorporate a mix of landscaping, benches, drop-off bays and bicycle facilities for at least 50% of the length of the walkway. This walkway is necessary or persons who will access the site by walking, biking or transit. Walkways shall be connected to adjacent sites wherever practicable.
    - ii. Walkways from parking areas to building entrances. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from the parking pods. The walkways shall be located within the pods and shall be designed to provide access from the pods to the entrances of the building(s). The walkways shall be designed to separate people from moving vehicles as much as possible. These walkways shall have a minimum width of 5 feet with no car overhang or other obstruction. The walkways must also be designed for disabled access according to the Uniform Building Code. This may require the walkways to be widened or modified. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.
  - d. Mechanical equipment and service areas. Mechanical equipment and service areas shall be screened with visual barriers from adjacent properties, public roadways, parks, or other public areas. The architectural design of the building shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and

service yards.

e. Building design.

i. Exterior building design.

8-12.3.5.2

Madras Ordinances

8-12.3.5.2

- (A) Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls which can be viewed from public streets shall be designed using architectural features and landscaping (abutting the building) for at least 50% of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall length.
  - (B) Architectural Features include, but are not limited to the following: recesses, projections, wall insets, arcades, window display areas, awning, balconies, window projections, landscape structures or other features that complement the design intent of the structure and are acceptable to the review authority.
  - (C) A portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
  - (D) Building materials. The predominant building materials should be materials that are characteristic of Central Oregon such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.
- ii. Roof Design. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged. Architectural methods shall be used to conceal flat roof tops. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged.
  - iii. Customer Entrances. Clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, and integral planters are highly encouraged.

- iv. Community Amenities, such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.

8-12.3.5.2

**Madras Ordinances**

8-12.3.5.3

- f. Building and Sign Colors: Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors such as black, neon, metallic or florescent for the facade and, or roof of the building are prohibited except as approved for building trim. The use of Trademark colors will require approval.

**Q. ANTENNAS MOUNTED ON BUILDING ROOFS AND WALLS FOR CELLULAR, PCS, AND SIMILAR RADIO SERVICES**

- 1. Roof-Mounted Antennas. Antennas installed on a building roof shall be concealed from the ground level of abutting public streets and adjacent properties. Acceptable types of screening are placement behind the roof parapet, placement behind a screen designed to blend with the existing building, placement within or on the mechanical penthouse or on a roof-mounted building element such as a chimney, exhaust pipe, cupola, bell tower or flagpole.
- 2. Wall-Mounted Antennas. Antennas mounted to the roof edge or sidewall elevation of a building shall be completely covered with the same exterior finish, or painted the same color as the exterior of the building or structure.
- 3. Allowable Height for Antennas Mounted on Building Roofs and Walls. Antennas mounted on building roofs and walls shall not extend more than ten (10) feet above the highest existing architectural feature on the building.

**SECTION 3.5.3: COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD)**

**A. PURPOSE:** To enable a range of employment, service and residential opportunities within the areas designated on the City of Madras Comprehensive Plan and Zone Map as Commercial (C-1) Zone. The Commercial Planned Unit Development (CPUD) creates opportunities for mixed-use developments in a master-planned setting at a scale and intensity compatible with the uses allowed in the Commercial Zone and surrounding areas. A CPUD is intended to provide amenities and conveniences within the development and in nearby areas while accommodating a growing and changing marketplace by allowing greater flexibility in permitted uses within the master planned area.

**B. APPLICABILITY.**

- 1. A CPUD shall be developed or controlled by one proprietary interest, such as an owners association.

2. The development may be on one lot or within one ownership, may be subdivided, may have condominium ownerships, or be a combination of these types.

8-12.3.5.3

**Madras Ordinances**

8-12.3.5.3

**C. PERMITTED USES.** (Subject to Site Plan Review)

1. Any use permitted outright or conditionally allowed in the C-1 Zone, with the following restrictions:
  - (a) Freighting or trucking yards and terminals are prohibited in a CPUD.
  - (b) Activities shall be enclosed with a building or structure whose appearance is compatible with the CPUD Master Plan as determined by the Architectural Design Guidelines Committee.
    - 1) Motels, hotels
    - 2) Recreational Vehicle Parks (see Section 3.5.2) (Planning Commission Review)
    - 3) Food stores
    - 4) Automobile / truck service stations (requirements in Article IV, Section 8-12.4.14 also apply)
    - 5) Cafes and restaurants including drive-ins
    - 6) All commercial uses including retail stores, service establishments, professional and other office, recreational enterprises, financial institutions, hotels, and similar uses
    - 7) Telephone exchange, electrical substations, or public utilities; except for communication towers
    - 8) Fire, police, or other governmental buildings
    - 9) Clubs and lodges
    - 10) Electrical, plumbing, heating or paint sales, service and repair
    - 11) Garage - automobile, light truck and trailer, or marine sales, rental storage, service and repair.
    - 12) Laundry or dry cleaning

- 13) Machine shop repair

**8-12.3.5.3**

**Madras Ordinances**

**8-12.3.5.3**

- 14) Manufacture of artificial limbs, dentures, hearing aides, surgical instruments, and dressings or other devices employed by the medical or dental profession
  - 15) Sign painting shop, sale or repair
  - 16) Churches
  - 17) Storage facility
  - 18) Residential occupancy(ies) located above the ground floor (1<sup>st</sup> floor) of the commercial structure, provided there is an existing or proposed commercial use on the 1<sup>st</sup> floor of the structure.
- (c) Other uses determined to be within the intent of a CPUD by the Hearings Body.
  - (d) Large Retail Structures (Big Box) Development Standards (Planning Commission Review) shall comply with Section 8-12.3.5 (M).

**D. LIMITATIONS ON USES.**

- 1. In a CPUD, the following limitations in area shall apply:
  - (a) For CPUDs 5 to 10 acres in size: residential uses shall not total more than 10% of the total gross area.
  - (b) For CPUDs 10 to 20 acres in size: residential uses shall not total more than 25% of the total gross area.
  - (c) For CPUDs larger than 20 acres in size: residential uses shall not total more than 50% of the total gross area.

**E. DEVELOPMENT STANDARDS.** The following development standards shall apply:

- 1. A CPUD shall include a minimum of five (5) acres.
- 2. The lot size, setbacks, and other dimensional standards shall be determined in

accordance with the Master Plan.

**F. SUBMITTALS REQUIRED.** The following applications shall be submitted for CPUD consideration:

**8-12.3.5.3**

**Madras Ordinances**

**8-12.3.5.3**

1. A Master Plan is required for a CPUD. Approval of the Master Plan shall constitute City approval of the CPUD. The Master Plan shall demonstrate that the project is designed with an overall plan for lots, building locations, proposed building uses, accesses from the public street system, shared parking, internal circulation system for motor vehicles and pedestrians, landscaping, and signing. The Master Plan shall include a Phasing Program, if phasing is contemplated.
2. A Transportation Impact Analysis shall be required as part of the CPUD Master Plan. The Transportation Impact Analysis shall be based on the proposed layout, building sizes, and uses.
3. The Master Plan shall include a set of Covenants, Conditions and Restrictions (CC&Rs) and Architectural Design Guidelines governing architectural and landscape. The Architectural Design Guidelines shall be administered by an Architectural Design Review Committee created as part of the CC&Rs specifically to determine compliance with the Guidelines.
4. Site Plan Approval shall be required only for buildings that constitute a significant departure from the building size, location, or use proposed by the Master Plan.
  - (a) A significant departure in size shall be an increase in gross square footage of greater than 20%.
  - (b) A significant departure in location shall be a shift in more than 50 feet in any direction.
  - (c) A significant departure in use shall be a change from retail, office, to other non-Commercial Use. Changes from proposed non-Commercial to Commercial shall not be considered significant.

**G. PHASED DEVELOPMENT.** A CPUD may be completed in phases. The first phase shall have commenced significant construction within two (2) years of approval, or as determined by the Master Plan. The final phase shall have commenced significant construction within a period determined by the Master Plan.

**H. PROJECT VOID FOR NON-COMPLIANCE OF APPROVAL.** If substantial construction does not commence as stated within Subsection G above, then the approval shall become void.

- I. **APPEALS**. The decision of the Hearings Body regarding the CPUD may be appealed in the manner provided for in Article 9, Section 9.21 - Appeals.

8-12.3.5.3

Madras Ordinances

8-12.3.6

- J. **MODIFYING APPROVED CPUD**. Modifications to approved CPUD may occur subject to the requirements within Madras Land Development Code Section 8-12.9.4. Such modifications may be required to be reviewed by the same Hearings Body that approved the original CPUD; this is at the discretion of the Community Development Department Director.

[Section 3.5.3, Subsections A-J, Added by Ordinance No. 761, Passed May 23, 2006]

### **SECTION 3.6: INDUSTRIAL (I)**

- A. **PURPOSE**: Industrial zoning district, which allows a variety of industrial uses within a designated area.

1. If a structure is existing and has landscaping (live and maintained) and parking (visual and marked), and the intended "use" is "permitted" in this zone, a site plan application is NOT required.
2. If a structure is existing and has no/or poorly maintained landscaping, no parking spaces (visible and marked), and the "use" is "permitted" in this zone, a Site Plan Application is required.
3. If the lot is vacant, and the "intended use" is "permitted", a Site Plan Application is required pursuant to Section 8-12.3.6(B).
4. Jefferson Park Business Center (JPBC), exception to the extent that the "Covenants, Conditions and Restrictions" (CC&Rs) of the JPBC, meet or exceed Section 3.6(E), the CC&Rs shall be used for design standards. After approval by the JPBC Design Review Committee (DRC), improvements are still subject to the filing (submittal) and review conditions of Section 3.6 (E). Where possible, the city shall coordinate with the DRL to expedite the review process.

- B. **PERMITTED USES**. (Subject to Site Plan Review)

1. Electronics firms with professional offices
2. Secondary wood products (e.g. furniture, toys)
3. Manufacturing of recreation/sporting goods equipment

4. Precision machine shops

**8-12.3.6**

**Madras Ordinances**

**8-12.3.6**

5. Manufacturing of medical, dental, and orthopedic equipment
6. Wholesale printing and publishing facilities and distribution centers
7. Corporation headquarters and business offices directly related to industry
8. Aircraft service, maintenance, and aviation related industry
9. Energy related manufacturing, research, and development
10. Manufacturing of photographic equipment
11. Mail order companies
12. Medical research facilities
13. General research and development facilities
14. Wholesale distribution and sales; wholesale bakeries and/or laundries
15. Fire, police or other governmental buildings
16. Retail sales incidental or subordinate to a Permitted Use
17. Public or semi-public use
18. Facilities necessary to the operation of an industrial enterprise, or for a night watchman dwelling
19. Planned Unit Development District including Industrial condominiums related business offices
20. Transportation terminals
21. Freighting or trucking yards and terminals
22. Manufacturing, fabricating, processing, packaging or storage, repairing and warehousing, which are conducted within an enclosed building
23. Petroleum and plastic products and shaping or distribution

- 24. Manufacturing of manufactured homes and recreational vehicles
- 25. Trucking and freighting yards, vehicle storage yards, or wrecking yards

**8-12.3.6**

**Madras Ordinances**

**8-12.3.6**

- 26. Processing and packaging of agricultural products (excluding animals)
- 27. Utility facilities (does not include Communication Tower requirements)
- 28. Repair garages, body and fender works, paint, and upholstery shops
- 29. Lumber yards and building material yards
- 30. Brick and pottery factories
- 31. Recycling plants
- 32. Steel and boiler works, fabrication, assembly and storage of structural steel products, foundries, and machine shops
- 33. Ancillary uses (i.e., deli, tavern, mini-market), shall:
  - i. comprise of less than 30% of the total square footage of a building located in the Industrial zoning district; and
  - ii. is secondary to the primary use of the building; and
  - iii. is primarily for the use and convenience of the employees who work in the industrial area.
- 34. High-tech industry
- 35. Food processing
- 36. General manufacturing
- 37. Call Centers  
[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]
- 38. Contractor's Yards  
[Added by Ordinance No. 753, Passed by Council on March 14, 2006]
- 39. Building roof and wall-mounted antennas for cellular, PCS, and similar radio

services [see Section 8-12.3.6 (P)]

[Added by Ordinance No. 768, Passed by Council on July 25, 2006]

8-12.3.6

Madras Ordinances

8-12.3.6

**C. CONDITIONAL USES** (Subject to Site Plan Review)

1. Incidental and necessary services such as child care facilities and recreational facilities for persons working in the Industrial zoning district, when conducted within an integral part of a main structure and having no exterior display or advertising.
2. Asphalt, redi-mix operations, concrete or concrete products manufacturing including storage yards
3. Lumber manufacturing, wood processing or yard storage incidental to use
4. Stone cutting and shaping for construction, ornamental and/or monumental purposes
5. Communication Tower requirements (see Section 8-12.3.6.1)
6. Chemical manufacturing or storage, including farm chemicals
7. Glue manufacturing
8. Reduction, refining, smelting or alloying of metals, petroleum products or ores.

**D. USES NOT PERMITTED.**

1. Explosives manufacture or storage
2. Garbage, offal or dead animal reduction or dumping
3. Any use, which has been declared a nuisance by statute or ordinance, by any court of competent jurisdiction, or which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise, provided the City Council shall have the power, upon recommendation of the Planning Commission, to grant a conditional and revocable permit for any such use within the Industrial Zoning District. After the public hearing and examination of the location and upon due proof of the satisfaction of the City Council that the maintenance of such use would not be unduly detrimental to adjacent surrounding property.

**E. DESIGN REVIEW:** To provide design standards for industrial development within the city limits of Madras. These standards ensure that the public health, safety and general welfare

are protected and the general interest of the public is served. The standards provide for originality, flexibility and innovation in site planning and development to enhance the special characteristics that make Madras a unique place to live.

8-12.3.6

**Madras Ordinances**

8-12.3.6

1. Ordinance Provisions. Except as exempted by #2 below, the provisions of this ordinance section shall apply to the following activities:
  - i. All new building construction.
  - ii. Any exterior modifications to existing buildings.
  - iii. All new parking lots.
  - iv. All outdoor storage and display areas.
  - v. All new signs.
  - vi. All building expansions greater than 10,000 square feet.
  - vii. Structures shall be painted or repainted as described in Section 8-12.3.6(f) of the City of Madras Zoning and Land Development Ordinance.
2. Exemptions. This ordinance section does not apply to the following activities:
  - i. Maintenance of the exterior of an existing structure such as re-roofing or residing.
  - ii. Interior remodeling.
  - iii. Building expansions not exceeding 25% of the gross square footage of the original building, or 10,000 square feet, whichever is less.
  - iv. Parking lot expansions not exceeding 25% of the gross square footage of the original lot.
3. Process. The Community Development Director shall approve, approve with conditions or deny an application based upon compliance with the site plan criteria, and design review standards. Approval shall be obtained from the review authority prior to the issuance of all building permits for any of the activities described in Paragraph (1) of this section.
4. Application Requirements. The applicant shall attend a pre-application conference prior to filing an application for Design Review with the City. After attending the pre-

application conference the applicant shall file an application for Design Review along with other applicable applications (site plan and/or conditional use) with the City.

8-12.3.6

**Madras Ordinances**

8-12.3.6

5. Standards for Approvals.

- i. Buildings 30,000 gross square feet or less. The Community Development Director shall use the standards in this section and the criteria for site plan review to ensure compliance with the purpose of Design Review.
  - a. Natural Features - Buildings shall be sited to protect areas of special interest or other natural features such as natural grade, trees, vegetation and rock outcroppings are encouraged to be incorporated into the overall site plan and may be calculated as part of the landscaping requirement if healthy and not damaged during construction.
  - b. Building, location and orientation - New buildings shall have at least one principle building entrance oriented toward the primary front property line.
  - c. Pedestrian Walkways
    - (A) Walkways from the sidewalk to building entrances. A continuous pedestrian walkway shall be provided from the primary frontage sidewalk for pedestrians to access building entrances. This internal walkway shall incorporate a mix of landscaping, benches, drop-off bays for at least 50% of the length of the walkway. Walkways shall be connected to adjacent sites wherever practicable.
    - (B) Walkways from parking pods (areas) to building entrances. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from the parking pods. The walkways shall be located within the pods and shall be designed to provide access from the pods to the entrances of the building(s). The walkways shall be designed to separate people from moving vehicles as much as possible. These walkways shall have a minimum width of 5 feet with no car overhang or other obstruction. The walkways must also be designed for disabled access according to the Uniform Building Code. This may require the walkways to be widened or modified. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

- d. Mechanical equipment and service areas shall be screened with visual barriers from adjacent properties, public streets, parks, or other public areas. The architectural design of the building shall incorporate design features which screen, and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.

8-12.3.6

**Madras Ordinances**

8-12.3.6

- e. Building design

- i. Exterior building design.

- (A) Exterior walls of buildings which are greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls which can be viewed from public streets shall be designed using architectural features and landscaping (abutting the building) for at least 50% of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall length.

- (B) Architectural features include, but are not limited to the following: recesses, projections, wall insets, arcades, window display areas, awning, balconies, window projections, landscape structures or other features that complement the design intent of the structure and are acceptable to the review authority.

- (C) A portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduces the visual impact of the building mass as viewed from the street.

- (D) Building materials. The predominant building materials should be characteristic of Central Oregon such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.

- ii. Roof Design. Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible roof lines and roofs that project out over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged. Architectural methods shall be used to conceal flat roof tops. Overhanging eaves, sloped roofs and multiple roof elements are highly

encouraged.

- iii. Customer Entrances. Clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, and integral planters are highly encouraged.

8-12.3.6

**Madras Ordinances**

8-12.3.6

- iv. Community Amenities, such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.

- f. Building and Sign Colors: Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors such as black, neon, metallic or florescent for the facade and, or roof of the building are prohibited except as approved for building trim. The use of Trademark colors will require approval.

6. The Standards for Buildings Greater than 30,000 Gross Square Feet:

- i. Natural features. Buildings shall be sited to protect areas of special interest or other natural features such as natural grade, trees, vegetation and rock out croppings are encouraged to be incorporated into the overall site plan and may be calculated as part of the landscaping requirement if healthy and not damaged during construction.
- ii. Building Location and Orientation. New buildings shall have at least one principal building entrance oriented toward the primary front property line.
- iii. Pedestrian Walkways.
  - a. Walkways from the sidewalk to building entrances. A continuous pedestrian walkway shall be provided from the primary front sidewalk for pedestrians to access building entrances. This internal walkway shall incorporate a mix of landscaping, benches, drop-off bays for at least 50% of the length of the walkway. This walkway is necessary for persons who will access the site. Walkways shall be connected to adjacent sites wherever practicable.
  - b. Walkways from parking pods (areas) to building entrances. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from the parking pods. The walkways shall be located within the pods and shall be designed to provide access from the pods to the entrances of the building(s). The walkways shall be designed to separate people from moving vehicles as much as possible. These walkways shall have a minimum width of 5 feet with no car overhang or other obstruction. The walkways must also be designed for disabled access according to the Uniform Building Code. This may require the

walkways to be widened or modified. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.

8-12.3.6

**Madras Ordinances**

8-12.3.6

- iv. Mechanical equipment and service areas. Mechanical equipment and service areas shall be screened with visual barriers from adjacent properties, public streets, parks, or other public areas. The architectural design of the building shall incorporate design features which screen, and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.
- v. Building design
  - i. Exterior building design.
    - (A) Buildings with exterior walls greater than 50 feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls. Walls which can be viewed from public streets shall be designed using architectural features and landscaping (abutting the building) for at least 50% of the wall length. Other walls shall incorporate architectural features and landscaping for at least 30% of the wall length.
    - (B) Architectural Features include, but are not limited to the following: recesses, projections, wall insets, arcades, window display areas, awning, balconies, window projections, landscape structures or other features that complement the design intent of the structure and are acceptable to the review authority.
    - (C) A portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street.
    - (D) Building materials. The predominant building materials should be characteristic of Central Oregon such as brick, wood, native stone and tinted/textured concrete masonry units and/or glass products. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure. Metal roofs may be allowed if compatible with the overall architectural design of the building.
  - ii. Roof Design. Roofs should be designed to reduce the apparent exterior mass of a

building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible roof lines and roofs that project out over the exterior wall of a building enough to cast a shadow on the ground are highly encouraged. Architectural methods shall be used to conceal flat roof tops. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged.

**8-12.3.6**

**Madras Ordinances**

**8-12.3.6**

- iii. Customer Entrances. Clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, and integral planters are highly encouraged.
- iv. Community Amenities, such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.
- v. Building and Sign Colors. Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors such as black, neon, metallic or florescent for the façade and/or roof of the building are prohibited except as approved for building trim. The use of Trademark colors will require approval.

**F. CONDITIONS FOR ALLOWING USES IN THE “I” ZONE.** Outside storage area shall be enclosed by a sight obscuring fence, which shall obstruct the storage from view. The fence shall be built according to plans submitted by the owner or authorized agent, and approved through the site plan review process.

**G. AREA REQUIREMENTS.**

- 1. The minimum lot area shall have a minimum of five thousand (5,000) square feet.
- 2. The minimum lot width shall be fifty feet (50').

**H. SETBACK REQUIREMENTS - none, unless:**

- 1. Front and rear setbacks shall be minimum of ten feet (10') when abutting a residential zone.
- 2. Side setback shall be a minimum of five feet (5') where abutting a residential zone.
- 3. Corner Setback for a lot with more than one (1) property line abutting a street - proposed structures shall be ten feet (10') from these property lines.

**I. HEIGHT OF BUILDING.** No structure shall exceed a height of forty-five feet (45') without

prior authorization from the City Planning Commission and City Council.

- J. PARKING REGULATIONS.** Shall meet the requirements of Table #1, Attachment 'A' in Section 8-12.4.7 and requirements of Sections 8-12.4.4 through 4.7 of the City's Zoning and Land Development Ordinance.

8-12.3.6

Madras Ordinances

8-12.3.6

- K. SANITATION REGULATIONS.** Before any structure receives a Certificate of Occupancy, it shall be connected to the city sewer system; or where the structure is within three-hundred feet (300') of an existing city sewer.

- L. WATER REGULATIONS.** Before any structure receives a Certificate of Occupancy it shall be connected to the city water system unless authorized by the city for connection to an adjoining water system.

- M. FLOODPLAIN.** Any structure proposed to be located in the floodplain must meet Federal Emergency Management Agency (FEMA) and ordinance regulations.

**N. LIGHTING.**

1. Structural exterior lighting shall not project directly into an abutting lot.
2. Outdoor lighting for safety purposes shall be allowed, however, the outdoor lighting shall not project directly into the abutting lot.
3. Not be able to see source of light, or light reflective or amplifying device from outside property line.
4. No structure has blinking, strobe, or rotating light(s) unless required by FAA.
5. Lighted poles shall not exceed twenty feet (20') in height.

**O. LANDSCAPING.**

1. All unused portions of the property shall be maintained with landscaping consisting of ground cover, or planted grass, shrubs, trees, flower beds, bark dust, or other suitable landscaping.
2. Property owner shall be responsible for establishing and maintaining the landscaping

on the lot.

3. A minimum of fifteen percent (15%) of the total lot area shall be landscaped. This is submitted with the site plan application and must receive approval.

Exceptions to this provision may be granted where:

**8-12.3.6**

**Madras Ordinances**

**8-12.3.6**

- i. The proposed development is in the established downtown area.
- ii. Areas of the lot used for vehicle maneuvering, parking, loading, or storage, shall be landscaped and screened as follows:
  - (A) At least seven percent (7%) of the parking lot area shall be landscaped. Trees shall be planted at a ratio of one tree per ten (10) parking spaces to achieve a canopy effect over fifty percent (50%) of the lot area.
  - (B) Landscape buffers are required between parking areas and streets and shall have a minimum width of three feet (3').
  - (C) Landscape buffers between parking abutting a property line shall have a minimum width of three feet (3').
  - (D) Front or exterior yard landscaping may not be submitted for the interior landscaping required for interior parking stalls.
  - (E) There shall be a minimum distance of five feet (5') between parking areas and adjacent residential lots.
  - (F) Landscape buffers shall consist of evergreens ground cover and shrubs mixed with a variety of flowering and deciduous plant species of trees and shrubs.
  - (G) Landscaping in a parking or loading area shall have a width of not less than five feet (5'). Landscaping in a parking lot or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
  - (H) Provision shall be made for the irrigation of planting area.
  - (I) Required landscaping shall be continuously maintained.
  - (J) Vegetation planted in accordance with an approved site plan shall be maintained by the property owner or developer. Plants or trees that die or are damaged shall be replaced and maintained.

- (K) Drainage. Surface drainage shall be contained on-site.

8-12.3.6

Madras Ordinances

8-12.3.6.1

**P. ANTENNAS MOUNTED ON BUILDING ROOFS AND WALLS FOR CELLULAR, PCS, AND SIMILAR RADIO SERVICES**

1. Roof-Mounted Antennas. Antennas installed on a building roof shall be concealed from the ground level of abutting public streets and adjacent properties. Acceptable types of screening are placement behind the roof parapet, placement behind a screen designed to blend with the existing building, placement within or on the mechanical penthouse or on a roof-mounted building element such as a chimney, exhaust pipe, cupola, bell tower or flagpole.
2. Wall-Mounted Antennas. Antennas mounted to the roof edge or sidewall elevation of a building shall be completely covered with the same exterior finish, or painted the same color as the exterior of the building or structure.
3. Allowable Height for Antennas Mounted on Building Roofs and Walls. Antennas mounted on building roofs and walls shall not extend more than ten (10) feet above the highest existing architectural feature on the building.

[Subsection P, Items 1, 2, and 3 Added by Ordinance No. 768, Passed July 25, 2006]

**SECTION 3.6.1 COMMUNICATION TOWERS** - The purpose of this section is to control the placement and distribution of wireless communication towers within the City limits and its Urban Growth Boundary. The provisions of this Section provides for the placement of wireless towers while protecting property from tower structure failure and visual impacts.

- A. The Conditional Use application and placement approval for a wireless communication tower shall be reviewed by the City's Planning Commission. All wireless communication tower applications shall comply with the following requirements and criteria:
1. A copy of the lease agreement with an existing property owner; and
  2. A copy of the Federal Communications Commission license; and
  3. A map showing the applicant's tower or monopole effective service area circle for the proposed site and the properties within that circle, including the locations of existing telecommunication towers or monopoles; and

4. A list of property owners within a radius of 2,640 feet of the proposed tower or monopole site, copy of the written notice mailed to owners within the specified distance and a signed affidavit of mailing by the applicant; and

**8-12.3.6.1**

**Madras Ordinances**

**8-12.3.6.1**

5. A site plan showing the location of the proposed facility and accessory structures, proposed landscaping, fencing, design specifications, tower or monopole elevations and photographic simulation as viewed from the north, south, east and west of the facility at the proposed site.
  6. Height of tower shall not exceed 100' from base to peak.
- B. The applicant shall co-locate proposed antennas on existing monopoles or other structural tower facilities in the area to be served, unless a registered engineer provides a written statement that the wireless communication service cannot be provided by co-location within the area to be served.
- C. In all cases, the applicant shall make a good faith effort to site the facility in such a manner, or location to minimize the impact on scenic views within a distance of 2,640 feet of the proposed site utilizing trees, vegetation or topography to the maximum extent possible.

Color and character of the tower or monopole shall blend in with the surrounding area.

- D. Any tower or monopole shall be designed in a manner that the antenna of not less than one (1) additional wireless carrier may be attached to the facility. A statement from an Oregon licensed structural engineer shall be provided that certifies the tower or monopole structure has been designed with sufficient strength to carry any additional antenna array and the specific antenna location available on the structure that complies with required spacing between antennas of different carriers.
- E. Prior to issuance of a building permit for the wireless tower, the property owner shall provide the City with a bond, cash deposit or guarantee consisting of one of the following:
1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney; or
  2. A cash deposit in a City account at an approved lending institution; or
  3. Personal guarantees and an agreement to remove an abandoned wireless tower in a form approved by the City Attorney.
- F. A bond or cash deposit of full and faithful performance shall be for 120% of the cost of removing the tower or monopole determined by a professional engineer.

- G. Any tower or monopole facility that is abandoned from active use for a period exceeding one (1) year shall be removed by the property owner. If the owner fails to carry out the provisions of the agreement, the City shall call upon the bond, cash deposit or personal guarantee to finance any cost or expenses resulting from said failure.

**8-12.3.6.1**

**Madras Ordinances**

**8-12.3.7**

H. Abandonment is defined in this section as:

1. An applicant or co-locator tenant loses the Federal Communication Commission (FCC) license to operate the communication facility or fails to maintain a current Federal Communication Commission (FCC) license for a period of one (1) year; or
  2. If an existing tower or monopole is unoccupied for a period exceeding one (1) year the permit shall be come null and void.
- I. All wireless communication towers shall comply with the Telecommunications Act of 1996 and Federal Aviation Administration Standards. Copies of compliance with these agencies shall be provided to the City's Community Development Department.
- J. A tower or monopole shall be setback from any existing adjacent structure, a distance equal to the height of the monopole from finished grade, or according to the setback distances of the underlying zone, whichever is greater.
- K. All wireless communication tower and accessory structure construction is subject to the State of Oregon Uniform Building Codes and shall require an approved Building permit.

**SECTION 3.7: MANUFACTURED DWELLING PARK**

- A. Purpose. Any place where four (4) or more manufactured dwellings are located within 500 feet of one another on a lot, for the sole purpose of renting, or leasing to any person for a charge or fee paid for the rental or lease of space. Manufactured dwelling park does not include a lot or lots within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the City's Community Development Department.
- B. Regulations.
1. No person shall establish or enlarge a manufactured dwelling park without first obtaining the required approvals and permits as required by this Ordinance.
  2. The following regulations and statutes must be adhered to by any applicant for a manufactured dwelling park permit in addition to all requirements included in this Ordinance:
    - i. Oregon Revised Statutes (ORS 446.003) regarding manufactured dwelling parks.

- ii. Oregon State Health Division administrative rules regarding manufactured dwelling parks.
- iii. Oregon State Building Codes regarding plans review and construction of the park.

8-12.3.7

**Madras Ordinances**

8-12.3.7

C. Procedure: An application for a manufactured dwelling park approval must be included with the submittal of a Conditional Use Application.

1. A completed application for a manufactured dwelling park application and the appropriate fee submitted;
2. An area map at a scale which clearly shows the general neighborhood, streets, existing structures and facilities, hazard areas, and other significant features in the area;
3. A map of the proposed site showing all existing landscape features, existing structures, existing utilities (water, sewer, power, etc.) and existing vegetation;
4. A preliminary drawing indicating the general layout and design of the project, prepared at a suitable scale, to clearly show all streets, property boundaries, walkways, proposed permanent structures and recreational areas, parking and storage areas, and other facilities. Include approximate dimensions, where appropriate.
5. A preliminary utility plan, indicating sew and water lines, electric, gas, telephone, cable television, and storm water facilities;
6. A conceptual landscaping plan indicating all existing vegetation to be retained, and all proposed landscaping features including trees, shrubs, grass, flowering plants, fences, berms, and open space.

D. Standards and Requirements:

1. Plans review and construction standards for manufactured dwelling parks are regulated through the Jefferson County Community Development Department, Building Division.
2. All state requirements must be met.
3. The density of the manufactured dwelling park shall be consistent with the zoning district.
4. Perimeter setback requirements are the same as for other uses within the zoning district.

E. Limited Expansion of an Existing Manufactured Dwelling Park:

1. It is recognized that most existing manufactured dwelling parks do not meet all the mandatory requirements for “new” manufactured dwelling parks as set forth in this Section. It is anticipated that some existing manufactured dwelling parks will not be able to meet all mandatory requirements proposed for expansion.

**8-12.3.7**

**Madras Ordinances**

**8-12.3.8**

2. As a condition of limited expansion of an existing manufactured dwelling park, the following shall be made:
  - i. The expansion is required to allow improvement of the older part of the manufactured dwelling park;
  - ii. Such an expansion is compatible with the neighborhood;
  - iii. The water and sewer facilities will be adequate to meet the needs of the park's existing and future residents;
  - iv. The proposed expansion is located on the same lot as the existing manufactured dwelling park. The lot must be in the same configuration at the date of expansion, as it existed on June 30, 2003.
  - v. Only one expansion allowed for an existing manufactured dwelling park.
3. Streets within the existing manufactured dwelling park must be adequate in condition and capacity to serve the additional traffic generated by the expansion.
4. The expanded number of manufactured dwellings shall not exceed more than fifty percent (50%) of the existing developed spaces with the existing park or twenty (20) manufactured dwellings, whichever is the lesser. They City may decrease the actual number of spaces approved for a proposed expansion, depending on the proposed degree of improvements and conformance of the park with the City's Zoning and Land Development Ordinance.
5. The proposed expansion shall not adversely affect the neighborhood, which the manufactured dwelling park is located.

**SECTION 3.8: OPEN SPACE/PUBLIC FACILITIES (OS/PF)**

[Title for Section 3.8 Amended by Ordinance No. 794, Passed by Council on September 25, 2007]

**A. PERMITTED USES.**

1. Parks

2. Public facilities (Site Plan Review required)
3. Public use

[Added by Ordinance No. 734, Passed by Council on May 10, 2005.]

**8-12.3.8**

**Madras Ordinances**

**8-12.3.8**

4. Recreation:
  - i. Golf course (Site Plan Review required)
  - ii. Trails (walking, horse, bicycle)
  - iii. Game fields (i.e., soccer, baseball)
5. Schools (Site Plan Review required)

**B. AREA REQUIREMENTS.** None

**C. SETBACK REQUIREMENTS** - None, unless:

1. All setbacks (front, side, rear, corner) for structures shall be a minimum of twelve feet (12') when abutting a residential zone.

**D HEIGHT REQUIREMENTS.** No structure(s) shall exceed thirty-five feet (35') when measured from the ground to the peak of the roof.

**E. PARKING REGULATIONS.** Shall meet the requirements of Table #1, Attachment 'A' in Section 8-12.4.7 and requirements of Sections 8-12.4.4 through 4.7 of the City's Zoning and Land Development Ordinance.

**F. SANITATION REGULATIONS.** Before any structure(s) receives a Certificate of Occupancy it shall be connected to the City sewer system; or where the structure(s) is within three hundred feet (300') of an existing City sewer.

**G. WATER REGULATIONS.** Before any structure receives a Certificate of Occupancy shall be connected to the city water system unless authorized by the city for connection to an adjoining water system.

## **H. LIGHTING.**

1. Structural exterior lighting shall not project directly into an abutting lot.
2. Outdoor lighting for safety purposes shall be allowed, however, the outdoor lighting shall not project directly into the abutting lot.

**8-12.3.8**

### **Madras Ordinances**

**8-12.3.9**

3. Not be able to see source of light, or light reflective or amplifying device from outside property line.
4. No structure has blinking, strobe, or rotating light(s) unless required by FAA.
5. Lighted poles shall not exceed twenty feet (20') in height.

**SECTION 3.9: AIRPORT DEVELOPMENT ZONE.** - The purpose of this zone is to provide land adjacent to the airport facilities for future commercial and industrial uses, which may be dependent on air transportation.

## **A. PERMITTED USES.** (Site Plan Review required)

1. Air cargo terminals
2. Aircraft sales, repair, service, storage and schools related to aircraft operations, and facilities essential for the operation of airports, such as fuel storage, hangar use, and F.B.O. offices.
3. Terminals (passenger - air, taxi, and bus)
4. Public and semi-public buildings, structures and uses essential to the welfare of an area, such as fire stations, pump stations, and water storage.
5. Ancillary uses with a total floor area of no larger than 1,000 square feet.
6. Uses where the ongoing operations must be directly, dependent upon and associated with the airport.
7. Assembly and manufacture of goods.
8. Assembly, repair, and storage of heavy vehicles and machinery.
9. Storage and processing of agricultural products.

10. Warehouse and freight terminal operations.

11. Professional offices.

**8-12.3.9**

**Madras Ordinances**

**8-12.3.9**

12. Public utility facilities.

13. Call Centers.

[Sub-Items 7 through 13 added by Ordinance No. 734, Passed by Council on May 10, 2005.]

**B. CONDITIONAL USES.** (Site Plan Review included)

None.

[Amended by Ordinance No. 734, Passed by Council on May 10, 2005.]

**C. LIMITATIONS OF USE.** In an AD zone, the following conditions shall apply:

1. Liquid and Solid Wastes - Storage of animal, vegetable, or other wastes, which attract insects, rodents, or birds or otherwise create a health hazard shall be prohibited.
2. Discharge Standards - There shall be no emissions of smoke, fly ash, dust, vapor, gases, or other forms of air pollution that may cause nuisance or injury to human, plant or animal life, or to property, or that may conflict with any present or planned operations of the airport.
3. Lighting
  - i. Sign lighting and exterior lighting shall not project directly into an abutting lot;
  - ii. Unless necessary for safe and convenient air travel, sign lighting and exterior lighting shall not project directly into the runway, taxi-way, or approach zone.
  - iii. Outdoor lighting for safety purposes shall be allowed, however, the outdoor lighting shall not project directly into the abutting lot.

- iv. Not be able to see source of light, or light reflective or amplifying device from outside property line.
- v. No structure has blinking, strobe, or rotating light(s) unless required by FAA.
- vi. Lighted poles shall not exceed twenty feet (20') in height.

8-12.3.9

**Madras Ordinances**

8-12.3.9

**D. PARKING** (requirements of Sections 4.4 thru 4.7 also apply)

1. Site plan(s) submitted with an application for a building permit must include a parking plan which shows the location and number of parking spaces, circulation patterns, and ingress and egress provisions.
2. All industrial and commercial uses within an Airport Development Zone shall comply with Table #1 and Attachment "A" in Section 4.7 of this Zoning and Land Development Ordinance.
3. All parking lots shall have an all weather surface.
4. Adequate provisions for safe and convenient circulation, ingress and egress shall be provided.

**F. GLARE AND ELECTROMAGNETIC INTERFERENCE.**

1. Building materials shall not produce glare, which may conflict with any present or planned operations of the airport.
2. No use may produce electromagnetic interference, which may conflict with any present or planned operations of the airport.

**G. AREA REQUIREMENTS**

1. Minimum street frontage of lots: Fifty feet (50').
2. Vision clearance setback from all street intersections: Thirty-five feet (35').
3. No building shall be closer to a farm zone than the height of the building in the AD zone.
4. Maximum height: Two (2) stories or thirty feet (30'), whichever is less, if not equipped

with a sprinkler system. Three (3) stories or forty-five feet (45'), whichever is less, if equipped with sprinkler system approved by the Fire Marshal. Structures on the airport property necessary for the operation of the airport may be higher.

- H. **FEDERAL AVIATION ADMINISTRATION**: Must meet all standards as set forth by the Federal Aviation Administration.

8-12.3.9

**Madras Ordinances**

8-12.3.9

- I. **SANITATION REGULATIONS**. Before any structure receives a Certificate of Occupancy, it shall be connected to the city sewer system; or where the structure is within three-hundred feet (300') of an existing city sewer.
- J. **WATER REGULATION**. Before any structure receives a Certificate of Occupancy it shall be connected to the city water system unless authorized by the city for connection to an adjoining water system.
- K. **FLOODPLAIN**. Any structure proposed to be located in the floodplain must meet Federal Emergency Management Agency (FEMA) and ordinance regulations.
- L. **DESIGN REVIEW**. Any proposed site plan and conditional use application shall comply with Sections 8-12.3.6(A,4) and (E) of the Madras Zoning and Land Development Ordinance.
- M. **LANDSCAPING**.
1. All unused portions of the property shall be maintained with landscaping consisting of ground cover, or planted grass, shrubs, trees, flower beds, bark dust, or other suitable landscaping.
  2. Property owner shall be responsible for establishing and maintaining the landscaping on the lot.
  3. A minimum of fifteen percent (15%) of the total lot area shall be landscaped. This is submitted with the site plan application and must receive approval.

Exceptions to this provision may be granted where:

- i. The proposed development is in the established downtown area.
- ii. Areas of the lot used for vehicle maneuvering, parking, loading, or storage, shall be landscaped and screened as follows:
  - (A) At least seven percent (7%) of the parking lot area shall be landscaped. Trees shall be planted at a ratio of one tree per ten (10) parking spaces to achieve a canopy effect over fifty percent (50%) of the lot area.

**8-12.3.9**

**Madras Ordinances**

**8-12.3.10**

- (B) Landscape buffers are required between parking areas and streets and shall have a minimum width of three feet (3').
- (C) Landscape buffers between parking abutting a property line shall have a minimum width of three feet (3').
- (D) Front or exterior yard landscaping may not be submitted for the interior landscaping required for interior parking stalls.
- (E) There shall be a minimum distance of five feet (5') between parking areas and adjacent residential lots.
- (F) Landscape buffers shall consist of evergreens ground cover and shrubs mixed with a variety of flowering and deciduous plant species of trees and shrubs.
- (G) Landscaping in a parking or loading area shall have a width of not less than five feet (5'). Landscaping in a parking lot or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
- (H) Provision shall be made for the irrigation of planting area.
- (I) Required landscaping shall be continuously maintained.
- (J) Vegetation planted in accordance with an approved site plan shall be maintained by the property owner or developer. Plants or trees that die or are damaged shall be replaced and maintained.
- (K) Drainage. Surface drainage shall be contained on-site.

**SECTION 3.10: AIRPORT OVERLAY DESIGNATION** - This overlay designation is depicted on

the Airport Approach and Clear Zone Map, prepared by Tenneson Engineering Corporation and dated July, 1986.

This overlay designation is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Madras and Jefferson County.

**8-12.3.10**

**Madras Ordinances**

**8-12.3.10**

**A. COMPLIANCE.** In addition to complying with the provisions of the primary zoning district, uses and activities shall comply with the provisions of this overlay designation. In the event of any conflict between any provisions of this overlay designation and the primary zoning district, the more restrictive provisions shall apply.

**B. PERMITTED USES WITHIN THE AIRPORT APPROACH SAFETY ZONE.**

1. Landscape nursery, cemetery or recreation areas, which do not include buildings or structures.
2. Roadways, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these areas by a minimum of fifteen feet (15').
3. Pipeline.
4. Underground utility wire.

**C. CONDITIONAL USES WITHIN THE AIRPORT APPROACH SAFETY ZONE.**

1. Commercial and industrial uses, when authorized in the primary zoning district, provided the use does not result in the following:
  - i. Creating electrical interference with navigational signals or radio communication between the airport and aircraft.
  - ii. Making it difficult for pilots to distinguish between airport lights or others.
  - iii. Impairing visibility.
  - iv. Creating bird strike hazards.

- v. Endangering or interfering with the landing, taking off or maneuvering of aircraft intending to use the airport.
  - vi. Attracting large numbers of people.
2. Public service or utility facilities requiring no structures.

8-12.3.10

**Madras Ordinances**

8-12.3.10

**D. PROCEDURES.** An applicant seeking a Conditional Use under Section (4), above, shall provide the following findings in addition to the Conditional Use criteria.

- 1. Property boundary lines as they relate to the Airport Imaginary Surfaces.
- 2. Location and height of all existing and proposed buildings, structures, utility lines, and roads.
- 3. Statement from the Oregon Aeronautics Division indicating that the proposed use will not interfere with operation of the landing facility.

**E. LIMITATIONS.** Construction or alteration requiring notice.

- 1. Each sponsor who proposes any of the following construction or alterations shall notify the City Administrator.
  - i. Any construction or alteration of more than two-hundred feet (200') in height above the ground level at its site.
  - ii. Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
    - a. 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of each airport specified in subparagraph (5) of this paragraph with at least one runway more than 3,200 feet in actual length excluding heliports.
    - b. 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of each airport specified in subparagraph (5) of this paragraph with its longest runway no more than 3,200 feet in actual length, excluding heliports.

- c. 25 to 1 for a horizontal distance of 5,000 feet from the nearest point of the nearest landing and takeoff area of each heliport specified in subparagraph (5) of this paragraph.
- iii. Any highway, railroad, or other traverse way for mobile objects of a height, which if adjusted upward seventeen feet (17') for an Interstate Highway that is part of the National System of Military and Interstate Highways, where overcrossings are designed for a minimum of: (1) seventeen feet (17') vertical distance, fifteen feet (15') for any other public roadway, ten feet (10'), or the height of the highest mobile object

**8-12.3.10**

**Madras Ordinances**

**8-12.3.10**

that would normally traverse the road, whichever is greater; (2) a private road, twenty-three (23') feet for a railroad; and (3) a waterway or any other traverse way, not previously mentioned, an amount equal to the height of the highest mobile object that would normally traverse it, would exceed a standard of subparagraph (1) or (2) of this paragraph.

- iv. When requested by the FAA, any construction alteration that would be in an instrument approach area (defined in the FAA standards governing instrument approach procedures) and available information indicates it might exceed a standard of Subpart C of this part.
- v. Any construction or alteration on any of the following airports (including heliports):
  - a. An airport that is available for public use and is listed in the Airport Directory of the current Airman's Information Manual or in either the Alaska or Pacific Airman's Guide and Chart Supplement.
  - b. An airport under construction, that is the subject of a notice or proposal on file with the Federal Aviation Administration, and except for military airports, it is clearly indicated that the airport will be available for public use.
  - c. An airport that is operated by an armed force of the United States.
- 2. Each sponsor who proposes construction or alteration that is the subject of a notice under paragraph (A) of this section and is advised by an FAA regional office that a supplemental notice is required shall submit that notice on a prescribed form to be received by the FAA regional office at least forty-eight (48) hours before the start of the construction or alteration.
- 3. Each sponsor who undertakes construction or alteration that is the subject of a notice under paragraph (A) of this section shall, within five (5) days after that construction or alteration reaches its greatest height, submit a supplemental notice on a prescribed form to the FAA regional office having jurisdiction over the area involved, if:

- i. The construction or alteration is more than two-hundred feet (200') above the surface level of its site; or
- ii. An FAA regional office advises him that submission of the form is required.

**F. CONSTRUCTION OR ALTERATION NOT REQUIRING NOTICE.**

- 1. No person is required to notify the City Administrator for any of the following construction or alteration:

**8-12.3.10**

**Madras Ordinances**

**8-12.3.10**

- i. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.
- ii. Any antenna structure of twenty feet (20') or less in height, except one that would increase the height of another antenna structure.
- iii. Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the City Administrator, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.
- iv. Any construction or alteration for which notice is required by any other FAA regulation.

**G. FORM AND TIME OF NOTICE.**

- 1. Each person who is required to notify the City Administrator shall send one (1) executed set of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area within which the construction or alteration will be located. Copies of FAA Form 7460-1 may be obtained from the headquarters of the Federal Aviation Administration and the regional offices.
- 2. The notice must be submitted at least thirty (30) days before the earlier of the following dates:
  - i. The date the proposed construction or alteration is to begin.
  - ii. The date an application for a construction permit is to be filed. However, a notice

relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to the FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.

3. A proposed structure or an alteration to an existing structure that exceeds 2,000 feet in height above the ground will be presumed to be a hazard to air navigation and to result in an inefficient utilization of airspace and the applicant has the burden of overcoming that presumption.

### 8-12.3.10

### Madras Ordinances

### 8-12.3.11

Each notice submitted under the pertinent provisions of Part 77 proposing a structure in excess of 2,000 feet above ground, or an alteration that will make an existing structure exceed that height must contain a detailed showing directed to meeting this burden.

Only in exceptional cases, where the FAA concludes that a clear and compelling showing has been made that it would not result in an inefficient utilization of the airspace and would not result in a hazard to air navigation, will a determination of no hazard be issued.

4. In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the thirty (30) day requirement in paragraph (B) of this section does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed FAA Form 7460-1 submitted within five (5) days thereafter. Outside normal business hours, emergency notice by telephone or telegraph may be submitted to the nearest FAA Flight Service Station.
5. Each person who is required to notify the City Administrator shall send an executed copy of FAA Form 7460-2. Notice of Actual Construction or Alteration, to the Manager Air Traffic Division, FAA Regional Office having jurisdiction over the area involved.

### **SECTION 3.11. MEDICAL OVERLAY (MO)**

**A. PURPOSE:** The Medical Overlay (MO) Designation is to provide for the growth and development of hospitals, clinics, or related health care facilities or complexes within a committed community service area:

1. To encourage the development of facilities in a controlled development framework;
2. To provide for a variety of uses that may co-depend and/or support hospitals, clinics, or related health care facilities;

3. To protect such areas from encroachment of incompatible land uses that may have an adverse impact on the operation and future expansion of hospitals, clinics, or related health care facilities; and
4. To allow existing uses within the overlay boundary, which are not under the ownership of the existing hospital to remain conforming to the underlying zoning regulation. The regulations are also intended to protect adjacent land uses and underlying land use zone from the potential adverse impacts of development created by this Overlay Designation.

8-12.3.11

**Madras Ordinances**

8-12.3.11

This will be accomplished in part by requiring adequate off-street parking, landscape buffers, fencing, regulating building height and mass, attractive open space, yard areas, and other design features to minimize the impact of these uses on neighboring residential properties.

**B. BOUNDARY LOCATION** - The Medical Overlay boundary location includes the following identified properties:

Map #11-13-01CA	Tax Lots	#1800	#2201
		#2000	#2202
		#2200	#2203
Map #11-13-01CD	Tax Lots	#100	#900
		#101	#901
		#102	#904
		#500	#905
		#600	#906
		#601	#1000
		#700	#1100
		#800	
Map #11-13-01-DC	Tax Lots	#100	#104
		#101	#200
		#102	#2800
		#103	#2802

**C. PERMITTED USES** (Site Plan Review Required)

1. Assisted Living Facilities

2. Adult Care Complex
3. Emergency Services
4. Health Services
5. Helicopter Landing Pad
6. Hospice

8-12.3.11

**Madras Ordinances**

8-12.3.11

7. Hospitals
8. Medical Related Ancillary Uses
9. Medical Related Offices
10. Medical Related Uses
11. Nursing Homes
12. Residences for Temporary Occupancy
13. Residential Home and Residential Care Facilities (Conditional Use Application and Planning Commission Review)

**D. SPECIAL REQUIREMENTS:**

1. Master Planning:

- i. General: Applications for permitted uses under this overlay shall include a master plan and narrative for the entire site. The Master plan shall include all items required by the site plan review process including, but not limited to, all existing and proposed uses, buildings, structures, and easements.

The master plan shall be prepared to reduce and minimize any identified negative impacts of the proposed use on adjacent properties and ensure the livability of residential areas surrounding the development.

2. Future Modifications:

- i. Major modifications to the approved master plan, which will alter the scope or

character of the project shall require a new application for a site plan application and approval for modification of approval, approval with conditions, or denial by the Community Development Director.

- ii. Minor modifications to the approved master plan, which do not alter the project's scope or character shall be approved, approved with conditions, or denied by the Community Development Director.
- iii. Notification. A notification shall be sent to all property owners within 500 feet of the proposed development site for all permitted uses, except Helicopter Landing pad, listed in Section 3.11(3) above.

**8-12.3.11**

**Madras Ordinances**

**8-12.3.12**

A notification shall be sent to all property owners within 1500 feet of the proposed development site for a Helicopter Landing Pad, listed in Section 3.11(3) above.

- iv. Building height shall be limited to the underlying zone.
- v. All lighting shall be shielded to prevent light from shining directly onto adjacent residential property. Lighted poles shall not exceed twenty feet (20') in height.
- vi. Signs shall be in accordance with the current sign regulation ordinance of the City.
- vii. Setback Requirements:
  - a. Front Setback. The minimum depth of the front setback shall be twelve (12') feet from the property boundary line; or existing public easement, if abutting the front property line.
  - b. Side and Rear Setbacks. The minimum side and rear setbacks for any building shall be ten feet (10') from property line.
- viii. Landscaping shall meet the requirements of the underlying zone of the Medical Overlay Designation.

**SECTION 3.12 MASTER PLANNED COMMUNITY (MPC) OVERLAY**

- A. PURPOSE:** The purpose of the Master Planned Community Overlay is to foster the creation of complete communities with a range of land uses and housing types, permit the application of innovative designs, and to allow greater freedom in land development and flexibility in development standards than may be possible under the strict application of the applicable zoning provisions of this code. In permitting such design and development freedom, the intent is to encourage more efficient uses of land and public facilities and services, to address the community's need for a variety of housing, commercial and recreational opportunities (particularly public recreational amenities) and to maintain the

highest reasonable quality living environment. An approved Master Planned Community Development Plan guides future development of the subject site. All future land use approvals and development (i.e., subdivision approval) for the subject site shall be in accordance with the guidelines established in the approved Master Planned Community Development Plan.

- B. APPLICABILITY:** As an overlay zone, the Master Planned Community Overlay provisions may be applied in any residential, commercial or industrial zoning district, in accordance with the provisions of Section 3.12 of the Zoning Ordinance and Section 3.5 of the Subdivision and Partition Ordinance.

**8-12.3.12**

**Madras Ordinances**

**8-12.3.12**

- C. USES:** Any use permitted outright or conditionally in the underlying base zone(s) is permitted outright within a Master Planned Community Development Plan. Vertical mixing of uses is permitted, such as office uses on the ground floor with residential uses on upper floors. Additionally, the following uses are permitted outright in a Master Planned Community Development Plan:

(1) Residential Uses

- (a) Single family dwellings
- (b) Multi-family dwellings (which include apartments, triplexes, and fourplexes) and duplexes, which are located on a single lot
- (c) Attached housing on separate lots, including condominiums and townhomes
  - (1) Notwithstanding the definitions in Section 1.3 of the Zoning Ordinance, in the Master Planned Community Overlay district a condominium is a type of development utilizing zero lot lines, individual ownership of units and common ownership of open spaces and other facilities, and which are regulated in part by state law (ORS Chapter 100).
  - (2) In the Master Planned Community Overlay district, a townhome is an attached dwelling unit, located on its own lot, that shares one or more common or abutting walls (but does not share a common floor or ceiling) with one or more dwelling units.

(2) Community Uses

- (a) Public and private non-profit parks and open spaces, including developed open spaces (i.e., a golf course or park with facilities), undeveloped open spaces, community centers and recreation facilities

(b) Public buildings, such as libraries, police stations, fire stations, museums or schools

(c) Churches

(3) Commercial Uses

(a) Retail trade establishments in which the operation takes place solely within an enclosed building

**8-12.3.12**

(b) Eating or drinking establishment

**Madras Ordinances**

**8-12.3.12**

(c) Food or grocery stores

(d) Professional and other office or services establishments

(e) Fabrication or creation of goods in which the operation takes place solely within an enclosed building and off-site impacts are not created.

(f) Recreational vehicle and equipment storage areas limited to use by the Master Planned Community's occupants.

(g) Home Occupation, subject to the criteria in Section 3.1.2 of the Zoning Ordinance.

(4) Other uses which the city finds are designed to serve primarily the residents and visitors to the Master Planned Community or are open to and of benefit to the general public, and are compatible to the overall design of the proposed development.

**D. DEVELOPMENT STANDARDS:**

An approved Master Planned Community Development Plan shall include development standards that regulate future development on the subject site. To implement the purpose of the Master Planned Community Overlay (encouraging innovative designs and communities with a range of housing types and uses), the development standards listed below may be modified from the requirements in the underlying base zone or other applicable provisions of the Zoning Ordinance or Subdivision and Partition Ordinance. Such modifications are allowed through the Master Planned Community Development Plan approval process if the Master Planned Community Development Plan includes distinctiveness and excellence in siting, design, amenities and/or landscaping that will enhance the general area. Examples of distinctiveness and excellence include, but are not limited to: exceeding the minimum open space requirement; provision of dedication of public park space; provision of public bikeways and pedestrian ways; superior recreational amenities; respect for natural attributes of the site; provision of a mixture and variety of

housing; use of distinctive architectural **and** styles and materials. Unless modified herein or as excepted elsewhere in the Master Planned Community Overlay designation, the applicable standards of the Zoning Ordinance and Subdivision and Partition Ordinance apply.

- (1) Minimum Master Planned Community Size. A Master Planned Community Development Plan shall be established only for parcels of land which are suitable for the proposed development and of sufficient size to be planned and developed in the manner consistent with the purposes of this section. A Master Planned Community Development Plan approved under Section 3.12 of the Zoning Ordinance and Section 3.5 of the Subdivision and Partition Ordinance shall not be established for

**8-12.3.12**

**Madras Ordinances**

**8-12.3.12**

less than two hundred (200) acres of contiguous land. Acreage split by public roads, railroad lines or rivers or streams shall count toward the acreage minimum.

- (2) Dimensional Standards. The minimum lot size, width, depth, street frontage, setback and height requirements otherwise applying to individual lots may be modified by a Master Planned Community Development Plan. An approved Master Planned Community Development Plan shall include dimensional standards for the potential uses within the Master Planned Community.
- (3) Density. The overall density of residential development allowed in a Master Planned Community Development Plan shall be calculated based upon the gross acreage of the Master Planned Community. Density averaging is allowed, and the density allowed in a Master Planned Community may be increased by 20% from the density otherwise allowed in the base zone.
- (4) Open Space. At least 30% of the gross acreage of the Master Planned Community shall be open space, and developed open space (such as a golf course or park with facilities) is encouraged. Open space may be publicly or privately owned, and includes the use of land focusing on natural areas, areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Portions of individual residential lots, street landscaping and parking area landscaping shall not be considered open space. Examples of open space includes, but is not limited to parks, golf courses, public squares, plazas, recreational trails, botanical gardens, and natural areas.
- (5) Streets. Traditional street design and construction standards often do not accommodate innovative development. A Master Planned Community Development Plan may include modified design and construction standards for public and/or private streets. The modified design and construction standards for public and/or private streets shall be coordinated with and approved by the Public Works Director and the Fire Marshall. Such coordination and approval shall be sought as part of the Master Planned Community Development Plan approval process. Consistent with the "New Roadways" section of the Transportation System Plan (TSP), alignments for streets proposed in the TSP may be modified through the Master

Planned Community Development Plan approval process.

- (6) The parking provisions of Section 8-12.4.7 of the Zoning Ordinance may be modified to allow an increase or decrease in the number of required off-street parking, and on-street parking may be included in the calculation of parking provided for a use. Shared parking may also be considered for uses with differing hours of parking need. A modification to the applicable parking provisions may be approved through either the Master Planned Community Development Plan approval process or Site Plan Approval (Section 4.8 of the Zoning Ordinance).

[Section 3.12, Subsections A, B, C, and D added by Ordinance No. 782, Passed by Council on December 12, 2006]

8-12.4.1

Madras Ordinances

8-12.4.2

#### **ARTICLE 4: SUPPLEMENTARY PROVISIONS**

**SECTION 4.1: MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS** - No lot existing on or after the effective date of this ordinance shall be reduced below the minimum square footage required by this ordinance.

**SECTION 4.2: ACCESS** - Every lot shall abut a street (other than an alley) for at least fifty feet (50'), except in a Commercial Zone.

##### **A. INTERNAL PEDESTRIAN CIRCULATION**

###### **1. Affected Developments**

- i. New office parks and commercial developments.
- ii. Institutional development and public buildings.

###### **2. Walkway Locations**

- i. A walkway shall be provided to each street abutting the property.
- ii. A walkway shall be provided for every three hundred feet (300') of street frontage, or for every eight (8) rows of vehicle parking.
- iii. A walkway shall be provided to any site, which is not bordered by a street.

3. **Connections** - Walkways shall connect building entrances to one another, and to public streets which are existing, or planned transit stops.

On-site walkways shall connect with sidewalks, bike paths, alleyways, and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multi-family, institutional or park use.

Walkways and driveways shall provide a direct connection to walkways and driveways on adjacent developments.

Potential pedestrian connections between the proposed development and the existing or future development on adjacent properties, other than connections via the street system shall be identified. The development application shall designate these connections on the proposed site plan, or findings shall be submitted demonstrating that the connection is infeasible.

4. Dedications - Right-of-ways or public easements shall be provided for all required walkways, which provide a direct connection to adjacent properties.

**8-12.4.2**

**Madras Ordinances**

**8-12.4.2**

5. Exemptions - A required walkway or walkway connection need not be provided where another required sidewalk or walkway route provides a reasonably direct route.

An alternate route is reasonably direct if the walking distance increases by less than fifty percent (50%) but not more than one-hundred feet (100') over the other required route.

Walkways are required between most parts of site that people on the site normally would or could walk between. Walkways are not required between buildings or portions of a site which are not intended to be used by pedestrians. Such buildings and features include: Truck loading docks, warehouses, not including office/warehouse combinations, automobile sales lots, temporary uses, outdoor storage areas.

6. Routing - Walkways shall be as direct as possible and avoid unnecessary meandering.

Driveway crossings shall be minimized. Internal parking lot circulation and design shall maintain ease of access for pedestrians from streets and transit stops.

Pedestrian walkways shall be directly linked to entrances and internal circulation of the building.

7. Design - Walkways shall be at least five feet (5') in paved width. Walkways bordering parking spaces shall be at least seven feet (7') wide unless concrete bumpers, bollards, or curbing and landscaping or other similar improvements are provided which prevent parked vehicles from obstructing the walkway.

Pedestrian scale lighting fixtures shall be provided along all walkways. On-site pedestrian walkways must be lighted to a level where the system can be used at night by employees, residents, and customers.

Stairs or ramps shall be provided where necessary to provide a direct route. Walkways without stairs shall have a maximum slope of eight percent (8%) and a maximum cross slope of two percent (2%).

Internal driveways crossing walkways shall be a maximum of fourteen feet (14') wide for

parking lots of less than twenty (20) cars and a maximum of eighteen feet (18') wide for parking lots of more than twenty (20) cars.

Walkways on private property that provide direct links between publicly owned pedestrian routes shall be placed in public easements. Where public access is to be provided on private land, easements shall be provided.

Walkways along nonresidential building frontages shall be covered with awnings, or building overhangs. The minimum vertical clearance is nine feet (9') for awnings and twelve feet (12') for building overhangs. Structural supports and facades for building overhangs shall not obscure more than ten percent (10%) of the area between the building and the street.

**8-12.4.2**

**Madras Ordinances**

**8-12.4.4**

The on-site circulation system shall incorporate a streetscape which includes curbs, sidewalks, pedestrian scale light standards and street trees.

Walkways shall be constructed to sidewalk standards except for portions of walkways in driveways and other vehicle maneuvering areas which shall be raised at least three inches (3") and paved with a different material than the surrounding driveway.

8. ADA Compliance - The Americans with Disabilities Act (ADA) contains different and stricter standards for some walkways. For example, the maximum slope for walkways subject to ADA is five percent (5%). Walkways up to eight percent (8%) slope are treated as ramps with special standards for railings and landings. The ADA applies primarily to the walkway which is the principal building entrance and walkways that connect transit stops to building entrances. Where ADA applies to a walkway, the stricter standards of ADA should apply.

**SECTION 4.3: FENCES** - Fences, hedges, and walls not more than eight feet (8') in height are permitted on all front, rear and side property lines of the parcel, except for corner lots (lots which abut more than one street) fences shall be three (3) in height for a distance of fifty (50') feet from the street corner.

#### **SECTION 4.4: OFF-STREET PARKING AND LOADING**

General provisions are as follows:

- A. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. 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 or loading requirements, ensure these requirements are complied with.
- B. Requirements for types of buildings and uses not specifically listed in this ordinance shall be determined by the Hearings Body based upon the requirements for comparable uses listed.

- C. Required parking spaces shall be available for the parking of 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.
- D. Loading. 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. Off-street parking areas used to fulfill requirements of this ordinance shall not be used for loading and unloading operations except during periods of the day when not required to care for parking needs.

- 1. In any zone in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more, which is to be occupied for

**8-12.4.4**

**Madras Ordinances**

**8-12.4.5**

manufacturing, storage, warehousing, goods display, retail sales, a hotel, a hospital, a mortuary, a laundry, dry cleaning establishment, or other uses similar requiring the receipt or distribution by vehicles or materials or merchandise, there shall be provided and maintained at least one (1) off-street loading berth, plus one (1) additional off-street loading berth for each 20,000 square feet. Said loading berth shall be provided with access, driveways and surfacing in the same manner as for off-street parking, except that each space shall be ten feet (10') wide and twenty-two feet (22') long with a height clearance of at least fourteen feet (14'). A sight obscuring screen, berm or landscaping shall conceal all loading areas from view from public streets or roads.

- 2. Loading and unloading of merchandise, equipment, etc. shall not be permitted from public streets or roads.

[Section 4.4 (formerly entitled Off-Street Parking) is now "Off-Street Parking and Loading" and has been amended by Ordinance No. 771, Passed by Council on July 25, 2006]

**SECTION 4.5: OFF-STREET PARKING** - At the time a building is constructed or enlarged by fifty percent (50%) or more, off-street parking spaces shall be provided as set forth in this section.

- A. Amount required. The number of required off-street vehicle parking spaces shall be determined in accordance with Table 4.5-1. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape area.
  - 1. The square footage measured shall be the gross floor areas of the building but shall exclude any space within a building devoted to off-street parking or loading. When the number of employees is specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season.
  - 2. In the event that several uses occupy a single structure or parcel of land, the total

requirements or off-street shall be the sum of the requirements of the several uses computed separately, unless it can be shown that the peak parking demands are less. In that case, the total requirement may be reduced accordingly.

3. Owners of two (2) or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces as long as peak demand for each does not overlap; provided, that satisfactory legal evidence is presented to the city in the form of deeds, leases, or contracts to establish the joint use.
4. On-Street Parking Credit. Within the C-2 and C-3 zoning districts, credit may be allowed for “on-street parking”. The amount of off-street parking required may be reduced by one off-street space for every on-street space adjacent to the development. On-street

**8-12.4.5**

**Madras Ordinances**

**8-12.4.5**

parking shall follow the established configuration of existing on-street parking. On-street parking spaces shall meet the dimensional requirements of Table 4.6-1.

**B. Location**

1. Except as allowed pursuant to Section 3.5.1.O.6(f), no automobile parking, with the exception of handicapped parking, is permitted between the building and an arterial, or collector unless the Community Development Director determines there is no feasible alternative to provide the required parking. If a building setback is provided, the setback area shall be paved with a hard surface (concrete or unit pavers, not asphalt) and shall incorporate seating and landscaping. A public entrance shall be within one-hundred feet (100') of the right-of-way of an arterial or collector street.
2. Development on lots or sites with three (3) frontages may have vehicle parking areas between the building and one (1) of the streets. Development on full blocks may have vehicle parking areas between the building and two (2) of the streets. However, the vehicle area must be between a local street and the building, not an arterial, other than a freeway or other fully controlled access highway.
3. Parking lots with fifty (50) spaces or more shall be divided into separate areas and divided with landscaped areas or walkways at least ten feet (10') in width or by a building or group of buildings.
4. Parking lots shall not occupy more than thirty-three percent (33%) of the frontage of a block on any pedestrian oriented streets.
5. Off-street parking spaces for dwellings shall be located on the same parcel with these dwellings. Other required parking spaces shall be located not farther than three hundred feet (300') from the building or use they are required to serve, measured in a straight line from the building, unless otherwise approved by the Community Development Director.

[Section 4.5 (formerly entitled Off-Street Parking and Loading) is now “Off-Street Parking” and has

been amended by Ordinance No. 771, Passed by Council on July 25, 2006]

8-12.4.5

Madras Ordinances

8-12.4.5

**TABLE 4.5-1 REQUIRED VEHICLE PARKING**

<b>BUILDING TYPE</b>	<b>PARKING SPACES REQUIRED (Spaces per 1,000 sq. ft. unless otherwise noted)</b>
<b>COMMERCIAL AND INDUSTRIAL</b>	
Office Buildings, Banks	2.5 spaces
Business and Professional Services	2.86 spaces
Commercial Recreational Facilities	10.0 spaces
Shopping Goods (Retail)	2.86 spaces
Convenience Goods (Retail)	2.86 spaces
Restaurants	10.0 spaces
Personal Services and Repairs	2.86 spaces
Manufacturing	2.0 spaces
Warehouses	1.0 spaces
Wholesale	1.5 spaces
<b>RESIDENTIAL</b>	
Single Family Dwelling	1 space per dwelling unit
Duplexes	1 space per dwelling unit
Multiple Family Dwelling	1 space per dwelling unit
Apartment Hotels, Rooming Houses	1 space per dwelling unit
Hotels (spaces per bedroom)	1 space per bedroom
Motels (spaces per bedroom)	1 space per bedroom
<b>PUBLIC BUILDINGS</b>	
Museums and Libraries	3.3 spaces
Public Utilities	3.3 spaces
Welfare Institutions	2.5 spaces

<b>MEDICAL BUILDINGS</b>	
Medical and Dental Offices	2.86 spaces
Hospitals	10.0 spaces
Convalescent Homes or Assisted Living	1.0 space per 2 patient beds or one space per apartment unit
<b>AUDITORIUMS</b>	
General Auditoriums and Theaters	0.25 spaces per seat
Stadiums and Arenas	0.25 spaces per seat
School Auditoriums	0.10 spaces per seat
University Auditoriums	0.10 spaces per seat

8-12.4.6

**Madras Ordinances**

8-12.4.6

**SECTION 4.6: DESIGN AND IMPROVEMENT STANDARDS FOR PARKING LOTS** - The design and improvement standards for parking lots are:

- A. Parking Table and Diagram - Table 4.6-1 provides the minimum dimensions of public or private parking areas based on the diagram on the same page where “A” equals the parking angle “B” equals the stall width, “C” equals the minimum stall depth, “D” equals the minimum clear aisle width, “E” equals the stall distance at bay side, “F” equals the minimum clear bay width and “G” is the maximum permitted decrease in clear aisle width for private parking areas.
  
- B. Each parking space or stall shall be governed by the requirements of Table 4.6-1, and in no case have less than a minimum width of eight feet (8’) and a minimum length of eighteen feet (18’) but in any case must have at least a total area of 144 square feet and must be individually accessible, be paved, and be adequately maintained.
  
- C. Except for parking in connection with dwellings, parking and loading areas adjacent to or within a residential zone or adjacent to a dwelling shall be designed to minimize disturbance to residents by the erection between the uses of a sight-obscuring fence or planted screen of not less than five feet (5’) in height except where vision clearance is required.
  
- D. Parking spaces along the outer boundaries of a parking lot shall be contained by a bumper rail or by a curb which is at least four inches (4”) high and which is set back a minimum of one and one-half feet (1-1/2’) from the property line.
  
- E. Artificial lighting which may be provided shall not shine or create glare in any residential zone or on any adjacent dwelling.

- F. Access aisles shall be of sufficient width to permit easy turning and maneuvering.
- G. Except for single-family and duplex dwellings, groups of more than two (2) 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.
- H. Service drives to off-street parking areas shall be designed and constructed both to facilitate the flow of traffic and to provide maximum safety for vehicles and pedestrians. The number of service drives shall be limited to the minimum that will accommodate anticipated traffic.

**8-12.4.6**

**Madras Ordinances**

**8-12.4.6**

- I. Driveways 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 thirty feet (30') from their intersection.
- J. The following standards shall apply to parking within the industrial zone:
  - 1. Parking shall be located at the rear and sides of a new building; parking can only be allowed in front of the building (between the landscaping and street) upon approval by the Site Plan Committee.
  - 2. Parking shall not be allowed on collectors or arterials when industrial zoning is contiguous to said street.
  - 3. All parking areas shall be limited to sixty (60) spaces plus access -- additional required parking shall be separated by five (5) foot landscaped strips except for access. The sixty (60) parking spaces shall be referred to as a cluster of parking.

[Section 4.6 amended by Ordinance No. 771, Passed by Council on July 25, 2006]

**TABLE 4.6-1 PARKING AREA DIMENSIONS**

<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>
Parallel	8'0"		12.0	22.00	20.0	2
8'0"	13.6	11.0	23.4	24.6		
20 degrees	8'6"	14.1	11.0	24.9	25.1	1
9'0"	14.6	11.0	26.3	25.6		
10'0"	15.5	11.0	29.2	26.5		
8'0"	16.0	11.0	16.0	27.0		
8'6"	16.4	11.0	17.0	27.4		
30 degrees	9'0"	16.8	11.0	18.0	27.8	1
9'6"	17.3	11.0	19.0	28.3		
10'0"	17.7	11.0	20.0	28.7		
8'0"	18.4	14.0	11.3	32.4		
8'6"	18.7	13.5	12.0	32.2		
45 degrees	9'0"	19.1	13.0	12.7	32.1	3
9'6"	19.4	13.0	13.4	32.4		
10'0"	19.8	13.0	14.1	32.8		
8'0"	19.7	19.0	9.2	38.7		
8'6"	20.0	18.5	9.8	38.5		
60 degrees	9'0"	20.3	18.0	10.4	38.3	3
9'5"	20.5	18.0	11.0	38.5		
10'0"	20.8	18.0	11.5	38.8		
8'0"	19.8	20.0	8.5	39.8		
8'6"	20.1	19.5	9.0	39.6		
70 degrees	9'0"	20.4	19.0	9.6	39.4	3
9'6"	20.6	18.5	10.1	39.1		
10'0"	20.9	18.0	10.6	38.9		

8'0"	19.2	25.0	8.1	44.2		
8'6"	19.3	24.0	8.6	43.3		
80 degrees	9'0"	19.4	24.0	9.1	43.4	3
9'6"	19.5	24.0	9.6	43.5		
10'0"	19.6	24.0	10.2	43.6		
8'0"	18.0	26.0	8.0	44.0		
8'6"	18.0	25.0	8.5	43.0		
90 degrees	9'0"	18.0	24.0	9.0	42.0	3
9'6"	18.0	24.0	9.5	42.0		
10'0"	18.0	24.0	10.0	42.0		

8-12.4.7

**Madras Ordinances**

8-12.4.7

**SECTION 4.7: BICYCLE PARKING**

- A. Applicability: Multi-family development of four (4) units or more, new retail, office and institutional development, transit transfer stations, and park and ride lots must provide bicycle parking facilities.
- B. Exemptions - The City Administrator may allow exemptions to required bicycle parking in connection with temporary uses that are not likely to generate the need for bicycle parking.
- C. Number of Spaces - The minimum number of bicycle parking spaces which are required shall be at least one (1) bicycle space for every ten (10) automobile parking spaces required (Table 4.5-1). In areas of demonstrated, anticipated, or desired high bicycle use, additional bicycle parking, in exchange for required motor vehicle parking, may be authorized by the Hearings Body or Community Development Director.
- D. Location - All required bicycle parking shall be located on-site within fifty feet (50') of well-used entrances and not farther from the entrance than the closest off-street parking space.
  - 1. For buildings with multiple entrances, required short term bicycle parking shall be distributed proportionally at the various entrances. Required long-term public parking shall also be distributed at the various public entrances, while employee parking shall be located at the employee entrance, if applicable.
  - 2. Bicycle parking may be provided within a building, but the location must be easily accessible for bicycles.
  - 3. Employee and residential bicycle parking shall offer a high level of security, i.e. bicycle lockers or a locked cage or room with locking facilities inside, to provide safe, long-term parking.
  - 4. Bicycle parking may be provided within the public right-of-way in areas without

building setbacks, subject to approval of the Public Works Director and provided it meets the other bicycle parking requirements.

5. Bicycle parking facilities shall be separated from motor vehicle parking and maneuvering areas by a barrier or sufficient distance to prevent damage to the parked bicycles.
6. Cover for bicycle parking shall be provided by a bicycle storage room, bicycle locker, or racks inside a building; bicycle lockers or racks in an accessory parking structure; underneath an awning, eave, or other overhang; or other facility as determined by the Hearings Body or Community Development Director that protects the bicycle from direct exposure to the elements.

8-12.4.7

**Madras Ordinances**

8-12.4.7

7. All required long-term bicycle parking and all bicycle parking for residential, school, and industrial uses must be covered.

- E. Parking Space Dimensions - Each required bicycle parking space shall be at least two and a half feet (2 ½') by six feet (6') and when covered, provide a vertical clearance of at least seven feet (7'). An access aisle of at least five feet (5') wide shall be provided and maintained beside or between each row of bicycle parking (vertical clearance may be four feet (4') in an enclosed bicycle locker. Each required bicycle parking space must be accessible without moving another bicycle.
- F. Parking Facilities - The intent of this subsection is to ensure that required bicycle parking facilities are designed so that bicycles may be securely locked to them without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.
  1. 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.
  2. Bicycle racks must hold bicycles securely by means of the frame. The frame must be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels.
- G. Lighting - Lighting shall be provided in a bicycle parking area so that all facilities are thoroughly illuminated and visible from adjacent sidewalks or motor vehicle parking lots during all hours of use. Bicycle parking shall be at least as well lit as motor vehicle parking.
- H. Signing - Areas set aside for required bicycle parking must be clearly marked and reserved for bicycle parking only. Where bicycle parking facilities are not directly visible and obvious from the public right-of-way, entry and directional signs shall be provided to

direct bicyclists from the public right-of-way to the bicycle parking facility. Directions to employee parking facilities may be signed or supplied as appropriate.

- I. Paving/Surfacing - Outdoor bicycle parking facilities shall be surfaced in the same manner as the motor vehicle parking or with a minimum of one inch (1") thickness of hard surfacing (i.e. asphalt, concrete, pavers, or similar material). This surface will be maintained in a smooth, durable, and well-drained condition.
- J. Rental - Bicycle parking spaces required by this ordinance may not be rented or leased except where required motor vehicle parking is rented or leased.

[Section 4.7 (formerly entitled "Parking Table and Diagram") was amended by Ordinance No. 771, Passed by Council on July 25, 2006 and has been renamed "Bicycle Parking"]

8-12.4.8

Madras Ordinances

8-12.4.8

**SECTION 4.8: SITE PLAN APPROVAL** - To determine compliance with this ordinance for development in zoning districts.

**A. SITE PLAN COMMITTEE.**

- 1. The Site Plan Review Committee shall consist of:
  - i. Community Development Director,
  - ii. Public Works Director,
  - iii. Fire Marshal, and
  - iv. Building Official.

These individuals shall carry out the duties as set forth in this section.

- 2. This Committee shall review the proposal subject to site plan review of the Zoning Ordinance. Once the committee members have submitted their comments to the Community Development Director may approve a proposal with conditions if minimal modification will permit the proposal to comply with requirements of the ordinance. The Community Development Director may refer any site plan application to the Planning Commission for determination.

**B. PROCEDURES.**

- 1. Before any building permit is issued in any zoning district subject to a site plan review, a site plan application shall be submitted for determination.
- 2. Prior to filing a site plan application, the applicant is encouraged to confer with the Community Development Department concerning the requirements of formal

application.

3. The site plan application shall be filed on a form provided by the Community Development Department.

4. The site plan shall be drawn to scale and shall indicate the following:

i. Location, size, and height of all existing or proposed structures.

ii. Location, size, and dimension of existing and proposed setbacks, and all spaces between buildings.

iii. Adjoining street and right-of-ways.

iv. Points of access and circulation patterns, loading and maneuvering spaces.

**8-12.4.8**

**Madras Ordinances**

**8-12.4.8**

v. Off-street parking; showing location of parking areas, number of parking spaces including handicap parking, and type of surface.

vi. Sidewalks, patios, courtyards, and decks.

vii. Storm drainage system, including but not limited to, draining and grading plan, existing topography, and elevations.

viii. Fences, screens, and retaining walls, including heights and materials.

ix. Existing utilities (i.e. electric, gas, power lines).

x. Exterior lighting (show location and general nature).

xi. Sanitary sewer system or location of septic tank and drainfield (if still using and not connected to city sewer), and the distance the lot is from the nearest sewer connection.

xii. Water supply (showing size of main, water flow and size of water line).

xiii. Location of existing and, if any, proposed fire hydrants with size and flow data.

xiv. Identify any existing or proposed easements.

xv. Proposed public improvements.

xvi. Sign (if existing, location and size). Any new or sign alteration will require a sign application to be submitted to the Community Development Department for approval.

- xvii. Give intended type of occupancy for the structure (i.e. assembly, educational, manufacturing, processing, storage and type of contents).
  - xiii. List all existing or proposed conditions that could be hazardous to life and property from fire or explosion (i.e. storage of: liquefied petroleum gas, flammable or combustible liquids, explosives and blasting agents).
5. Within thirty days (30) the Community Development Director shall deem the application complete or notify the applicant of the deficiencies in the application.
  6. A Committee member may require the following in addition to the minimum standards of this ordinance as a condition of approval:

**8-12.4.8**

**Madras Ordinances**

**8-12.4.8**

- i. An increase in the required setback.
- ii. Modifications to pedestrian and vehicular circulation patterns, parking provisions, the location and number of points of access to the site, and designs of parking areas.
- iii. Additional off-street parking.
- iv. Limitations on the size, location and number of outdoor lights.
- v. Limitations on the number and location of curb cuts.
- vi. Dedication of land for the creation or enlargement of streets where the existing street system will be impacted by or inadequate to handle the additional burden caused by the proposed use.
- vii. Dedication of land or an easement for the creation or extension of Access Corridors for pedestrian and bicycle travel.
- viii. Improvement, including but not limited to paving, curbing, installing of traffic signals, constructing sidewalks, striping bike lanes, or other improvements to the street system which serves the proposed use where the existing street system will be burdened by the proposed use.
- ix. Improvement or enlargement of utilities serving the proposed use where the existing utilities system will be burdened by the proposed use. Improvements may include but shall not be limited to extension of utility facilities to serve the proposed use and installation of fire hydrants.
- x. Landscaping shall comply with the appropriate zoning district's landscape

requirements within the Zoning and Land Development Ordinance.

- xi. Transit facility or an easement for bus pullout if on a mass transit route.
- xii. Location or orientation of buildings and entrances closer to the street to serve pedestrians, bicyclists and/or mass transit use.
- xiii. Any other limitations or conditions which it considers necessary to achieve the purpose of this ordinance.

7. Site Plan Criteria. Approval shall be based on the following criteria:

- I. Safety and privacy. Residential site plans shall be designed to provide a safe living environment, while offering appropriate opportunities for privacy and transition from public to private spaces.

8-12.4.8

**Madras Ordinances**

8-12.4.8

- ii. Special needs of the disabled. When deemed appropriate the site plan shall provide for the special needs of disabled persons, such as ramps for wheelchairs, drop curbs, and disabled parking stalls.
- iii. Preservation of the natural landscape. The landscape and existing grade shall be preserved to the maximum practical degree, considering development constraints and suitability of the landscape or grade to serve the applicant's functions. Preserved trees and shrubs shall be protected during construction.
- iv. Pedestrian and vehicular circulation and parking. The location and number of points of access to the site, the interior circulation patterns, designs of parking areas, and the separation between pedestrians and moving and parked vehicles shall be designed to promote safety and avoid congestion on adjacent streets.
- v. Buffering and screening. Area, structures, and facilities for storage, machinery and equipment, services (main, refuse, utility wires, and similar materials), loading and parking, and similar accessory areas and structures shall be designed, located, buffered, or screened to minimize adverse impacts on the site and neighboring properties.
- vi. Utilities. All new utility installations shall be underground for any development to be constructed within the city limits, urban growth boundary and other areas, which may be served by city utilities, so as to minimize adverse impacts on the site and neighboring properties. If a development causes an impact on city facilities, the City Public Works Director shall determine if the developer is required to place the existing utilities underground.
- vii. Public facilities. The proposed use shall not be an undue burden on public facilities, such as street, sewer or water systems.

- viii. Landscaping requirements pursuant to the City of Madras Zoning and Land Development Ordinance Section 8-12.3.5(M) or 8-12.3.6 (O).
  - ix. Drainage. Surface drainage shall be contained on-site and approval shall be determined by the City Public Works Director and Engineer.
- D. Community Development Director may (at their discretion) forward a site plan application, with recommendations and/or comments from the Site Plan Committee to the Planning Commission, City Council, or Hearings Officer for determination of application.
- E. **APPEAL**. The applicant or any interested person may appeal a decision of the Site Plan Committee to the City Council, in accordance with the procedures of Section 9.21.

8-12.4.8

**Madras Ordinances**

8-12.4.10

- F. **REVISIONS**. Revisions made by the applicant to an approved site plan, shall be made pursuant to the procedures set forth in this section. Where required site plan approval has been granted, it shall be unlawful for any person to cause or permit the proposed construction, alteration, improvement, or use in any manner except in complete and strict compliance with the approved site plan.
- G. **TIME LIMIT ON SITE PLAN APPROVAL** – Authorization of Site Plan Approval shall become void after one (1) year unless a building permit has been obtained and remains valid and active.

**SECTION 4.9: MOVING BUILDINGS** - No structure shall be moved within or into the City of Madras without conforming to this ordinance, building codes and other applicable ordinances of the City of Madras. A moving permit shall be obtained from the City of Madras.

- A. **REQUIREMENTS**. Within six (6) months after a building has been moved onto a lot within the City of Madras, the building shall have been placed upon its foundation in accordance with the building code. The building must have been so remodeled and redesigned as to meet requirements of State building codes. All scrap lumber, trash, debris, and other materials including timbers and equipment for the moving of said building shall have been removed from the premises; and all holes, underground structures, and excavations shall be filled to the rough grade level as indicated in the building permit. No such building shall be occupied until all the above requirements have been met.

While moving is in progress, the owner of said building shall protect passers-by and citizens of the city from injury, due to conditions of the building, or the property from which the building was moved. No building shall be left on the streets of the City of Madras after sunset, unless the owner has obtained permission of the City Council. The owner of the building or the mover shall provide flares and a night watchman for protection of the

citizens using said streets.

- B. CLEAN-UP REQUIRED.** Within ten (10) days after a building is moved, the lot from which the building was moved, must be cleared of all debris including pipe, concrete, scrap lumber, and other materials, which will cause a health hazard, nuisance, or constitute a danger; all basements, abandoned septic tanks and wells must be filled with earth, except that upon written application made to the City Council may give permission for useful basements or other structures to remain; provided, the same are fenced or left open only for such period of time as the Council may allow.

**SECTION 4.10: ILLEGAL OCCUPANCY** - Any use of premises or a building, which deviates from, or violates any of the provisions of this ordinance shall be termed an illegal occupancy and the persons responsible shall be subject to the penalties herein provided.

**8-12.4.11**

**Madras Ordinances**

**8-12.4.13**

**SECTION 4.11: VISION CLEARANCE** - Vision clearance shall be provided in all zoning districts residential zones with the following distances establishing the size of the vision clearance area:

- A. The minimum distance shall be twelve feet (12') at intersections comprising of two (2) streets, or one (1) street and a railroad right-of-way.
- B. At intersections including an alley, the minimum distance shall be eight feet (8').

**SECTION 4.12: SIGNS** - Sign placement and size shall be regulated according to the city's sign ordinance.

**SECTION 4.13: HISTORIC STRUCTURE PRESERVATION** - Upon receiving an application for demolition or major exterior alteration involving an historic area, site, structure, or object, as designated by the Comprehensive Plan, the Planning Commission in a public meeting shall review the application to determine its conformance with the Historic Preservation factors of this ordinance. The City shall allow owners of inventoried historic resources to refuse historic resource designation at any time prior to adoption of the designation and shall not include a site on a list of significant historic resources if the owner of the property objects to its designation.

The City shall allow a property owner to remove from the property a historic property designation that was imposed on the property by the local government.

The City shall not issue a permit for demolition or modification of a historic structure within 120 days from the date the property owner requested the removal of a historic structure designation from the property.

- A. Demolition Procedure - If it is determined the Land Use action will result in the demolition or

extensive exterior modification of any historical building, the Planning Commission shall review the application taking into account the following:

1. State of repair of the building.
2. The reasonableness of the cost of restoration or repair.
3. The purpose of preserving such designated historical building and sites.
4. The character of the neighborhood.
5. All other factors the Planning Commission feels are appropriate.

Following Planning Commission review, the Planning Commission may approve or deny the permit for Land Use action or delay action for sixty (60) days to allow cognizant agencies

**8-12.4.13**

**Madras Ordinances**

**8-12.4.14**

to explore alternatives. If no suitable alternatives are available, the permit may be issued. The Planning Commission, upon finding significant progress is being made toward preserving the structure, may extend the delay for an additional thirty (30) days.

B. Major Exterior Alteration Procedure: Exterior alterations shall be in accordance with the following:

1. Upon receipt of an application for a major exterior alteration of an historic structure listed in the Comprehensive Plan, the Planning Commission, in a public meeting, shall review the proposed alteration to determine if the resource's historical significance will be altered. This review shall be based on the criteria for determining historic significance contained in the Comprehensive Plan.
2. Major exterior alterations as defined by this action include any change or alteration of a facade, texture, design, materials, fixtures or other treatment.
3. All applications for major exterior alterations shall be accomplished by plans and specifications of the proposed alteration. The Planning Commission may request additional sketches and other information deemed necessary to make an informed decision.
4. In order to approve the application, the Planning Commission shall find the alteration harmonious and compatible with the resource with respect to style, scale, texture, and construction materials and/or find the alteration will enhance the historical value of the resource. Conditions may be attached to the approval if the Planning Commission deems it necessary to achieve the above objectives. The Planning Commission shall disapprove the request if the proposal would reduce the resource's value or historic significance.

Conditions attached to a permit for major exterior alteration of an historic structure shall be limited to permit requirements addressing architectural design, surface texture, materials,

fixtures or other facade or surface treatments which are deemed inconsistent with the integrity of the historic values being preserved.

The Planning Commission shall not make any recommendation or requirement except for the purpose of preventing developments out of character with the historic aspects of the resource.

5. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, or the construction, reconstruction, or alteration of such feature which the building inspectors certify is required by the public safety because of unsafe condition.

**SECTION 4.14: MINIMUM STANDARDS FOR THE CONSTRUCTION OR ALTERATION OF SERVICE STATIONS** - Any service station which is constructed or undergoes major alteration after the effective date of this ordinance shall conform to the following standards:

**8-12.4.14**

**Madras Ordinances**

**8-12.4.14**

- A. Location. No portion of any service station shall hereafter be constructed within 1,500 feet of any part of a building housing another service station, except where such other service station is abandoned and subject to removal under this section.
- B. Minimum Lot Size.
  1. The minimum lot size for a service station site shall be 10,000 square feet on a corner lot and 12,000 square feet on any other lot.
  2. The minimum street frontage on the major traffic-carrying street of a corner lot shall be one-hundred feet (100').
  3. The minimum street frontage for a service station site on other than a corner lot shall be one-hundred twenty feet (120').
  4. The minimum lot depth shall be one-hundred feet (100').
- C. Setbacks. The service station and any attached or free standing canopies on the service station property shall be set back not less than ten feet (10') from any property line.
- D. Screening.
  1. When property used for a service station abuts on property used for residential purposes, there shall be placed along the boundary between the residential property and the service station a solid wall or fence six feet (6') high, or as an alternative, an evergreen hedge at least four feet (4') high and capable of attaining a height of six feet (6').
  2. Any area used for the storage of trash or other waste shall be screened by a solid wall

or fence which prevents the said objects from being visible from any public street or sidewalk.

E. Landscaping shall comply with the "Commercial" zoning district's section governing landscaping.

F. Lighting.

on 1. Lighting shall be illumination, direction, color, and intensity as not to create a nuisance adjacent property or to create a traffic hazard.

2. Wiring for the business and its signs and out door light fixtures shall be underground. Structural exterior lighting shall not project directly into an abutting lot.

Not be able to see source of light, or light reflective or amplifying device from outside property line.

8-12.4.14

Madras Ordinances

8-12.4.15

No structure shall have blinking, strobe, or rotating light(s) unless required by FAA.

Lighted poles shall not exceed twenty feet (20') in height.

G. Major Alteration. "Major alteration" shall include any improvement, expansion, or structural change, which does not constitute ordinary upkeep or minor repairs.

H. Off-Street Parking. If available, or practical, off-street parking may be provided for the employees and operators of the service station.

I. Permitted Activities. A service station may engage in the following activities, which are incidental to its use as a service station: the sale and installation of motor vehicle accessories, motor vehicle repairs, and any other sale, service, or activity customarily provided by service stations.

#### **SECTION 4.15: SERVICE STATION ABANDONMENT**

A. Abandonment. Whenever a service station is not in use as a service station for a continuous period of twelve (12) months, all structures and facilities (above and below the ground) located on the lot, which were connected with the operation of the service station, shall be removed, unless said structures are converted to another use as allowed by the Planning Commission.

It shall be the primary responsibility of the owner of the improvements to comply with the directives of this ordinance. In the event that the owner of said real property fails to comply, the City may remove the improvements and make the costs of said removal a lien against the property. Operation for at least ninety (90) consecutive days shall be required to interrupt a continuous twelve (12) month period.

- B. All service stations, which are unused for twelve (12) months, as provided above, are hereby declared to be nuisances and subject to abatement.
- C. Inspections. The City Public Works Director or designee shall, at his discretion, make periodic inspections. When a service station has been found not to be in use as a service station for a period of twelve (12) consecutive months, the following persons shall be notified of the requirements to be met under this ordinance:
1. The record owner of the real property; and
  2. The oil company that last supplied petroleum products to the station; and
  3. The last operator of the station.

**8-12.4.15**

**Madras Ordinances**

**8-12.4.16**

D. Notice.

1. A notice shall be prominently posted on the premises where the station is located, directing the owner, or person in charge of the station to comply with the directives of this ordinance.
2. At the time of posting the notice, the City Recorder shall cause a copy of the notice to be forwarded by registration or certified mail, postage prepaid, to the persons named above.
3. The notices shall contain:
  - i. A description of the real property, by street address or otherwise on which the service station is located.
  - ii. A description of the removal work necessary to comply with this ordinance.
  - iii. A direction to comply with the requirements contained in said notice within thirty (30) days from the date of notice.
  - iv. A statement that unless the required work is done, the city may do it, that the cost thereof shall be a lien against the property, and that failure to so perform may result in court prosecution.
  - v. A statement that the owner or other person in charge of the property may appeal the directive contained in the notice by notifying the recorder in writing within ten (10) days from the date of the notice.
4. Upon completion of the posting and mailing, the person posting and mailing the notice

shall execute and file a certificate stating the date and place of mailing and posting.

5. An error in the name or address of the owner or person in charge of the property or the use of a name other than that of the owner or such other person shall not make the notice void, and in such a case the posted notice shall be sufficient.
- E. An order of the City Public Works Director may be appealed by filing a written notice with the City Recorder within ten (10) days after the order is received or refusal communicated. The appellant and the City Public Works Director shall be granted a hearing before the Council, and action taken by the Council after the hearing shall be final.

#### **SECTION 4.16: RIPARIAN HABITAT PROTECTION**

- A. Riparian Corridor - A riparian corridor boundary (along Willow Creek within the City limits and Urban Growth Boundary) is hereby established at 50' from the top of each bank.

**8-12.4.16**

**Madras Ordinances**

**8-12.4.16**

B. Activities Within the Riparian Area

1. The permanent alteration of the riparian area by grading, or by the placement of structures of impervious surfaces is prohibited, except for the following uses provided they are designated to minimize intrusion into the riparian area, and no other options or locations are feasible:
  - i. Streets, roads, and paths;
  - ii. Drainage facilities, utilities, and irrigation pumps;
  - iii. Water-related and water-dependent uses;
  - iv. Replacement of existing structures in the same location that do not disturb additional riparian surface area.
  - v. Structures or other non-conforming alterations existing fully or partially within the riparian area, may be expanded provided the expansion does not occur within the riparian area. Substantial improvement of a non-conforming structure in the riparian area shall require compliance with the standards of this ordinance.
  - vi. Existing lawn within the riparian area may be maintained, but not expanded within the riparian area. Development activities on the property shall not justify replacement of riparian area with lawn.
  - vii. Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the Director and appropriate natural resources\agency staff. Such

alteration of the riparian area shall be approved only if less-invasive or nonstructural methods will not adequately meet the stabilization or flood control needs.

2. Removal of riparian vegetation is prohibited, except for:
  - i. Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall meet or exceed the density of the removed vegetation.
  - ii. Removal of vegetation for the development of approved water-related or water-dependents uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent or water-related use.
  - iii. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from this department. If no hazard will be created, the department may require these trees, once felled, to be left in place in the riparian area.

**8-12.4.16**

**Madras Ordinances**

**8-12.4.16**

3. Exceptions: The following activities are not required to meet the standards of this section.
  - i. Commercial forest practices regulated by the Oregon Forest Practices Act.
  - ii. Normal and accepted farming practices other than building or structures, occurring on land zoned for exclusive farm use and existing in the riparian area since prior to the date of adoption of this ordinance.

**C. Alteration Requiring Mitigation**

1. Permanent alteration of the riparian area by placement of structures or impervious surfaces is allowable under the following procedures, subject to the mitigation requirements of subsection 3(b).
  - i. A setback adjustment as allowed under subsection 3(c).
  - ii. A Variance to the riparian setback approved through the procedures of subsection 3(d).
2. Proposals for development activities within the riparian area allowed in Section 3(a) shall be reviewed by the Oregon Department of Fish and Wildlife (ODFW), as per OAR 635-415 Fish and Wildlife Habitat Mitigation Policy. A mitigation recommendation shall be obtained from ODFW. For purposes of implementing Goal 5, the goal is no net loss of protected resources; correspondingly, for purpose of designing appropriate mitigation sites should be considered at least in "Habitat Category 2" (OAR 635-415-030), which strives for no net loss of habitat values. Approval of the development proposal shall be conditional, requiring compliance with the mitigation recommendations

of ODFW.

3. Setback Adjustment

- i. Qualifying lots: Lots on which the riparian setback required by this ordinance exceeds any other setbacks in a particular yard, and which, when combined with other required setbacks, results in a building area depth of 25 feet or less, or a building envelope of 800 square feet or less.
- ii. Setback reduction procedure: Setback reduction shall be the minimum necessary to create a building envelope, 25 feet deep, or a building envelope of 800 square feet (whichever requires a lesser reduction of the setback). The setback opposite the riparian area may be reduced up to ½ the standard setback. If this does not create a sufficient building envelope, the riparian setback may be reduced up to ½ the required setback. Additional reductions of setbacks require a variance (see Section 8-12.5.5). Removal of vegetation within the original riparian setback shall be the minimum necessary to allow development of the use, and shall otherwise confirm with the standards of Section 2(b) of this ordinance.

8-12.4.17

Madras Ordinances

8-12.4.17

**SECTION 4.17: WETLAND NOTIFICATION** - Written notice shall be provided to the Oregon Division of State Lands (DSL) of applications, which involve lands that are wholly or partially within areas that are identified as wetlands on the Statewide Wetlands Inventory. Wetland boundaries shall be verified in the field by a qualified professional before any application for development in or adjacent to a wetland is accepted as complete.

- A. Notice shall be sent within five (5) working days of the acceptance of a complete application for a subdivision, building permit for new structure, planned development, or any other development permit or approval that allows physical alteration of the land involving excavation, grading, fill, or construction on the land, and any development in a floodplain or floodway.
- B. Notice shall be sent if the City receives information that there is a possible wetland on the subject property following acceptance of the application.
- C. Notice is not required for any application listed in Section 4.21(A), if a permit has been issued by the Division of State Lands for that activity.
- D. If the Division of State Lands fails to respond to the notice from the City within in thirty (30) days of the postmark date of the notice, the City may issue an approval for the proposed activity with written notice to the applicant and owner of record that the proposed activity may require state or federal permits.
- E. The City may issue an approval for a comprehensive plan map or zoning map amendment for parcels identified as, or including wetlands on the Statewide Wetlands Inventory upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for the state and federal permits and providing the Division of State Lands with a copy of the notification of comprehensive

plan map or zoning map amendments for specific properties.

- F. The City may issue approval for any activity listed in Section 4.21(A) providing that the approval includes one of the following statements.
  - 1. Issuance of a permit under ORS 196.665 and 196.800 by the Division of State Lands is required for the proposed project before any physical alteration takes place within the wetlands.
  - 2. Notice from the Division of State Lands that no permit is required; or
  - 3. Notice from the Division of State Lands that no permit is required until specific proposals to remove, fill, or alter the wetlands are submitted to the division.
- G. Notice of activities authorized within an approved wetland conservation plan shall be provided to the Division of State Lands within five (5) days following approval by the City.

**8-12.4.17**

**Madras Ordinances**

**8-12.5.2**

- H. Failure of the City to provide notice to the Division of State Lands as required in this section will not invalidate city approval of the proposed activity.

## **ARTICLE 5: EXCEPTIONS AND VARIANCES**

### **SECTION 5.1: NON-CONFORMING USES**

- A. Subject to the provisions of this ordinance, a non-conforming use or structure existing prior to the effective date of this ordinance, may be continued, but may not be altered or expanded and shall be maintained in reasonable repair.

The expansion of a non-conforming use to a portion of a structure, which was arranged or designed for the non-conforming use at the time of passage of this ordinance, is not an enlargement or expansion of a non-conforming use.

A non-conforming structure, which conforms with respect to use, may be altered or expanded, if the alteration or expansion, does not cause the structure to deviate further from the standards of this ordinance.

- B. If a non-conforming use is discontinued for a period of one (1) year, further use of the property shall conform to this ordinance.
- C. If a non-conforming use is replaced by another use, the new use shall conform to this ordinance.

- D. A non-conforming structure may be rebuilt if destroyed by fire or natural causes, as long as the structure is rebuilt within one (1) year from the date of the destruction of the structure. If the one year time frame is exceeded any structure to be built must be in conformance with the City's ordinance.
- E. Nothing contained in this ordinance shall require any change in the plans, construction, alteration or designated use of a structure for which a permit has been issued by the city and construction has commenced prior to the adoption of this ordinance, provided the structure, if non-conforming or intended for a non-conforming use, is completed and in use within two (2) years from the time the building permit is issued.

**SECTION 5.2: NON-CONFORMING LOTS OF RECORD** - Any lot which is smaller than the minimum area required in any zone may be occupied by an allowed use in that zone provided that:

**8-12.5.2**

**Madras Ordinances**

**8-12.5.5**

- A. The lot was in a duly platted and recorded subdivision on, or before the date of this ordinance, or was a parcel created by an approved land partition prior to the enactment of this ordinance.
- B. The use conforms to all other requirements of that zone.
- C. If there is an area deficiency, residential use shall be limited to a single dwelling unit.

**SECTION 5.3: ALTERATION OF NON-CONFORMING USE** - Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. A change of ownership or occupancy shall be permitted.

- A. Any proposal for the alteration of a use, except when an alteration is necessary in order to comply with lawful requirements for the alteration of a use shall be determined by the Planning Commission.
- B. Alteration of a non-conforming use includes a change in a use which shall have no greater adverse impact to the neighborhood, and a change in the structure or physical improvements shall have no greater adverse impact to the neighborhood.
- C. The Planning Commission public hearing shall be scheduled by the City of Madras Community Development Director, after receiving the applicant's application requesting the alteration of a non-conforming use.
- D. All parties that are affected by the requested alteration of a non-conforming use shall be notified directly of a hearing to be held before the Planning Commission. The owners of adjacent property within two-hundred fifty feet (250') of the subject property shall be directly

notified of the proposed alteration of a non-conforming use.

- E. The public hearing shall be conducted before the Planning Commission and the decision shall be final unless appealed to the City Council under the requirements of Sections 8-12.9.6 to 8-12.9.24 of the City's Zoning and Land Development Ordinance.

**SECTION 5.4: PROJECTIONS FROM BUILDINGS** - Architectural features (i.e., cornices, eaves, canopies, sunshades, gutters, chimneys, and flues) shall not project more than twenty-four inches (24") into a required setback.

**SECTION 5.5: VARIANCES**

- A. Evidence: A Variance may be granted where the applicant can show that they have met the criteria in Section 8-12.5.6 of this ordinance.

**8-12.5.5**

**Madras Ordinances**

**8-12.5.6.1**

- B. Procedure. Upon receipt of the application form and payment of the applicable fee for a Variance, the City Community Development Director shall schedule a public hearing before the City's Planning Commission.
- C. Notice of Public Hearing shall be mailed to adjacent property owners, applicant and interested parties and published in a local newspaper, at least twenty (20) days or no more than forty (40) days from the date of the public hearing:
  - 1. Adjacent Property Owners within two hundred fifty feet (250') of the boundaries of the subject property shall receive notification of the Planning Commission Public Hearing; and
    - a. Notice shall be published in a local newspaper stating the purpose for the public hearing, date, place, and time.

**SECTION 5.6: CIRCUMSTANCES FOR GRANTING A VARIANCE** - A Variance may be granted only when all of the following circumstances exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control.
- B. The Variance is necessary for the preservation of a property right of the applicant he same as owners of other property in the same zone or vicinity possess.

- C. The Variance would not be materially detrimental to the purposes of this ordinance, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.
- D. The Variance requested is the minimum Variance which would alleviate the hardship.
- E. The variance is not the result of a self-created hardship.

**SECTION 5.6.1 EXCEPTIONS TO MAXIMUM BUILDING HEIGHT STANDARD** - Chimneys, bell towers, steeples, roof equipment (including minimum screening necessary to conceal mechanical roof equipment), flagpoles, and similar features that are not intended for human occupancy may be considered exceptions to the maximum building height subject to an application for height variance in accordance with Chapter 5.1.

- 1. **Variance to Maximum Height.** The City may grant a variance to the maximum height limitations not otherwise exempted by this ordinance when the following criteria are met:

**8-12.5.6.1** **Madras Ordinances** **8-12.5.8**

- a. The proposed height does not create a burden on the City's Fire Department for fire fighting requirements.
- b. The location, size, design characteristics of the proposed structure shall have minimal adverse impact on the property values and livability of the permitted development in the surrounding area.
- c. The structure will provide an aesthetically pleasing and functional environment and relate harmoniously to the natural environment and existing development, minimizing visual impacts and preserving natural features to the greatest extent practical.
- d. The requested height is the minimum deviation necessary.

[Section 5.6.1 Added by Ordinance No. 791, Passed July 24, 2007]

**SECTION 5.7: PROCEDURE FOR TAKING ACTION ON A VARIANCE** - The procedure for taking action on an application for a Variance shall be as follows:

- A. A property owner may submit a Variance application with the Community Development Department, by using the appropriate application forms.
- B. A public hearing shall be scheduled before the Planning Commission following procedure as established in Section 9.5.
- C. The decision of the Planning Commission shall be final unless appealed under Section 9.21. An appeal of a Planning Commission decision shall follow the appeals process as outlined

in Sections 9.22 and 9.23.

1. The City Council shall review the decision of the Planning Commission on the record without hearing further evidence. The Council shall affirm the decision of the Planning Commission or may modify any conditions of approval made by the Planning Commission.
2. The City Council decision on the Planning Commission action shall be appealed to the Land Use Board of Appeals (LUBA) within twenty one (21) days of the date the City Council decision is mailed.

**SECTION 5.8: TIME LIMIT ON A PERMIT FOR A VARIANCE** - Authorization of a Variance shall be void after one (1) year unless substantial construction has taken place. However, authorization for an extension may be granted by the Community Development Director for an additional period not to exceed one (1) year, upon written request by the applicant. The written request by the applicant must be received by the Community Development Department prior to the expiration date of the Variance application approval date.

**8-12.5.9**

**Madras Ordinances**

**8-12.6.1**

**SECTION 5.9: LIMITATION ON REAPPLICATION** - No application of a property owner for a Variance shall be considered by the Planning Commission within a one (1) year period immediately following a previous denial of such request.

## **ARTICLE 6: CONDITIONAL USES**

### **SECTION 6.1: AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES**

- A. Conditional Uses listed in this ordinance may be permitted, enlarged or otherwise altered, upon authorization by the Planning Commission in accordance with the standards and conditions in this Article the Planning Commission may elect to forward any request to the City Council for determination. In permitting a Conditional Use or the modification of a Conditional Use, the Planning Commission may impose any additional conditions necessary to protect the best interests of the surrounding property or the city as a whole.
- B. Standards for granting Conditional Uses are:
  1. The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies of the city.
  2. Taking into account location, size, design, and operation characteristics, the proposal will have a minimal adverse impact on the (a) livability, (b) value, and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.
  3. The location and design of the site and structures for the proposal will be as attractive as

the nature of the use and its setting warrants.

4. The proposal will preserve assets of particular interest to the community.
  5. The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal and is not motivated solely by such purposes as the alteration of property values for speculative purposes.
  6. The proposal will not place an excessive burden on sewage, water supply, parks, schools, or other public facilities including traffic flows in the area.
- C. In permitting a new Conditional Use the Planning Commission may impose (in addition to those standards and requirements expressly specified by this ordinance) additional conditions, which the Planning Commission considers necessary to protect the best interests of the surrounding area or the city as a whole. These conditions may include, but are not limited to the following:

**8-12.6.1**

**Madras Ordinances**

**8-12.6.2**

1. Increasing the required lot size or yard dimension.
  2. Limiting the height, size, or location of buildings.
  3. Controlling the location and number of vehicle access points.
  4. Increasing the street width.
  5. Increasing the number of required off-street parking spaces.
  6. Limiting the number, size, location, and lighting of signs.
  7. Required diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
  8. Designating sites for open space.
- D. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a Conditional Use, any change in the use or in lot area, or an alteration of structure shall conform with the requirements for Conditional Use.

**SECTION 6.2: PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE** - The procedure for taking action on a Conditional Use application shall be as follows:

- A. A property owner may initiate a request for a Conditional Use by filing an application with the City Community Development Department.

- B. Before the Planning Commission may act on a Conditional Use application a public hearing shall be held pursuant to Sections 9.3, 9.5 to 9.17.
- C. The decision of the Planning Commission shall be final unless appealed under Section 9.21. An appeal of a Planning Commission decision shall follow the appeals process as outlined in Sections 9.22 and 9.23.
  - 1. The City Council shall review the decision of the Planning Commission on the record without hearing further evidence. The Council shall affirm the decision of the Planning Commission or may modify any conditions of approval made by the Planning Commission.
  - 2. The City Council decision on the Planning Commission action shall be appealed to the Land Use Board of Appeals (LUBA) within twenty one (21) days of the date the City Council decision is mailed.

**8-12.6.3**

**Madras Ordinances**

**8-12.7.2**

**SECTION 6.3: TIME LIMIT** - Authorization of a Conditional Use shall be void after one (1) year unless a building permit has been obtained and remains valid. However, a written request to extend the time limit for an additional period not to exceed one (1) year may be submitted to the Community Development Department for scheduling before the Planning Commission for their determination.

**SECTION 6.4: LIMITATION ON REAPPLICATIONS** - No application of a property owner for a Conditional Use shall be considered by the Planning Commission within a one (1) year period immediately following a previous denial of such request.

**ARTICLE 7: ANNEXATION**

**SECTION 7.1: PURPOSE** - The purpose of this section is to:

- A. Implement the policies of the City of Madras Comprehensive Plan;
- B. Provide for City review of all annexation requests for a determination of the availability of facilities and services as related to the proposal;
- C. Provide for dissemination of public information and for sufficient time for public review;
- D. Provide for City and County coordination of a request for an annexation; and
- E. Provide for an expedited process by establishing procedures whereby the annexation and zoning, if applicable, may be considered concurrently.

**SECTION 7.2: APPLICATION PROCEDURE.** Annexation is a land use decision and is subject to applicable provisions of the City of Madras Comprehensive Plan, Oregon Revised Statutes, and Oregon Administrative Rules. In addition, the procedures below shall be followed:

- A. The Planning Commission shall conduct a public hearing after notification of all property owners with two hundred fifty feet (250') outside of the boundary(ies) of the proposed annexation. The Planning Commission shall review the proposal for compliance with the annexation policies contained in this Ordinance and make a recommendation to the City Council, based on:
  - 1. The annexation proposal which meets the application requirements; and
  - 2. The Planning Commission shall conduct a public hearing to determine a recommendation to the City Council to approve, approve with conditions or modifications, or disapprove the feasibility of the annexation proposal based on the criteria set forth in Section 7.4 below; and

**8-12.7.2**

**Madras Ordinances**

**8-12.7.3**

- 3. The Planning Commission shall state its recommendation and the reasons therefore in writing to the City Council.
- B. Upon receipt of the Planning Commission recommendation, the City Council shall conduct a public hearing and consider an Ordinance declaring the requested lands to be annexed to the City of Madras.
  - 1. The City Council shall review the record of the Planning Commission hearing their recommendation and shall determine whether to approve, approve with conditions or modifications, or disapprove the feasibility of the proposed annexation in accordance with the criteria set forth in Section 7.4 below.
  - 2. The City Council may conduct additional public hearings to assist their making a determination.
  - 3. The City Council shall state its determination and the reasons therefore in writing.

**SECTION 7.3: ANEXATION APPLICATION.** The petitioner for annexation shall complete an application form provided by the Community Development Department. The application fee, established by Resolution of the City of Madras City Council, shall be submitted with the application. The application shall include:

- A. A map demonstrating that the proposed annexation is contiguous to the City Limits;
- B. Specific information on each parcel within the proposed annexation area:

1. Current assessed valuation shown on Jefferson County Assessor's tax rolls.
  2. Acreage of both public and private property to be annexed.
  3. Map and tax lot(s) number.
- C. Names and ages of all residents and list of registered voters in the proposed annexation area.
- D. Addresses of all parcels within the proposed annexation area.
- E. Consent to Annexation forms, provided by the City of Madras, with notarized signatures of all property owners and electors within the proposed annexation area.
- F. Written findings, which address the following:
1. Existing land uses within annexation area.

**8-12.7.3**

**Madras Ordinances**

**8-12.7.4**

2. Existing zoning within the annexation area.
3. Existing improvements:
  - a. water system
  - b. streets
  - c. sanitary sewer
  - d. storm drainage
4. Special Districts within the area:
  - a. water districts
  - b. irrigation districts
  - c. fire district
  - d. school district
  - e. other
5. Urban services, the present availability of urban service systems to the proposed annexation area, their capacity and cost of extension and/or improvement to urban standards:
  - a. sanitary sewers - streets - parks
  - b. storm drainage - water
  - c. fire - power
  - d. schools - police

G. Compliance with all applicable policies of the City of Madras Comprehensive Plan.

**SECTION 7.4: ANNEXATION CRITERIA.** Lands may be annexed only if the City Council finds that the following criteria are met:

- A. The property is contiguous to the City limits.
- B. The property is located within the City's Urban Growth Boundary.
- C. The annexation meets at least one of the following purposes:
  - 1. To serve lands needing City water or sewer to alleviate a present or potential health hazard; or
  - 2. To provide land to accommodate future urban development; or

**8-12.7.4**

**Madras Ordinances**

**8-12.7.6**

- 3. To provide land for provision of needed transportation or utility facilities; or
  - 4. To ensure that lands adjacent to the City are developed in a manner consistent with City standards.
- D. The petitioner has adequately addressed infrastructure supply and demand issues. The annexation is considered timely in that an adequate level of urban services and infrastructure can be provided upon annexation or a plan is in place for the provision of such services or infrastructure in a reasonable period of time.
- E. The proposed annexation complies with the City's Comprehensive Plan. If the Comprehensive Plan does not control the annexation, or substantial changes in conditions have occurred which render the Comprehensive Plan inapplicable to the annexation, the proposed annexation complies with current Statewide Planning Goals.
- F. The City is capable of extending City services to the area proposed for annexation without negatively impacting existing systems and the City's ability to adequately serve all areas within the existing City limits.
- G. The proposed annexation is compatible with the existing topography, potential for future land division, natural hazards and other related considerations.

**SECTION 7.5: APPLICATION PROCESSING PROCEDURE.** The procedures for processing a request for full and complete annexation shall be:

- A. A completed application with fee is received by the City of Madras Community Development Director.

- B. The Community Development Director shall prepare a compliance report indicating the degree of compliance of the subject property with the provisions of this Code and other City standards, and compliance with any conditions subject to development of the property.
- C. Annexation petitions shall be presented to the City Council at a public hearing; if accepted, the Community Development Director shall schedule a Public Hearing before the City's Planning Commission, followed by a Public Hearing before the City Council for a decision on the proposed annexation.

**SECTION 7.6: ANNEXATION BY CONSENT.** The City need not hold an election in the City or in any contiguous territory proposed to be annexed, or hold any hearing required by ORS 222 when all the owners of land in that territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the City. Once consent for annexation has been executed, the City, by ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

**8-12.7.7**

**Madras Ordinances**

**8-12.8.2**

**SECTION 7.7: ANNEXATION BY TRIPLE MAJORITY**

- A. The City need not hold an election in the City or in any contiguous territory proposed to be annexed, or hold any hearing required by ORS 222 if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory.

Once consent for annexation has been executed, the City, by ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation. At the hearing on the ordinance, property owners who have not consented to annexation may testify in favor or against its passage. All property owners shall be notified of the hearing at least 10 days prior to the hearing.

- B. The public hearing for property owners may be held at the same time as the passage of the ordinance or at another time.

**SECTION 7.8: HEALTH HAZARD ANNEXATION:** The City shall annex those areas constituting a State-declared health hazard in accordance with State law, taking into consideration the ability of the City to provide necessary services.

**SECTION 7.9: FILING OF ANNEXATION RECORDS:** The City shall report all changes in the boundaries of the City to the Jefferson County Clerk, Jefferson County Assessor, utility service providers, the Oregon Department of Revenue and the Oregon Secretary of State as required by State law.

## ARTICLE 8: AMENDMENTS

**SECTION 8.1: AUTHORIZATION TO INITIATE AMENDMENTS** - An amendment to the text of the Comprehensive Plan, this ordinance, or to the zoning and comprehensive or plan map may be initiated by either City Council, Planning Commission, or the Community Development Director in order for compliance with Oregon Revised Statutes, Oregon Administrative Rules and Statewide Planning Goals. A property owner may initiate a request for a map or text amendment by filing an application with the Community Development Director.

### **SECTION 8.2: ZONE/PLAN MAP AMENDMENTS**

#### A. Amendment to the Zone/Plan Map

1. Amendment to the Zone/Plan Map may be initiated by the Planning Commission, City Council, Community Development Director, Land Use Periodic Review, or by application of the property owner.

**8-12.8.2**

**Madras Ordinances**

**8-12.8.5**

2. If the application is for a change of a quasi-judicial nature, the Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practical meeting date after the proposal is submitted and shall follow the adopted rules for quasi-judicial hearings.
3. The Planning Commission shall provide a recommendation to the City Council based on findings-of-fact.
4. The City Council shall hold a public hearing and review the recommendation of the Planning Commission, along with any public testimony on the issue. The City Council must take final action on an amendment request and amendments shall be made by ordinance.

B. Criteria for Amendments: The burden of proof is upon the applicant. The applicant shall show the proposed change is:

1. In conformity with all applicable state statutes.
2. In conformity with the applicable Statewide Planning Goals; and
3. In conformity with the Madras Comprehensive Plan, Zoning and Land Use Ordinance, and policies; and
4. That there is a change of circumstances or further studies justifying the amendment or mistake in the original zoning.

**SECTION 8.3: RECORD OF AMENDMENTS** - The City Community Development Department and the City Recorder shall maintain records of amendments to the text and zoning map of the ordinance.

**SECTION 8.4: LIMITATION ON REAPPLICATION** - No application of a property owner for a rezone shall be considered by the Planning Commission within a one (1) year period immediately following a previous denial of such request.

**SECTION 8.5: NOTIFICATION OF DECISION** - Within five (5) working days after a final decision on an amendment to the Comprehensive Plan, Zoning and Land Development Ordinance text or plan/zone map, the City Community Development Department shall provide the applicant and the Department of Land Conservation and Development a complete copy of the City Council decision; and shall also provide notice of the decision to all persons who participated in the local proceedings and requested in writing that they be given notice. The notice shall meet the requirements of ORS 197.615.

8-12.9.1

Madras Ordinances

8-12.9.4

## **ARTICLE 9: ADMINISTRATIVE PROVISIONS**

**SECTION 9.1: BUILDING PERMITS** - No permit shall be issued by the building official for the construction, reconstruction, alteration, or change of use of a structure or lot that does not conform to the requirements of the City of Madras Zoning and Land Development ordinance.

**SECTION 9.2: LAND USE PERMIT** - The words Land Use Permit, as used in this article, means any permitted use of land, other than a building, sign, sanitation, or utility connection permit.

**SECTION 9.3: ADMINISTRATIVE ACTIONS** - An application for a Land Use Permit, other than a Subdivision, Planned Unit Development, Comprehensive Plan Map Amendment, Zone Change and Master Planned Community Development Plan, may be decided as an administrative action.

[Amended by Ordinance No. 782, Passed by Council on December 12, 2006]

- A. Such an application shall be made to the Community Development Director who may act upon the application or refer the application to the Hearings Body for hearing.
- B. Notice of the application shall be sent within ten (10) days of the receipt of the application to persons entitled to notice as provided in Section 9.7.
- C. Any person may comment in writing on the application within ten (10) days from the date notice was mailed.

- D. The Community Development Director's decision shall be made within twenty (20) days after the mailing of this notice.
- E. The applicant and all persons commenting as provided in this section constitute parties to the administrative decision. Any party can appeal the decision in accordance with Section 9.21 of this article. On appeal, a de novo hearing shall be held.

**SECTION 9.4: MODIFICATION OF CONDITIONS**

- A. Purpose. To provide the applicant and or property owner a reasonable time limit and mechanism to request modification of conditions placed in an approved application.
- B. Time Limit. The request to modify conditions of an approved application shall be presented to the Community Development Director within six (6) months of the approval date of the application.

**8-12.9.4**

**Madras Ordinances**

**8-12.9.7**

- C. The request to modify conditions must be made and submitted on a City of Madras Community Development Department form.
- D. The request to modify conditions shall be presented to the City of Madras Planning Commission for their determination and decision.

**SECTION 9.5: FILING OF STAFF REPORT FOR HEARING**

- A. At the time an application requiring a hearing is filed, a hearings date shall be determined.
- B. A staff report shall be completed fifteen (15) days prior to the hearing.
- C. A copy of the staff report shall be filed with the Hearings Body, mailed to the applicant, and made available to such other persons who request a copy.
- D. Oral or written modifications and additions to the staff report shall be allowed prior to or at the time of the public hearing.

**SECTION 9.6: HEARINGS BODY ORDER** - The following shall serve as Hearings Body in this order:

- A. Planning Commission; or
- B. City Council; or where the Council feels that political or legal issues call for an independent review.

- C. City Council may appoint a special Hearings Officer to review a case in place of the Planning Commission or City Council, where the Council feels that political or legal issues call for an independent review.

**SECTION 9.7: NOTICE OF HEARING OR ADMINISTRATIVE ACTION**

- A. Notice of an application for a Land Use Permit, other than a utility facility line, shall be mailed at least ten (10) days prior to the hearing for those matters set for hearing, or within ten (10) days after receipt of an application for administrative action. Written notice shall be sent by mail to the following persons:
  - 1. The applicant;
  - 2. All owners of property abutting the subject property for a distance of two hundred fifty feet (250) feet. For the purpose of determining whether property abuts another property, intervening public and private ways and water courses shall not be considered.

**8-12.9.7**

**Madras Ordinances**

**8-12.9.13**

- 3. All owners of property located within two-hundred fifty feet (250') of the property which is the subject of a Plan Amendment Application or Zone Change Application.
- B. In addition to notice by mail or posting, a notice of a public hearing shall be published in a local newspaper in the City of Madras, no less than twenty (20) days and no more than forty (40) days prior to the public hearing.
- C. The failure of an adjacent property owner to receive mailed notice shall not invalidate any permit.

**SECTION 9.8: CONTENTS OF PUBLIC NOTICE**

- A. All public notices shall provide the nature of the applicant's request, the location of the property, public hearing date, time and place, and the right to comment in person or in writing.
- B. All notice for hearings shall contain a statement that recipients may request a copy of the staff report.

**SECTION 9.9: BURDEN OF PROOF** - The burden of proof is upon the applicant.

**SECTION 9.10: NATURE OF EVIDENCE** - All relevant evidence shall be received.

**SECTION 9.11: LIMITATION ON ORAL PRESENTATIONS** - The Hearings Body may set reasonable time limits on oral presentations.

**SECTION 9.12: STANDING** - Any person appearing on the record at the hearing or presenting written evidence in conjunction with an administrative action or hearing shall have standing and shall be a party.

**SECTION 9.13: RECORD**

- A. A magnetic tape record of the hearing shall be made.
- B. All exhibits presented shall be marked to show the application file number and the identity of the person offering the evidence.

**8-12.9.13**

**Madras Ordinances**

**8-12.9.16**

- C. Exhibits shall be numbered in the order presented, in two (2) categories, Proponents and Opponents, and shall be dated.
- D. When introduced, the Proponent or Opponent exhibit number or letter shall be read into the record.

**SECTION 9.14: PROHIBITION ON PRE-HEARING (EX-PARTE) CONTACTS** - The Hearings Body or any member thereof, shall not communicate directly or indirectly with any party or his representative in connection with any land use application issue involved in a public hearing except upon notice and opportunity for all parties to participate. Any pre-hearing ex-parte contacts shall be disclosed prior to the hearing.

**SECTION 9.15: CHALLENGE FOR BIAS, PREJUDGMENT OR PERSONAL INTEREST**

- A. Prior to or at the commencement of a public hearing, any party may challenge the qualifications of the Hearings Body, or a member thereof, for bias, prejudice or personal interest. The challenge shall be documented with specific reasons supported by facts.
- B. Should qualifications be challenged, the Hearings Body or the member shall disqualify themselves, withdraw or make a statement on the record of their capacity to hear the request and make a decision with no bias, prejudice or personal interest.

**SECTION 9.16: PUBLIC HEARING PROCEDURE**

- A. A public hearing shall be conducted in the following order:
1. The Hearings Body shall explain the purpose of the public hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.
  2. A statement by the Hearings Body regarding pre-hearing contacts, bias, prejudice or personal interest shall be made.
  3. Any facts received, notified or recognized outside of the hearing shall be stated in the record.
  4. Challenges to the Hearings Body's qualifications to hear the matter shall be stated.
  5. Order of presentation:

**8-12.9.16**

**Madras Ordinances**

**8-12.9.20**

- i. Staff report
- ii. Proponent's presentation
- iii. Opponent's presentation
- iv. Interested parties
- v. Proponent's rebuttal
- vi. Staff comments
- vii. Questions from or to the Chair may be entertained at any time at the Hearings Body's discretion.

**SECTION 9.17: OBJECTIONS TO JURISDICTION, PROCEDURE, NOTICE OR QUALIFICATIONS**

- Any objections not raised prior to or during the hearing are waived.

**SECTION 9.18: NOTICE OF DECISION** - The final decision shall be in writing and mailed to all parties; provided, however, one person may be designated by the Hearings Body to be the recipient of the decision for a group, organization, group of Petitioners, or similar collection of individuals constituting parties.

**SECTION 9.19: RE-APPLICATION LIMITED** - If a specific application is denied, no re-application for substantially the same proposal may be made for six (6) months following the date of the final decision.

**SECTION 9.20: REVIEW BY CITY COUNCIL OR PLANNING COMMISSION**

- A. A review of an administrative action or a Hearings Body's decision may be initiated by a majority of the Planning Commission or City Council.
- B. The review shall be initiated in writing within fifteen (15) days from the date of the final written decision of the Hearings Body.
- C. A review shall be conducted in the same manner provided for in appeals.

**8-12.9.21**

**Madras Ordinances**

**8-12.9.23**

**SECTION 9.21: APPEAL**

- A. The decision shall be final unless a written notice of appeal and fee is received within fifteen (15) days following the mailing of the final written decision.
- B. Who may file an appeal:
  - 1. A party.
  - 2. A person to whom notice was to be mailed in accordance with Section 9.7 of this Ordinance, and to whom no notice was mailed.
  - 3. Planning Commission. Provided, however, any appeal by the Planning Commission shall go directly to the City Council.
  - 4. Appeal of a City Council or Special Hearings Officer decision shall be appealed to the Land Use Board of Appeals (LUBA) pursuant to ORS 197.830. A notice of intent to appeal shall be filed with LUBA no later than twenty-one (21) days after a decision becomes final (Notice of Decision mailing date).
- C. A person to whom notice is mailed is deemed notified, even if notice is not received.

**SECTION 9.22: NOTICE OF APPEAL** - Every notice of appeal shall contain:

- A. The specific grounds relied upon for appeal.

- B. If a hearing was held, a transcription of the magnetic tape record.
- C. Failure to submit the transcription of the magnetic tape record shall render a notice of appeal insufficient, except that the said transcript may be submitted within ten (10) days after the date notice of appeal is filed.

**SECTION 9.23: HEARING ON APPEAL**

- A. All parties shall be mailed notice of hearing on appeal within ten (10) days of the hearing.
- B. The review on appeal shall be de novo, and shall be heard as provided in Section 9.9 through 9.18 of this Ordinance, except that redundant evidence shall not be allowed.
- C. The record of the proceeding from which appeal is taken, shall be a part of the record on appeal.

**8-12.9.24**

**Madras Ordinances**

**8-12.9.29**

**SECTION 9.24: RE-HEARING** - Re-hearings shall not be allowed.

**SECTION 9.25: DURATION OF PERMIT** - All Land Use Permits shall be valid for a period of one (1) year from the date of approval, unless a shorter or longer duration is granted or required as part of the approval. The date of the approval is the date the final written decision is mailed to the parties.

**SECTION 9.26: EXTENSION**

- A. Any Land Use Permit may be extended, prior to expiration, by the Community Development Director for periods of six (6) months up to not more than two (2) years. Such extensions shall be administrative, without notice, and in writing.
- B. No permit may be extended unless significant progress occurred during the duration of the permit or extension, or circumstances occurred, which were out of the applicant's control. If the permit is conditional, significant progress means, that some action must have commenced or occurred.

**SECTION 9.27: AUTHORIZATION OF SIMILAR USES** - The Planning Commission may permit, after holding a public hearing in accordance with Article 6, in a particular zone, a use not listed in this ordinance, provided the use is of the same general type as the uses permitted in that zoning district. However, this section does not authorize placement of a proposed use in a zone where the use is not listed, when that use is specifically listed in another zone, or when the proposed use is of the same general type as a use listed in another zone.

**SECTION 9.28: PROPOSED AMENDMENTS** - The City Council shall hold a public hearing on all changes to the Comprehensive Plan, zoning ordinance text and plan/zone map. All proposed amendments shall be processed in accordance with the public hearing procedures under Section 9.6 of this Ordinance. Text and map amendments shall also be submitted to the Department of Land Conservation and Development forty-five (45) days prior to the date set for final action except as provided for under ORS 197.610.

**SECTION 9.29: FINAL ACTION** - Except as provided for under ORS 227.178, the Planning Commission shall take final action on Conditional Use Permits and Variances, including the resolution of all appeals to the City Council under ORS 227.180, within one-hundred twenty (120) days from the date a complete application is submitted to the city. Within thirty (30) days of receipt of an application, the city shall review the application to determine whether it is complete. The applicant shall be notified of any missing materials within the thirty (30) day period. The one-hundred twenty (120) day time period shall commence on the date the application is deemed complete.

8-12.10.1

Madras Ordinances

8-12.10.2

## **ARTICLE 10: GENERAL PROVISIONS**

**SECTION 10.1: SEVERABILITY** - The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not effect the validity of the remaining portions of the ordinance.

### **SECTION 10.2: ENFORCEMENT**

- A. Administration. It shall be the duty of the Community Development Director to enforce the provisions of this ordinance pertaining to land use, construction, erection, location, or enlargement of any structure located within the City of Madras under the jurisdiction of this ordinance.
- B. Building Permits. No permit shall be issued by the Jefferson County Building Official for the construction, erection, location, enlargement, or change of use of a building, structure or lot that does not conform to the requirements of this ordinance.
- C. Authority. Whenever necessary to enforce the provisions of this ordinance, the City Community Development Director shall have recourse to every remedy provided by law.
- D. Violation of this ordinance as a nuisance. The construction, erection, location, enlargement or use or change in use of uses of any structure or property in violation of this ordinance of those conditions and limitations approved pursuant to the provisions of this ordinance shall be deemed a nuisance and may be enjoined, abated, or removed.

- E. Revocation for False Statement. The Planning Commission may revoke any permit granted pursuant to the provisions of this ordinance, if it is determined that the permit was issued on account of false statements contained in the application form or false representations made at a public hearing.
- F. Revocation for Non-Conformance. The Planning Commission may revoke any permit granted pursuant to the provisions to this ordinance for failure to comply with those conditions and limitations placed upon the exercise of the permit.
- G. Revocation Hearing. No permit shall be revoked without a public hearing held pursuant to the provisions of Article IX.
- H. Who May Request Revocation Hearing. A revocation hearing shall be held by the Planning Commission at the request of the Community Development Director or an interested person who has reasonable cause to believe that the provisions of this ordinance have been violated.
- I. Penalties of Violation.

**8-12.10.2**

**Madras Ordinances**

**8-12.10.5**

- 1. A violation of the provisions of this ordinance is punishable upon conviction by:
  - i. A fine of not more than \$100 for each day of violation where the offense is a continuing offense but such fine may not exceed \$1,000.
  - ii. A fine of not more than \$500 where the offense is not a continuing offense.

**SECTION 10.3: CORRECTIONS** - This ordinance may be corrected upon initiation by the order of the City Council, Planning Commission, or Community Development Director to cure editorial and clerical errors.

**SECTION 10.4: REPEALING CLAUSE** - Ordinance No.712 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed as of the effective date of this ordinance.

**SECTION 10.5: EMERGENCY CLAUSE** - The City Council of the City of Madras having reviewed the present zoning ordinance of the City of Madras and the Comprehensive Plan of the City of Madras and the need for enactment of ordinances to regulate land use within the city does hereby determine that this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the citizens of the City of Madras, and an emergency is hereby declared to exist, and this ordinance shall become in full force and effect from and after the date it is enacted and signed by the Mayor.

**PASSED** by the Council and approved by the Mayor on February 8, 2005.