Proposed Hermiston Municipal Code Chapter 157 Zoning Text Amendments - Voluntary

This draft includes only voluntary proposed amendments, all other amendments are required by State law. Proposed or moved text is shown in red, proposed text removal is shown in ~~strikethrough~~. Moved text is shown in red double underlined.

CHAPTER 157 - Zoning

GENERAL PROVISIONS

157.001 PURPOSE.

The several purposes of this chapter are to encourage the most appropriate use of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide for adequate light and air; to lessen congestion; to encourage the orderly growth of the city; to prevent undue concentration of population; to facilitate adequate provisions for community utilities and facilities such as water, sewerage, electrical distribution systems, transportation, schools, parks and other public requirements; and in general, to promote public health, safety, convenience and general welfare.

(Ord. 1840, passed 2-28-94)

157.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. As used in this chapter, the masculine includes the feminine and neuter, and the singular includes the plural.

ACCESSORY DWELLING UNIT. Interior, attached or detached residential structure that is used in connection with, or that is accessory to, a single-unit dwelling.

volume or pattern on adjacent roadways. The term Development for purposes of this chapter shall not mean interior remodeling, repairs or maintenance of improvements to any existing structure which does not increase the volume of the structure, specifically exempted under this chapter are building facades, roof or exterior wall repair or replacement, heating, ventilating or electrical alterations, or activities similar in character.

DEVELOPMENT SITE. An area consisting of a parcel or tract of land specifically identified by a proponent as the land to be altered or developed. All required area to meet parking standards and similar requirements for a particular development shall be included in the term; however, the total property ownership of the proponent will not be considered in the site if it is not necessary to the development.

Commented [KC1]: Voluntary Amendment - Moving these definitions up from the previous 157.161 for clarity and consistency.

DWELLING, MULTI-~~FAMILY~~UNIT (APARTMENT). A building containing ~~three~~ five or more dwelling units~~. For the purposes of this chapter multiple two0family dwellings on a single lot shall also be considered multi-family dwellings as long as the total number of dwelling units is equal to or greater than three.~~ on the same lot or development site, not including middle housing.

DWELLING, MULTI-UNIT (COTTAGE CLUSTER). A grouping of dwelling units that share a common courtyard, up to 12 units. Each dwelling unit has a small footprint or floor area. The dwelling units may be detached or attached, provided no one building or structure contains more than 4 dwelling units. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” “courtyard housing,” “garden apartments,” or “pocket neighborhood.”

DWELLING, MULTI-UNIT (QUADPLEX). Four attached or detached dwelling units in any configuration on a lot or parcel.

DWELLING, MULTI-UNIT (TRIPLEX). Three attached or detached dwelling units in any configuration on a lot or parcel.

Commented [KC2]: Voluntary Amendment - Since not yet a Large City, not yet required to allow Cottage Clusters, Quadplexes, or Triplexes. However, as already allow them, definition recommended to be updated to be consistent with State Law.

DWELLING, SINGLE-~~FAMILY~~UNIT. A detached building containing one dwelling unit and is meant to mean structures conforming to the Oregon State Building Codes, unless otherwise specified.

DWELLING, SINGLE-UNIT ATTACHED (TOWNHOME). A dwelling unit in a row of two or more attached units, located on its own lot that shares one or more common or abutting walls with an adjacent unit. A townhouse is also commonly called a "rowhouse," "attached house," "townhome," or "common-wall house."

Commented [KC3]: Voluntary Amendment - Since not yet a Large City, not yet required to allow Townhouses. However, as already allow them, definition recommended to be updated to be consistent with State Law.

~~(1)~~ DWELLING, SINGLE ROOM OCCUPANCY. A residential development with no fewer than four attached or detached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy. Dwelling units may be site-built, prefabricated, or manufactured.

(1) SINGLE ROOM OCCUPANCY UNIT. An individual unit within a single room occupancy. An SRO unit is not a dwelling unit with independent cooking and sanitation facilities.

DWELLING, TWO-~~FAMILY~~UNIT (DUPLEX). Two attached or detached dwellings in any configuration on a lot or parcel.~~A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.~~

DWELLING UNIT. A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar. Dwelling units may be site-built, prefabricated, or manufactured. ~~One or more rooms designed for occupancy by one family and not having~~

LOT DEPTH. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT LINE. The exterior boundary of a lot or parcel. For contiguous lots or parcels held in common ownership and combined for development purposes, the property line for purposes of setbacks shall be the exterior boundary of the combined lots or parcels. Unless otherwise specified, setbacks set forth in this code shall be measured to the property line.~~The property line bounding a lot.~~

Commented [KC4]: Voluntary Amendment - Allow lot line to encompass contiguous lots/parcels for flexibility.

LOT LINE, FRONT. In the case of an interior lot, the lot line separating the lot from the street, private road, or access drive, other than an alley. ~~, and i~~In the case of a corner or through lot, the shortest lot line along a street, private road, or access drive, other than an alley, or the property line toward which an existing building's entrance is oriented or over which the primary vehicular access to the property is gained. In the case of a corner lot with equal width and depth, either may be established as the front property line. In the case of a through lot, each street has a front property line.

LOT LINE, REAR. The ~~longest~~ lot line which is opposite and most distant from the front lot line. Where a ~~REAR LOT LINE~~rear lot line cannot be determined, such as in the case of an irregularly shaped lot, it shall be developed by striking a cord ten feet in length within the lot parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE. Any lot line not a front or rear lot line.

LOT WIDTH. The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

MANUFACTURED DWELLING. A residential trailer, mobile home, or manufactured home.

(1) MANUFACTURED HOME. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities; is intended for human occupancy and is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards

PLANNING COMMISSION. The city of Hermiston's Planning Commission.

QUALIFIED PROFESSIONAL. Any person licensed in Oregon as a professional architect, engineer (civil, geotechnical, structural, or traffic—depending on the sealed product), geologist, hydrogeologist, or landscape architect.

Commented [KC5]: Voluntary Amendment - added a definition of Qualified Professional to ensure consistent references in both Chapters 154 and 157 identifying who can undertake required reports/work.

RECREATIONAL VEHICLE. A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping, travel or seasonal use and including but not limited to travel trailers, truck campers, camping trailers, self-propelled motor homes and park trailers.

RECREATIONAL VEHICLE PARK. An area designed by the person establishing, operating, managing or maintaining the same for overnight camping by the general public or any segment of the public. Includes but is not limited to areas open to use free of charge or through payment of a fee or by virtue of rental, lease, license, membership, association or common ownership.

RESIDENTIAL ~~CARE~~ FACILITY. A residential care or residential training facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements 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.~~A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related.~~

RESIDENTIAL ~~CARE~~ HOME. A residential treatment or training home, as defined in ORS 443.400, a residential facility registered under ORS 443.480 to 443.500 or an adult foster

(10) One accessory dwelling unit subject to requirements of §157.136; ~~.~~

(11) Single room occupancy in accordance with the requirements of §157.154;

(12) Restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event subject to the requirements of SB 1561, adopted by the Oregon legislature in the 2026 regular session and made a part of ORS 197; and

~~(7)~~(13) Conversion of a commercial use to a residential use, subject to §157.157.

(B) Conditional uses permitted. In a R-1 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of §§ 157.205 through 157.210:

(1) Cemetery;

(2) Church;

(3) Community building;

(4) Day care home;

(5) Golf course and other open land recreational use, but excluding intensive commercial amusement use such as "pitch and putt" golf course, driving range, automobile race track or amusement park;

(6) Governmental structure or land use including but not limited to a public park, playground, recreational building, fire station, library, museum, or civic center;

(7) Hospital or nursing home;

(8) Mortuary;

(9) Private utilities including electric power substations, telephone exchanges, television, radio or microwave transmission facilities; and

(10) Schools: nursery or preschool, primary, elementary, junior or senior high, college.

~~(C)~~ Dimensional Standards~~Lot size~~. In a~~a~~ R-1 zone, the dimensional standards~~lot size~~ shall be as follows, except as provided in §157.140:

(C)

~~The minimum lot area shall be 8,000 square feet;~~

Standard	All Uses

Commented [KC6]: Voluntary Amendment - streamlining dimensional standards into tables for ease of organization and user-friendliness. Of note, the dimensions within this table have not changed, apart from the rear setback, as noted below.

Min. lot size (sq ft)	8,000
Min. lot depth (ft)	80
Min. lot width[a] (ft)	60
Min. Setback (ft, measured from foundation)	
Front	15
Garage	20
Covered patio or porch, front	10
Side	7
Side, corner lot on street side	10
Rear	10/20[b]
Height (ft)	35
Max. lot coverage[c] (%)	40

~~The minimum lot depth shall be 80 feet; and~~

~~The minimum lot width shall be 60 feet and 25 feet for cul-de-sac lots.~~

(a) Cul-de-sac lots may have a minimum lot width of 25 feet.

(b) Rear yard setbacks for structures 20 feet or less in height shall be 10 feet and increased to 20 feet for structures over 20 feet in height.

(c) Covered decks, porches, patios, and gazebos may occupy an additional 5% of total lot area.

Commented [KC7]: Voluntary Amendment - City is opting to streamline the progressive rear setback for easier administration.

~~(D) Setback requirements. Except as provided in § 157.140, in a R-1 zone the yards shall be as follows:~~

~~(1) The front yard shall be a minimum of 15 feet, measured from the foundation. The garage shall be constructed at 20 feet measured from the foundation. When a covered patio or covered porch is constructed in the front yard, the porch or patio may be constructed with a ten-foot setback.~~

~~(2) Each side yard shall be a minimum of seven feet, measured from the foundation, except that on corner lots the side yard on the street side shall be a minimum of ten feet measured from the foundation.~~

~~(3) The rear yard shall be a minimum of ten feet, measured from the foundation. However, for any structure exceeding 15 feet in height, the rear yard shall be increased one foot, up to a maximum of 25 feet, for every foot, or fraction thereof, above 15 feet.~~

~~(E) Heights of buildings. In a R-1 zone, no building shall exceed a height of 35 feet.~~

~~(F) Lot coverage. In a R-1 zone, buildings shall not occupy more than 40% of the lot area. Covered decks, porches, patios, and gazebos may occupy an additional five percent of the total lot area.~~

(Ord. 1840, passed 2-28-94; Am. Ord. 2138, passed 6-25-07; Am. Ord. 2180, passed 7-25-11; Am. Ord. 2251, passed 9-25-17; Am. Ord. 2322, passed 6-14-21) Penalty, see § 157.999

157.026 MEDIUM DENSITY RESIDENTIAL ZONE (R-2).

(A) Uses permitted outright. In a R-2 zone, only the following uses and their accessory uses are permitted outright:

(1) ~~a~~A use permitted outright in the R-1 zone; ~~and their accessory uses~~.

(2) Child care center; and

(3) Manufactured Dwelling Park in accordance with §157.146; and

(4) Attached single-unit housing in accordance with §157.153.

~~(1)~~

Commented [KC8]: Voluntary Amendment - Already allowed per existing Common Wall Housing Standards in HMC 157.153, but made explicit here.

(B) Conditional uses permitted. In a R-2 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of §§ 157.205 through 157.210:

(1) A use permitted as a conditional use in a R-1 zone;

(2) Beauty salon and barber shop with less than 2,500 gross square feet;

(3) Bed and breakfast~~, boarding, lodging or rooming house~~;

~~(4) Multiple-family dwelling;~~

~~(5)~~(4) Neighborhood grocery, drug store, convenience store or florist shop which serves the immediate neighborhood and with less than 4,000 gross square feet;

~~(6)~~(5) Planned unit development; and

~~(7)~~(6) Residential care facility.

(C) Dimensional Standards. In a R-2 zone, the dimensional standards shall be as follows

(1) A Manufactured Home Park shall have a minimum lot area of 1 acre. Setback, height, and lot coverage standards shall accord “All Other Uses” requirements.

~~(C) Lot size. In a R-2 zone, the minimum lot size shall be as follows:~~

~~(D) The minimum lot area for single-family and two-family dwellings shall be 6,500 square feet;~~

~~The minimum lot area for multiple-family dwellings shall be 9,000 square feet plus 1,500 square feet for each dwelling unit over two;~~

~~The minimum lot depth shall be 80 feet; and~~

~~(1)~~(2) As below, except as provided in §157.140: ~~The minimum lot width shall be 60 feet and 25 feet for cul-de-sac lots.~~

Standard	Single-unit & Duplex	All Other Uses
Min. lot area (sq ft)	6,500	-
Min. lot depth (ft)	80	80
Min. lot width[(a)] (ft)	60	60
Min. Setback (ft, measured from foundation):		
Front	15	15
Garage	20	20
Covered patio or porch, front	10	10
Side	5	5
Side, corner lot on street side	10	10
Rear	10/20[(b)]	10/20[(b)]
Max. height (ft)	35	35
Max. lot coverage[(c)] (%)	45	45

(a) Cul-de-sac lots may have a minimum lot width of 25 feet.

(b) Rear yard setbacks for structures 20 feet or less in height shall be 10 feet and increased to 20 feet for structures over 20 feet in height.

(c) Covered decks, porches, patios, and gazebos may occupy an additional 5% of total lot area.

Commented [KC9]: Voluntary Amendment - As previously noted, table reorganization is voluntary but recommended for streamlined organization. The standards in the table have not changed apart from the rear setback, as noted.

Commented [KC9R2]: The minimum lot size for multiple-unit dwellings have been removed as no longer allowed.

Commented [KC10]: Voluntary Amendment - City is opting to streamline the progressive rear setback for easier administration.

~~(E) Setback requirements. Except as provided in § 157.140, in a R-2 zone the yards shall be as follows:~~

~~(1) The front yard shall be a minimum of 15 feet, measured from the foundation. The garage shall be constructed at 20 feet measured from the foundation. When a covered patio or covered porch is constructed in the front yard, the porch or patio may be constructed with a ten-foot setback.~~

~~(2) Each side yard shall be a minimum of five feet, measured from the foundation, except that on corner lots the side yard on the street side shall be a minimum of ten feet measured from the foundation.~~

~~(5)~~(4) Office for an accountant, architect, attorney, chiropractor, optician, engineer, family counselor, psychiatrist, dentist or doctor, and clinic, with less than 4,000 gross square feet.

(C) Dimensional Standards. In a R-3 zone, the dimensional standards shall be as follows:

(1) A Manufactured Home Park shall have a minimum lot area of 1 acre. Setback, height, and lot coverage standards shall accord with multi-unit requirements.

~~(1) Lot size. In a R-3 zone, the lot size shall be as follows:~~

~~(2) The minimum lot area for single-family dwellings and two-family dwellings shall be 5,000 square feet for an interior lot and 6,000 square feet for a corner lot;~~

~~For multiple-family dwellings, the minimum lot area shall be 7,500 square feet or 2,000 square feet per dwelling unit, whichever is greater;~~

~~The minimum lot width at the front building line shall be 60 feet for an interior lot, 70 feet for a corner lot, and 25 feet for cul-de-sac lots; and~~

~~(3)~~(2) As below, except as provided in §157.140:~~The minimum lot depth shall be 80 feet.~~

Standard	**Single-unit, & Duplexes**	**Multi-unit (3+ Units)**	**All Other Uses**
Min. lot area (sq ft)			
Interior lot	5,000	7,500, plus 2,000/unit for each additional unit	-
Corner lot	6,000	7,500, plus 2,000/unit for each additional unit	-
Min. lot depth (ft)	80	80	80
Min. lot width[(a)] (ft)			
Interior lot	60	60	60
Corner lot	70	70	70
Min. Setback, Max. height, Max. lot coverage, Min. density:			
As established in §157.026(C).			

(a) Cul-de-sac lots have a minimum lot width of 25 feet.

Commented [KC11]: Voluntary Amendment - As noted, table reorganization is voluntary but recommended to streamline organization. The standards in the table have not changed apart from the rear setback.

~~(4) Setback requirements. Except as provided in § 157.140, in a R-3 zone the yards shall be as follows:~~

~~Lot coverage. In a R-4 zone, buildings shall not occupy more than 45% of the lot area. Covered decks, porches, patios, and gazebos may occupy an additional five percent of the total lot area.~~

(Ord. 1840, passed 2-28-94; Am. Ord. 2180, passed 7-25-11; Am. Ord. 2251, passed 9-25-17; Am. Ord. 2322, passed 6-14-21) Penalty, see § 157.999

157.029 RECREATIONAL RESIDENTIAL ZONE (RR).

(A) Uses permitted outright. In an RR zone, the following uses and their accessory uses are permitted outright:

(1) A use permitted outright in the R-3 zone;

(2) ~~Attached single-family~~Townhouse dwellings;

(3) Public recreational and accessory uses intermingled with residential development. Uses permitted include a golf course, other recreational uses, and uses accessory to such uses including but not limited to restaurants associated with such recreational use or uses, club house, driving range, putting greens, pro shop, meeting facilities, swimming pools, tennis courts, snack shop, walking paths and jogging/bike trails; and

(4) Recreational vehicle storage for use by residents of the Recreational Residential zone development within which the storage facility is located.

Commented [KC12]: Voluntary Amendment - Updated to Townhouse for consistent language with new definitions.

(B) Dimensional Standards. In a RR zone, the dimensional standards shall be as follows.

~~(B) Lot size. In an RR zone, the lot size shall be as follows~~:

~~(C) The minimum lot area for single-family detached and two-family dwellings shall be 5,000 square feet for an interior lot and 6,000 square feet for a corner lot;For multiple-family dwellings designed as other than two-family dwellings, the minimum lot area shall be 7,500 square feet or 2,000 square feet per dwelling unit, whichever is greater;~~

~~For attached single-family dwellings, the minimum lot area shall be 1,800 square feet per dwelling unit;~~

~~For single-family detached and for multifamily dwellings, the minimum lot width at the front building line shall be 50 feet for an interior lot, 60 feet for a corner lot, and 25 feet for cul-de-sac lots;~~

~~For attached single-family dwellings, the minimum lot width at the front building line shall be 20 feet; andThe minimum lot depth shall be 60 feet.~~

(1) A Manufactured Home Park shall have a minimum lot area of 1 acre. Setback, height, and lot coverage standards shall accord with multi-unit requirements.

~~(1)~~(2) As below, except as provided in §157.140:

~~Setback requirements. Except as provided in § 157.140, in an RR zone the yards shall be as follows:~~

~~(1) For detached single-family, two-family dwelling, and multifamily development the front yard shall be a minimum of 15 feet, measured from the foundation. The garage shall be constructed at 20 feet measured from the foundation. When a covered patio or covered porch is constructed in the front yard, the porch or patio may be constructed with a ten-foot setback;~~

~~(2) For attached single-family residential development, the front building setback shall be a minimum of 15 feet from the foundation;~~

~~(3) For detached single-family, two-family dwelling, and multifamily development, each side yard shall be a minimum of five feet, measured from the foundation, except that on corner lots the side yard on the street side shall be a minimum of ten feet measured from the foundation;~~

~~(4) For attached single-family, the side yard of the end units shall be a minimum of five feet; and~~

~~The back yard shall be a minimum of ten feet, measured from the foundation.~~

Standard	Single-unit & Duplex	Townhouse	Multi-unit (3+ Units)	All Other Uses
Min. lot area (sq ft)				
Interior lot	5,000	1,800	7,500, plus 2,000/unit for each additional unit.	-
Corner lot	6,000	1,800	7,500, plus 2,000/unit for each additional unit.	-
Min. lot depth (ft)	60	60	60	60
Min. lot width[(a)] (ft)				
Interior lot	50	20	50	-
Corner lot	60	20	60	-
Min. Setback (ft, measured from foundation):				
Front	15	15	15	-

Commented [KC13]: Voluntary Amendment - As noted, table reorganization is voluntary but recommended to streamline organization. The standards in the table have not changed.

(C) Setback requirements. Except as provided in §157.1420, in a C-1 zone no yard or vision clearance area shall be required except as follows:

(1) The front yard shall be a minimum of 20 feet measured from the foundation where abutting a residential zone;

(2) The side yard shall be minimum of 20 feet measured from the foundation where abutting a residential zone;

(3) The rear yard shall be a minimum of 25 feet measured from the foundation where abutting a residential zone; and

(4) All properties facing E. Main street from 3rd street to 7th street shall have a two-foot building setback from their front property line.

(D) Height of buildings. In a C-1 zone, no building shall exceed 50 feet in height.

(E) Restrictions on use. In a C-1 zone, the following conditions and restrictions shall apply:

(1) All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building, except for off-street parking and loading, drive-in windows, island service for motor vehicles and display of merchandise along the outside wall of the building not extending more than three feet from the wall, unless conducted as part of a special event and authorized by the City Council;

(2) All items produced or wares and merchandise handled shall be sold at retail on the premises except in the case of §157.040 (A);

(3) Where there are existing residential dwellings, they and their accessory uses may be maintained, expanded or reconstructed in conformance with the development standards of the R-3 zone; ~~and~~

(4) Residential uses shall not be allowed on the ground floor of commercial buildings in the C-1 zone;~~.~~

(5) Residential uses permitted under this section shall be subject to all design standards in §157.027 and §§157.175 to 157.179 of this chapter, unless otherwise specified under §157.157; and

(6) For market rate residential development, residential uses will not be allowed in ground-floor storefront spaces on arterial or major collector streets as defined in the Hermiston Transportation System Plan.

~~a)~~

Commented [KC14]: Voluntary Amendment - Planning Commission recommends restricting residential uses in the ground-floor storefront space, as in the DCO, but revised to only be applicable on key streets, aligned with arterials or major collectors as defined by the TSP.

(Ord. 1840, passed 2-28-94; Am. Ord. 2217, passed 3-24-14) Penalty, see § 157.999

157.041 OUTLYING COMMERCIAL ZONE (C-2).

(A) Uses permitted outright. In a C-2 zone, only the following uses and their accessory uses are permitted outright:

(1) A use permitted outright in a C-1 zone, except market rate multi-unit apartment dwellings;

(2) Amusement enterprise, including pool hall, bowling, dancing hall, skating rink, when enclosed in a building;

(3) Auditorium, exhibition hall or other public assembly room;

(4) Automobile, boat or trailer sales, rental, service and repair;

(5) Automobile service station;

(6) Automobile laundry;

(7) Day care home ~~or nursery~~;

~~(8)~~ ~~Mortuary, undertaking or funeral parlor;~~

~~(9)~~(8) ~~Motel;~~

~~(10)~~(9) Recreational vehicle park subject to requirements of §157.147;

~~(11)~~(10) Taxidermy shop; and

~~(12)~~(11) Tire shop, including tire recapping.

(B) Conditional uses permitted. In a C-2 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of §§ 157.205 through 157.210:

(1) Amusement enterprise not enclosed in a building including, but not limited to, "pitch and putt" golf course, driving range, archery range, automobile race track and drive-in theater;

~~(2) Caretaker's residence subject to the following conditions:~~

~~(a) Residence shall be a manufactured dwelling complying with the 1976 HUD codes and shall be skirted;~~

~~(b) The residence shall be furnished with all utilities including telephone;~~

~~(c) The facility shall be set back from all streets as far as practical and still be in conformance with the setback requirements as established in the Uniform Building Code;~~

~~(d) The caretaker's residence shall be allowed only in conjunction with a business which requires the outside storage or display of wares~~

Commented [KC15]: Voluntary Amendment - City has opted to not allow market rate apartments in the C-2 zone.

and loading, drive-in windows, island service for motor vehicles, display of merchandise along the outside wall of the building not extending more than four feet from the wall, and outside dining, unless conducted as part of a special event and authorized by the City Council;~~.~~

(2) Where there are existing residential dwellings, they and their accessory uses may be maintained, expanded or reconstructed in conformance with the development standards of the R-3 zone;~~.~~

(3) For market rate residential development, residential uses will not be allowed in ground-floor storefront spaces on arterial or major collector streets as defined in the Hermiston Transportation System Plan; and

~~Residential uses shall not be allowed within the storefront space on the ground floor of buildings within the DCO Zone.~~

~~(3)~~(4) Residential uses permitted under this section shall be subject to all design standards in §157.027 and §§157.175 to 157.179 of this chapter, unless otherwise specified under §157.157.

Commented [KC16]: Voluntary Amendment - Planning Commission recommends restricting residential uses in the ground-floor storefront space, as in the DCO, but revised to only be applicable on key streets, aligned with arterials or major collectors as defined by the TSP.

(H) Design standard. In a DCO Zone the following design standards shall apply:

(1) Primary entrances shall be protected from weather by either the addition of an awning, recessed building entry or other method as approved by the Planning Director.

(2) Lighting shall be provided for building entrances, parking areas and pathways.

(3) Off-street parking is not allowed between buildings and the street to which they are oriented. Parking and other vehicle areas shall be allowed between alleys and buildings.

(4) Ground floor windows shall be provided along 30% of the ground floor street facing elevations.

(5) Any new drive-up/drive-through facilities established after the adoption of the ordinance codified in this chapter shall be oriented toward an alley, driveway, or interior parking area, and not a public street.

(6) Drive-up/drive-in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.

(I) Access. All lots shall abut a public street, other than an alley, for a minimum width of 25 feet.

(2) Allow different types of compatible land uses close together to shorten traffic trips and facilitate all modes of transportation such as vehicles, pedestrians and bicycles.

(B) Uses permitted outright.

(1) In the NCO zone, all uses and accessory uses permitted outright in the outlying commercial zone (C-2) are allowed.

~~(1)~~(2) Market-rate apartments. ~~Residential uses are permitted on upper stories and on ground floors when not located within storefront space.~~

Commented [KC17]: Voluntary Amendment - The city is recommending allowing apartments in the NCO, given the intent of the overlay, and as they will continue to have decision-making over where the overlay is applied.

(C) Conditional uses permitted.

(1) In the NCO zone, the conditional uses and their accessory uses permitted in the outlying commercial zone (C-2) are permitted when authorized in accordance with the requirements of ~~§§~~ 157.205 through 157.210;

(2) Mini-storage; and

~~(3) Multiple-family dwelling.~~

(D) Restrictions on use. In the NCO zone, the following conditions and restrictions shall apply:

(1) Where there are existing residential dwellings, they and their accessory uses may be maintained, expanded or reconstructed in conformance with the development standards as established in the R-3 zone;~~.~~

(2) The outside storage of junk shall be contained entirely within a sight-obscuring fence when adjacent to a residential use of property;~~.~~ and

(3) Residential uses permitted under this section shall be subject to all design standards in §157.027 and §§157.175 to 157.179 of this chapter, unless otherwise specified under §157.157.

(E) Setback requirements. In the NCO zone the yards shall be as follows:

(1) The setback from any street shall be 20 feet. However, if solid ground cover landscaping is provided and maintained, the setback from a street may be reduced to ten feet;

(5) Reclamation plan and support documentation submitted to the Oregon Department of Geology and Mineral Industries (DOGAMI) in compliance to ORS 517.750 through 517.900, and documentation of DOGAMI's approval of the plan.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.9990

157.150 TRANSPORTATION IMPROVEMENTS, STANDARDS, AND PROCEDURES.

(A) Purpose. The purpose of this section is to provide standards and procedures to implement provisions of the State Transportation Planning Rule (OAR 660, Division 12) and local, regional, and state transportation plans.

(B) Applicability. The provisions of this section shall apply to all development and subdivisions subject to the Development Standards of §157.160 et seq.

(C) Notice and coordinated review. If a proposed development or subdivision is within 200 feet of a state highway, or an arterial or collector street, notice of the proposal shall be provided to the Oregon Department of Transportation (ODOT) and Umatilla County. Notice will help identify agency standards and provide an opportunity for agency input and coordinated review of transportation impacts.

(D) Zone changes. In addition to the zone change approval criteria set forth in §157.226(~~E~~F), all zone changes shall conform to the adopted Transportation System Plan (TSP). Proposed zone changes shall not substantially impact the functional classification or operation of transportation facilities. To ensure proper review and mitigation, a traffic impact study may be required for proposals that may impact transportation facilities, apart from those under subsection §157.150(E)(2).

(E) Traffic impact study.

(1) The applicant for a zone change, or a development or subdivision subject to the Development Standards of §157.160 et seq., shall submit a traffic impact study when the proposal meets the criteria as detailed in Section 5-1.1(D) of Hermiston's Public Works Standards. ~~affects a transportation facility if it:~~

Commented [KC18]: New TSP amendment language, update as accept when officially adopted/appeal period up.

157.153~~2~~ COMMON WALL HOUSING.

(A) Common wall, attached single-~~family~~unit housing shall be allowed in the R-2, R-3, R-4 and RR zones. Attached single-~~family~~unit housing shall not be allowed in the R-1 zone.

(B) Where common wall housing is proposed, the minimum lot area shall be calculated using the density standards of the underlying zone for the number of units. At no time may there be more common wall units than would be allowed for traditional single lot multi-~~family~~unit housing.

(C) There shall be no setback for attached units where abutting a common wall. The side yard setback on each end of a common housing block shall be the same as that in the underlying zone.

(D) Front and rear setbacks shall be the same as those in the underlying zone.

(E) Lot coverage requirements shall be calculated for the aggregate of all common wall attached units and shall be the same as the coverage requirement in the underlying zone.

(F) Where common wall dwellings abut a lot line, all provisions of the building code for zero lot line housing shall apply.

(G) Where common wall dwellings are proposed, each dwelling shall be serviced by an individual water meter and sewer connection. Group metering and connections are not allowed.

(H) All units with a common wall must be constructed concurrently and be under the same ownership at the time of initial construction.

Commented [KC19]: Voluntary Amendment - These standards have not been changed at all, but the section has been reordered to be next to the other residential standards below.

~~DEVELOPMENT. The conversion or change in character of occupancy or use of a building which would place the structure in a different building group as defined in the Uniform Building Code; the erection of a new structure; the demolishing of existing buildings for the conversion of property to a differing use; the creation of gasoline pumps, drive-up windows, traffic islands or similar alterations which channelize, alter or increase the traffic volume or pattern on adjacent roadways. The term Development for purposes of this chapter shall not mean interior remodeling, repairs or maintenance of improvements to any existing structure which does not increase the volume of the structure, specifically exempted under this chapter are building facades, roof or exterior wall repair or replacement, heating, ventilating or electrical alterations, or activities similar in character.~~

~~DEVELOPMENT SITE. An area consisting of a parcel or tract of land specifically identified by a proponent as the land to be altered or developed. All required area to meet parking standards and similar requirements for a particular development shall be included in the term; however, the total property ownership of the proponent will not be considered in the site if it is not necessary to the development.~~

Commented [KC20]: Voluntary Amendment - Added these definitions to the overall 157.002 for consistency and clarity, making this section redundant.

~~(Ord. 1840, passed 2-28-94)~~

157.161~~2~~ ISSUANCE.

No building permit may be issued for any development within the city unless it has met the terms of this section.

(Ord. 1840, passed 2-28-94)

157.163~~2~~ IMPLEMENTING ACTION.

The following development shall fall within the scope of this subchapter and shall be required to comply with the requirements identified herein:

(E) New residential, commercial, industrial or utility facility development;