

Article 5 Conditional Uses

SECTION 5.1 - AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES.

- (1) Conditional uses listed in this ordinance may be permitted, enlarged, or otherwise altered upon authorization by the City Council in accordance with the standards and conditions in this Article. In permitting a conditional use or the modification of a conditional use, the City Council may impose, in addition to those standards and requirements expressly specified by the ordinance, any additional conditions which the City Council considers necessary to protect the best interest of the surrounding property or the City as a whole.
- (2) STANDARDS FOR GRANTING CONDITIONAL USES.
- (A) The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies of the City.
- (B) Taking into account location, size, design and operation characteristics, the proposal will have 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.
- (C) 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.
- (D) The proposal will preserve assets of particular interest to the community.
- (E) 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.
- (F) Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
1. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
 2. The project is designed to minimize avoidable environmental impacts

to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

3. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
 4. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
- (G) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

(3) PLACING CONDITIONS ON A PERMIT. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following.

- (A) Increasing the required lot size or yard dimension
- (B) Limiting the height, size or location of buildings
- (C) Controlling the location and number of vehicle access points
- (D) Increasing the street width
- (E) Increasing the number of required off-street parking spaces
- (F) Limiting the number, size, location and lighting of signs
- (G) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property
- (H) Designating sites for open space
- (I) Requiring proper drainage and pest control
- (J) Placing time limits on the use and requiring periodic reviews

- (4) PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE APPLICATION.
- (A) Application for a Conditional Use. A property owner may initiate a request for a conditional use or the modification of a conditional use by filing an application with the City Recorder. The City Council may require other drawings or information necessary to an understanding of the proposed uses and its relationship to surrounding properties.
- (B) Public Hearings on Conditional Use. Before the City Council may act on a request for a conditional use, it shall hold a public hearing.
- (C) Notification Action. Within 10 days after a decision has been rendered by the City Council with reference to a request for conditional use, the City shall provide the applicant with written notice of the decision of the Council.
- (D) Time Limit on a Permit for Conditional Use. Authorization of a conditional use shall be void after 6 months, unless substantial construction pursuant thereto has taken place. However, the City Council may, at its discretion, extend authorization for an additional 6 months on request.

PLANNED UNIT DEVELOPMENT

SECTION 5.2 - APPLICABILITY OF PLANNED UNIT DEVELOPMENT REGULATIONS. The requirements for a planned unit development set forth in this chapter are in addition to the conditional use procedures and standards of Article 5 of this ordinance.

SECTION 5.3 - PURPOSE FOR PLANNED UNIT DEVELOPMENT REGULATIONS. The planned unit development authorization serves to encourage developing as one project, tracts of land that are sufficiently large to allow a site design for a group of structures. Deviation from specific site development standards is allowable as long as the general purposes for the standards are achieved and the general provisions of the zoning regulations are observed. The planned approach is appropriate if it maintains compatibility with the surrounding area and creates an attractive, healthful, efficient and stable environment. It should either promote a harmonious variety or grouping of uses or utilize the economy of shared services and facilities. It is further the purpose of authorizing planned unit developments to take into account the following:

- (1) Advances in technology and design.
- (2) Recognition and resolution of problems created by increasing population density.
- (3) A comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits

increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.

- (4) The potential of sites characterized by special features of geography, topography, size or shape.

SECTION 5.4 - FINDINGS FOR PROJECT APPROVAL. The City Council may approve a planned unit development if it finds that the planned unit development will satisfy standards of both Article 5 of this ordinance and this section and including the following:

- (1) The proposed planned unit development is an effective design consistent with the Comprehensive Plan.
- (2) The applicant has sufficient financial capability to assure completion of the planned unit development

SECTION 5.5 - DIMENSIONAL AND BULK STANDARDS. A tract of land to be developed as a planned unit development shall be of a configuration that is conducive to a planned unit development.

- (1) The minimum lot area, width and frontage requirements otherwise applying to individual building sites in the zone in which a planned unit development is proposed do not apply within a planned unit development. Minimum setbacks from the planned unit development exterior property lines as required by the zone will be maintained.
- (2) Buildings, off-street parking and loading facilities, open space, landscaping and screening shall provide protection to properties outside the boundary lines of the development comparable to that otherwise required of development in the zone.
- (3) The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the planned unit development is proposed.

SECTION 5.6 - COMMON OPEN SPACE. Land shown on the final development plan as common open space shall be conveyed to an association of owners or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the City Council as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.

SECTION 5.7 - DESIGN STANDARDS. Although the planned unit development concept is intended to provide flexibility of design, the following are the minimum design standards which will be allowed:

- (1) Private streets shall have a minimum improved width of ten (10) feet for each lane of traffic. On-street parking spaces shall be improved to provide an additional eight (8) feet of street width. Rolled curbs and gutters may be allowed.
- (2) Utilities shall be underground where practicable.

SECTION 5.8 - ACCESSORY USES IN A PLANNED UNIT DEVELOPMENT. In addition to the accessory uses typical of the primary uses authorized, accessory uses approved as a part of a planned unit development may include the following uses:

- (1) Golf course
- (2) Private park, lake or waterway
- (3) Recreation area
- (4) Recreation building, clubhouse or social hall
- (5) Other accessory structures which are designed to serve primarily the residents of the planned unit development, and are compatible to the design of the planned unit development.

SECTION 5.9 - APPLICATION SUBMISSION. An applicant shall include with the application for approval of a planned unit development a preliminary development plan as described in this section. The procedure for review and approval of a planned unit development is the same as contained in Article 5 of this ordinance.

SECTION 5.10 - PRELIMINARY DEVELOPMENT PLAN. A preliminary development plan shall be prepared and shall include the following information:

- (1) A map showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.
- (2) Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses.
- (3) A plot plan for each building site and common open space area, showing the approximate location of buildings, structures and other improvements and indicating the open space around buildings and structures.
- (4) Elevation and perspective drawings of proposed structures.
- (5) A development schedule indicating:

- (A) The approximate date when construction of the project can be expected to begin.
 - (B) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin. Buildings shall conform to the Uniform Building Code (UBC) as of date of issue of the building permit.
 - (C) The anticipated rate of development.
 - (D) The approximate dates when each stage in the development will be completed.
 - (E) The area, location and degree of development of common open space that will be provided at each stage.
- (6) Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas.
- (7) The following plans and diagrams:
- (A) An off-street parking and loading plan.
 - (B) A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices shall be shown.
 - (C) A landscaping and tree plan.
- (8) A written statement which is part of the preliminary development plan shall contain the following information.
- (A) A statement of the proposed financing.
 - (B) A statement of the present ownership of all the land included within the planned unit development.
 - (C) A general indication of the expected schedule of development.

SECTION 5.11 - APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN. The approval of the preliminary development plan by the City Council shall be binding on both the City and the applicant. However, no construction shall commence on the property until approval of the final development plan is granted.

SECTION 5.12 - APPROVAL OF THE FINAL DEVELOPMENT PLAN.

- (1) The final development plan shall be submitted to the City Council within six months of the date of approval of the preliminary development plan. The City Council may extend for up to six months the period for filing of the final development plan. After review, the City Council shall approve the final development plan if it finds the plan is in accord with the approved preliminary development plan.
- (2) A material deviation from the approved preliminary development plan shall require the preliminary development plan to be re-examined by the City Council.
- (3) Within thirty (30) days after approval of the final development plan, the applicant shall file and record the approved final development plan with the Wallowa County Clerk.

SECTION 5.13 - CONTROL OF THE DEVELOPMENT AFTER COMPLETION. The final development plan shall continue to control the planned unit development after the project is completed and the following shall apply:

- (1) The building official may issue a certificate of completion of the planned unit development, shall note the issuance on the City's copy of the recorded final development plan.
- (2) After the certificate of completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:
 - (A) Minor modifications of existing buildings or structures.
 - (B) A building or structure that is totally or substantially destroyed may be reconstructed.
 - (C) An amendment to a completed planned unit development may be approved if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the Comprehensive Plan or related use regulations. The procedure shall be as outlined in Section 5-9 of this Article.