

ORDINANCE NO. 2175

AN ORDINANCE AMENDING THE HERMISTON ZONING ORDINANCE TO CREATE A NEW DOWNTOWN COMMERCIAL OVERLAY ZONE AND DESIGNATING PROPERTIES WITHIN THE OVERLAY ZONE.

THE CITY OF HERMISTON DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 157 of the Hermiston Code of Ordinances is hereby amended to add a new Downtown Commercial Overlay as follows:

157.042 DOWNTOWN COMMERCIAL OVERLAY ZONE (DCO)

(A) *Purpose.* The purpose of the downtown commercial overlay zone is to create a main street atmosphere in the historic downtown area. Specific goals are as follows:

(1) Be prepared to take advantage of opportunities for infill, redevelopment, and new development in downtown;

(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;

(3) Continue vehicle and pedestrian circulation systems that are safe, convenient, attractive and comfortable for pedestrians;

(4) Create, maintain and enhance public spaces such as plazas, parks, public buildings and places of assembly to allow events, informal meetings and social interactions with other people;

(5) Design and manage parking areas efficiently to provide adequate parking for employees and visitors to downtown and to minimize unnecessary surface parking.

(6) Design buildings to a scale that provides aesthetic appeal, pedestrian comfort and compatibility with other uses.

(B) *Uses Permitted Outright.*

(1) In the DCO zone, all uses and accessory uses permitted outright in the Central Commercial Zone (C-1) zone are allowed.

(2) Residential uses are permitted on upper stories and on ground floors when not located within storefront space.

(3) Off-street parking and loading, drive-in windows, and outside dining and the display of merchandise along the outside wall of the building when extending no more than four feet from the wall.

(C) *Conditional Uses Permitted.*

(1) In the DCO zone, the conditional uses and their accessory uses permitted in the Central Commercial Zone (C-1) are permitted when authorized in accordance with the requirements of §157.205 through §157.210 of this chapter, except for Multiple-family dwellings and Planned Unit Developments. Multiple-family dwellings are permitted outright if the residential units are on upper floors or on the ground floor, when they do not use storefront space.

(D) Prohibited Uses

(1) Planned Unit Developments are prohibited in the DCO Zone.

(E) *Setback Requirements.* Except as provided in §157.140, in a DCO zone, no yard 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 a minimum of 20 feet measured from the foundation where abutting a residential zone;

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

(D) *Height of Buildings.* In a DCO zone no building shall exceed 45 feet in height, except as allowed in § 157.140.B.

(E) *Restrictions on use.* In a DCO 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, 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) Residential uses shall not be allowed within the storefront space on the ground floor of buildings within the DCO zone.

(F) *Design Standards .* 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 and other vehicle areas are not allowed between buildings and streets or alley to which they are oriented..

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

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

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

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

(H) *Vision Clearance.* Vision clearance shall be provided as follows: The minimum distance shall be 15 feet at street intersections including an alley or service drive; except that when the angle of intersection between streets is less than 30 degrees, the distance shall be 25 feet.

(I) *Historic Buildings.* The standards of §157.144 shall apply.

(J) *Implementing Action.* The following development shall fall within the scope of this subchapter and shall be required to comply with the requirements identified.

(1) New residential or commercial development;

(2) Expansion of single-family or duplex residential development costing in excess of 30% of the assessed value of the improvements on the property;

(3) Reconstruction of a single family or duplex residential casualty loss costing in excess of 130% of the previously assessed value of the structure itself;

(4) Expansion of multiple-family or commercial development costing in excess of 50% of the assessed value of the improvements on the property;

(5) Reconstruction of multiple family; commercial casualty loss in excess of 110% of the previously assessed value of the structure itself.

(K) *Site Plan Review*

(1) The applicant shall complete a building permit application as provided by the city provide a site plan, landscape plan and building elevations, All plans shall be drawn to scale and show the following:

- (a) All existing and proposed structures and their exterior dimensions;
- (b) All streets, alleys and other public right-of-way;
- (c) Existing and proposed utility lines and/or easements;
- (d) Building setbacks;
- (d) Location of utilities and proposed connection routes;
- (e) Off-street parking;
- (f) Curb cut and sidewalk locations and dimensions and drainage plan.
- (g) Landscape plans,
- (h) Screening,
- (i) Lighting,
- (j) Pedestrian amenities, including location of street furnishings
- (k) Building elevations
- (l) Fire flow and similar requirements.

(2) At the applicant's request site plan review can occur prior to submittal of a request for building permit.

(3) Where the applicant's development site abuts existing curb and gutter, sidewalks in conformance with city standards are required to be constructed to the extent curb and gutter exist at the time of application.

(4) The applicant shall be required to participate in a future improvement district to construct and dedicate all public facilities, such as water, wastewater, drainage, curb, gutter, sidewalk and street right-of-way adjacent to the development in conformance with city standards and provide easements or deeds to the city for all public facilities. However, where it is determined that delaying the design and construction of any or all facilities is not appropriate and logical, or causes an adverse impact on surrounding properties, the city may require the developer to construct and dedicate all improvements as a condition of development.

(5) Where it has been determined that the extension of public facilities is required, all costs related to the extension shall be borne by the developer. In addition, any extension of the facilities shall be continued and extended in a logical fashion to the extent of the development site so as to be readily available for adjacent development.

(6) Where the improvement installed by a developer shall benefit other properties, a mutually agreeable settlement shall be arrived at between the city and the developer prior to installing the improvements. This agreement shall identify the benefiting properties, actual costs to be charged and method of repayment to the developer. Where prior agreement exists for

improvements benefiting the subject property, the applicant shall make arrangements with the city for the payment of the improvements prior to issuance of any city permit.

(7) The developer shall provide proof of review and approval by all affected and/or county agencies, such as the Department of Transportation or County Planning Department. (Ord. 1840, passed 2-28-94) Penalty, see § 157.999)

(L) *Final Approval.* In the DCO zone, the standards of §157.165 shall apply.

(M) *Off-street Parking Requirements*

(1) The requirements of §157.175 shall apply. Surface parking shall not exceed 110% of the minimum parking required when parking is provided on-site. Exemptions to the standard can be approved for developments that provide shared parking, valet parking spaces or similarly managed parking accommodations.

(2) Off street parking shall be provided in accordance with §157.176.

(3) **Parking Credits:** Credits may be granted for on-street parking and public parking lot spaces as follows:

(a) **Credit for on-street parking:** The amount of required off-street parking may be reduced by one, off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, subject to City standards, except that angled parking may be allowed, as approved by the City. The configuration of the on-street parking and allowable credit toward off-street parking requirements shall be addressed during site plan review. The city shall maintain a written record of credits granted per each use.

(b) **Credit for public parking lot spaces:** For the first 5,000 gsf of building area, and for development located between S.E. 4th Street and Highway 395, credit shall be given for public parking lot spaces. The amount of required off-street parking may be reduced by one off-street parking space for every parking space provided in a city public parking lot located within the Downtown Commercial Overlay district.

(4) **Shared Parking:** Parking facilities may be shared by users on adjacent parcels if the following standards are met:

(a) One of the parcels has excess parking spaces, considering the present use of the property, the other parcel lacks sufficient area for required parking spaces,

(b) the total number of parking spaces meets the standards for the sum the number of spaces which would be separately required for each use;

(c) legal documentation shall be submitted verifying permanent use of the excess parking area on one lot by patrons of the uses deficient in required parking area.

(5) **Joint Use Parking:** Joint use of parking spaces may occur where two or more separate developments or multiple uses in a development are able to jointly use some or all of the same required parking spaces because their parking demands occur at different times. Joint use of parking spaces may be allowed if the following standards are met:

(a) There shall be no substantial conflict in the principal operating hours of the buildings or uses for which the joint use parking is proposed. Future change of use, and continuation of joint use parking agreement must be approved by the city.

(b) The joint use parking spaces shall be located no more than 400 feet from a building or use to be served by the joint use 200 feet;

(c) The number and location of parking spaces, hours of use and changes in operating hours of uses subject to joint use shall be approved by the city.

(d) Legal documentation to the satisfaction of the City Attorney, shall be submitted verifying the joint use of parking between the separate developments.

(N) *Signs* –The provisions of Chapter 155 shall apply except that sandwich “A” board and portable signs shall be allowed. Sandwich board and portable signs shall not exceed a 12 square feet on each side, or a total of 24 square feet.

(1) Sandwich “A” boards and other portable signs are permitted along the outside wall of the building not extending more than four feet from the wall.

(2) Sandwich boards do not count against the maximum number of signs allowed.

SECTION 2. The DCO zone shall be defined as follows:

Beginning at a point at the southeast corner of Highway 395 S and E Hurlburt Ave and running south to an alley located at the midpoint between E Hurlburt Ave and E Newport Ave; thence east along said alley to the intersection of the alley and SE 4th Street; thence north along the centerline of SE 4th Street to an alley at the midpoint between E Main Street and E Hurlburt Ave; thence east along said alley to the intersection of SE 7th Street; thence north along the centerline of 7th Street to an alley at the midpoint between E Main Street and E Gladys Ave; thence west along said alley to the intersection of NE 4th Street; thence north along the centerline of NE 4th Street to an alley at the midpoint between E Gladys Ave and E Ridgeway Ave; thence west along said alley to the east line of N First Street; thence south along the east line of N First Street to the point of beginning.

SECTION 3. The findings of fact as adopted by the City Council on July 25, 2011 are incorporated herein by reference.

SECTION 4. The effective date of this ordinance shall be the thirtieth day after enactment.

PASSED by the Common Council this 25th day of July, 2011.

SIGNED by the Mayor this 25th day of July, 2011.

MAYOR

ATTEST:

CITY RECORDER