

CITY OF WHEELER, OREGON ZONING ORDINANCE

ARTICLE 11: SUPPLEMENTARY PROVISIONS

Section 11.010. Intent.

The purpose of the supplementary provisions article is to provide for general zoning rules including suitable access, parking, and sign control and to make provisions for geologic investigations, home occupations, and criteria for approval of mobile home parks.

Section 11.020. Geologic Investigations.

1. Site-specific investigations by a qualified professional engineering geologist or qualified professional soils engineer licensed in the State of Oregon shall be a prerequisite for:
 - a. The issuance of any building permits where ground disturbing activities are proposed;
 - b. All proposals for divisions of land;
 - c. Where required by the City prior to excavation for the installation of utilities; and
 - d. For the construction of roads and streets.
2. Site-specific investigations shall be conducted at the developer's expense. Results of the site investigations shall be made available to the city prior to scheduling of public hearings or prior to project commencement in cases where a public hearing is not required.
3. The site investigation report should make it possible for engineers, planners, and city officials to calculate and design for geologic risks. A complete site-specific report shall include the following types of information:
 - a. Identification of topographic elements: soil and bedrock topology; depth of soil to bedrock; permeability and other engineering characteristics of soil and bedrock; contour mapping or slope analysis, comparison of contour with geologic bedrock bedding planes; and other structural details important to engineering and geologic interpretations.
 - b. Identification of elements of the area water cycle including: identification and assessment of the surface water drainage pattern; characteristics of the area's groundwater including groundwater depth and rate of accumulation; projects storm drainage runoff and design; and probable changes of the water cycle.
 - c. Identification and location of any historic, existing or potential geologic hazard or major landslide activity affecting the proposed project, future landowners, adjacent properties, or public facilities.
 - d. Results of field and laboratory investigations, including use of drill-hole data, aerial photography, soils testing or field check as necessary to verify project safety.

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- e. Discussion of possible project design techniques for control of erosion, slope stability and storm runoff.
 - f. The report should also contain a bibliography of references used, dates of field checks or other geologic literature pertinent to the site investigation.
4. The proposed use will be permitted only if:
- a. A feasible engineering solution to each potential building hazard is proposed which could eliminate the hazard to the proposed structure or surrounding properties.
 - b. The City may charge the applicant, owner, or developer a reasonable fee for the cost of reviewing the adequacy of the site investigation for any potentially hazardous area.
5. If site inspection reveals conditions which exceed those prescribed by this ordinance or by the approved permit, the City may require appropriate corrective measures at the cost of the developer to assure compliance with the purpose of this ordinance.
6. For any geologic investigation report and geotechnical engineering report submitted, both registered professionals of record shall be required to within their respective lawful scope of practice:
- (a) Review final plans for development and submit a signed and stamped certification report that all recommendations have been incorporated into development plans.
 - (b) Review sub-grade excavations, fills, and storm water drainage facilities and submit a signed and stamped certification report that all recommendations have been met.
 - (c) Perform a final inspection of the site and submit a signed and stamped certification report that all recommendations have been met.

Section 11.030. Survey Required.

Prior to the issuance of any building permit for new construction of a new dwelling or placement of a manufactured home, or any construction which expands the dimensions of a structure and may encroach into setbacks or other building limitations, the City Recorder will require a boundary survey of the property. All new construction and substantial renovation in the 100-year flood plain shall require a Certificate of Elevation by a registered surveyor.

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Section 11.040. Manufactured Dwelling Standards.

1. The manufactured dwelling shall be multi-sectional and enclose a space of not less than 1,000 square feet.
2. The manufactured dwelling shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured dwelling is located not more than 18 inches above grade.
3. The manufactured dwelling shall have a pitched roof with a nominal pitch of at least three feet in twelve feet.
4. The manufactured dwelling shall have exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials commonly used on surrounding dwellings as determined by the City Recorder.
5. The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope, meeting performance standards, which reduce levels equivalent to the performance standards required of single family dwellings constructed under the State Building Code as defined in ORS 455.010

Section 11.050. Design Review.

1. All commercial and industrial development in any zone, any multifamily dwelling in any zone, is subject to design review by the Planning Commission.
2. When design review is required, no permit will be issued until site plans have been reviewed and approved under Comprehensive Plan Policies and Ordinance Provisions by the Planning Commission.
3. The site plan shall be drawn to a measureable scale and shall show the pre-construction or excavation condition of the site, and indicate any trees over 6 inches diameter at 4 feet above ground level, streams, lowlands, rock outcroppings, slopes, or other natural features. Building elevations shall indicate the type of materials to be used for roofing, siding, or other treatment. A plot plan with a complete landscape design shall indicate all retained mature vegetation, proposed plantings and ground covers, as well as other landscaping materials to be used, the extent and design of paved areas, culverts, and other proposed design features and functions.
4. The following guidelines shall be used by the Planning Commission in the evaluation of proposals:
 - a. Site Design
 - (1) Where existing natural or topographic features are present, they should be used to enhance the development. For example, incorporate small streams in the landscape design rather

than placing them in a culvert and filling.

- (2) Existing trees should be left standing except where necessary for building placement, sun exposure, safety or other valid purpose. Landscaped vegetation buffers shall be provided along major streets or highways, or to separate adjacent uses. The use of native plants is encouraged.
- (3) Graded areas shall be replanted as soon as possible after construction to prevent erosion. In areas where planting will not thrive, other materials such as wood fences, decorative rock, stone walls, and paving of brick or stone shall be used.
- (4) Exterior lighting shall be restrained in design, and shielded so as not to cast glare on adjacent private or public property or the night sky.
- (5) Storage or mechanical equipment shall be screened from view. Trash enclosures and screening shall be carefully located and treated to integrate with the appearance of the site/building design. Screen all outdoor storage. Roof top equipment shall be screened a minimum of 1 foot higher than the highest point on the equipment and shall be setback a minimum of 10 feet from the building edge.
- (6) Primary building entrances shall open directly to the outside and shall have walkways connecting them to the street sidewalk. Create storefronts and entries that are visible and easily accessible from the street. Either orient the primary entrance to the building along a street facing property line or create an ADA accessible courtyard / plaza incorporating pedestrian amenities including street trees, outdoor seating and decorative pavers. Ensure a direct pedestrian connection between the street and buildings on the site, and between buildings and other activities within the site. In addition, provide for connections between adjacent sites, where feasible.
- (7) Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located in areas accessible to the public are encouraged and may be calculated as part of the landscaping requirement. Benches in public areas on private property, adjacent to public right of way shall comply with design review standards for architectural style.
- (8) A landscaping plan shall be submitted which shows existing and proposed vegetation, trees, landscaping materials, a timeline for installation and maintenance, and other features in order to permit the Planning Commission to review the plan. Landscaping shall be provided along project site boundaries where it does not interfere with access and clear vision. Landscaping is intended to soften the effects of built and paved areas. It also helps reduce storm water runoff by providing a surface into which storm water can percolate.
- (9) Parking lots shall be divided into groups of no more than 8 spaces with landscaping and

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walkways dividing the groups. A walkway or sidewalk shall be provided to separate the parking from public streets and adjacent property. Parking shall be designed to be as unobtrusive as possible, through site location and landscaping.

- (10) Uses shall provide a hard-surfaced, well-marked and lighted pedestrian access system consistent with the accessibility standards of the Americans with Disabilities Act Accessibility Guidelines.

b. Building Design

- (1) The height and scale of the buildings should be compatible with the site and adjoining buildings. Use of materials should promote harmony with the surrounding structures and site. The materials shall be chosen and constructed to be compatible with the natural elements and applicable city ordinances.
- (2) Architectural style should not be restricted. Evaluation of a project should be based on quality of design and the relationship to its surroundings. However, the use of styles characteristic of Wheeler and the coastal area are preferred. These include the use of natural wood siding such as cedar shingles. The City encourages the use of pitched roofs, large overhangs, wood fences and wood signs. Colors should be earth tones harmonious with the structure, with bright or brilliant colors used only for accent.
- (3) Monotony of design in single or multiple building projects shall be avoided. Variety of detail, form, and site design shall be used to provide visual interest. In a Planned Development, no more than 25% of all buildings in the development shall replicate the same roofline or footprint.
- (4) Restaurants or facilities with late entertainment shall not have an adverse noise impact on adjacent residential uses and shall employ appropriate sound-proofing techniques.
- (5) The impact that structures will have on views from adjacent or other areas will be taken into account.
- (6) The property owner shall establish one street facing entrance or store front with access acceptable to the City.
- (7) The street facing entrance or store front shall provide windows or window displays a minimum of 4 feet in height along the ground floor street-facing frontage for a minimum of 50 percent of the horizontal length of the building. Glass doors may be credited toward the 50 percent requirement. This section shall not apply to multifamily dwellings.
- (8) Architectural features or landscaping shall be provided for at least 30 percent of the wall

length on each street facing elevation.

- (9) Multi-story commercial, mixed-use or multifamily dwellings shall have ground floors defined and separated from upper stories by architectural features that visually identify the transition from ground floor to upper story.
 - (10) Provide recessed shielded lighting on street-facing elevations. Provide articulated facades for every 40 feet of building length. Articulated facades shall contain at least one of the following features: building offsets, projections, changes in elevation or horizontal direction, or a distinct pattern of divisions in surface materials. Large expanses of blank walls shall only be located in areas that are not visible to the public.
 - (11) New commercial or mixed-use residential / commercial structures shall be encouraged to provide weather protection for pedestrians along street facing elevations.
5. **Performance Bond.**
The Planning Commission may require that the property owner furnish to the City a performance bond, cash or surety for the value of the cost of improvements that will be dedicated for public use in order to assure that the improvements are completed within the timeframe specified. These improvements may include open space, and infrastructure such as sidewalks, streets, water, sewer, and stormwater drainage.
 6. **Compliance with Approved Plans**
Compliance with conditions of approval and adherence to the submitted plans, as approved, is required. Any departure from these conditions of approval and approved plans constitutes a violation of this ordinance.
 7. **Time Limit for Design Review**
Approval of an application for design review shall be void after one year or such lesser time as the authorization may specify unless construction has taken place. The Planning Commission may extend authorization for an additional period not to exceed six months provided a written request is submitted to the City Manager at least 10 days prior to the expiration of the permit. The Planning Commission shall review the request at the next available Planning Commission meeting.
 8. **Limitations on Refiling of Application.**
Applications for which a substantially similar application has been denied will be heard by the Planning Commission only after a period of six months has elapsed from date of the earlier decision.

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Section 11.053. Clearing, Cutting, and Filling.

1. Corner elevations of a lot may not be altered such that they will increase the permitted maximum building height of a lot without approval of a variance by the City Planning Commission.
2. Uses Permitted Outright:
Brush clearing, tree removal, or removal of ground cover, except in a wetland or natural drainage way, as long as the existing soils and the general contour of the lot are retained.
3. A Clearing, Cutting or Filling Permit is required when:
 - a. Fill or excavation alters the general contour of the lot; or
 - b. Cutting or filling is within an area where the slope exceeds 29%; or
 - c. Cutting or filling will alter lot corner elevations; or
 - d. Clearing, cutting or filling is within wetland or natural drainage way including surface and subsurface water.
4. Standards:
 - a. A Geologic Investigation Report is required where cutting and filling is within an area that exceeds 29% slope or will result in an alteration of a wetland or natural drainage way including surface and subsurface water. The report shall demonstrate that the proposed activity will not increase the risk of soil destabilization and will not have an adverse impact on the site and surrounding property.
 - b. Best management practices for erosion prevention and sediment control such as those provided by the DEQ Erosion and Sedimentation Control Manual shall be utilized on areas of exposed soils and continuously maintained to prevent adverse impacts on adjacent and downslope properties. Bare soils shall be vegetated or covered to prevent soil erosion.
 - c. Where brush is cleared or trees are removed, debris shall be disposed of (mulched, burned, or removed) within 30 days from the start of the activity unless an alternate timeline is approved in writing by the city.
 - d. Stormwater drainage systems shall carry runoff to drainage ways such as storm drains, drainage swales and culverts, and shall be designed to avoid flooding of adjacent and downslope properties.
 - e. Whenever erosion, or sedimentation of adjacent or downslope properties is caused by stripping vegetation, grading or other development, it shall be the responsibility of the property owner, person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems and repair damage to property.
 - f. The property owner shall be responsible for the repair of slope instability or slope failure caused by adding water runoff to downslope properties, the stabilization of up-slope properties caused by cutting into the toe of a slope, and the repair of existing streets, public facilities, and surrounding properties damaged in the development of the property.
 - g. City staff may make periodic inspections to ensure erosion prevention, sediment control, and stormwater drainage measures are working effectively.

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- h. The City shall have the right to require the property owner to pay for additional measures to assure compliance with this ordinance.
- i. Filling of wetlands shall only be permitted after a permit has been issued by the Division of State Lands and U.S. Army Corps of Engineers.

Section 11.060. Home Occupations.

1. Purpose: This section attempts to recognize the need for people to conduct appropriate small-scale business activities at home. Provisions for home occupations in the section are also intended to achieve compatibility with other permitted uses and the residential character of the neighborhood and ensure that the home occupation is only an accessory use to the property.
2. Standards: All home occupations shall comply with the following standards:
 - a. No person other than a person who resides in the dwelling unit shall be engaged in the home occupation.
 - b. The home occupation shall be an accessory use conducted in the same structure as the dwelling unit.
 - c. The exterior appearance of the residential dwelling in which the home occupation is located shall not be altered in a manner which would cause the premises to differ from its residential character by the use of colors, materials, construction, or lighting.
 - d. The home occupation may have a nameplate not over two square feet in area attached to the building.
 - e. There shall be no outside storage of any kind related to the home occupation.
 - f. occupation shall not generate traffic, parking, noise, vibration, glare, fumes, or odors, beyond what normally occurs in the applicable zoning district.

Section 11.065. Bed and Breakfast Establishments.

Bed and Breakfast establishments shall conform to the following standards:

- (1) The number of guest bedrooms shall be limited to three (3).
- (2) The dwelling shall be owner occupied.
- (3) In addition to the required parking for the residents of the dwelling one off-street parking space for each guest bedroom shall be provided.
- (4) Signs shall be limited to one non-illuminated wall sign not exceeding three (3) square feet in area. The Planning Commission shall approve the placement of the sign.

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- (5) Establishments with more than two (2) guest bedrooms shall be licensed and inspected according to the State Health Division requirements.

Section 11.070. Access.

Each lot and parcel shall abut a street other than an alley for a width of at least 25 feet or have vehicular access by means of a recorded easement for a width of 25 feet.

Section 11.075. Maintenance of Public Access.

The City shall review, under ORS 368.326 - 368.366, proposals for the vacation of public easements or right-of-ways which provide access to estuarine waters. Existing right-of-ways and similar public easements which provide access to coastal water shall be retained or replaced if they are sold, exchanged or transferred. Rights-of-way may be vacated so long as equal or improved access is provided as part of a development project.

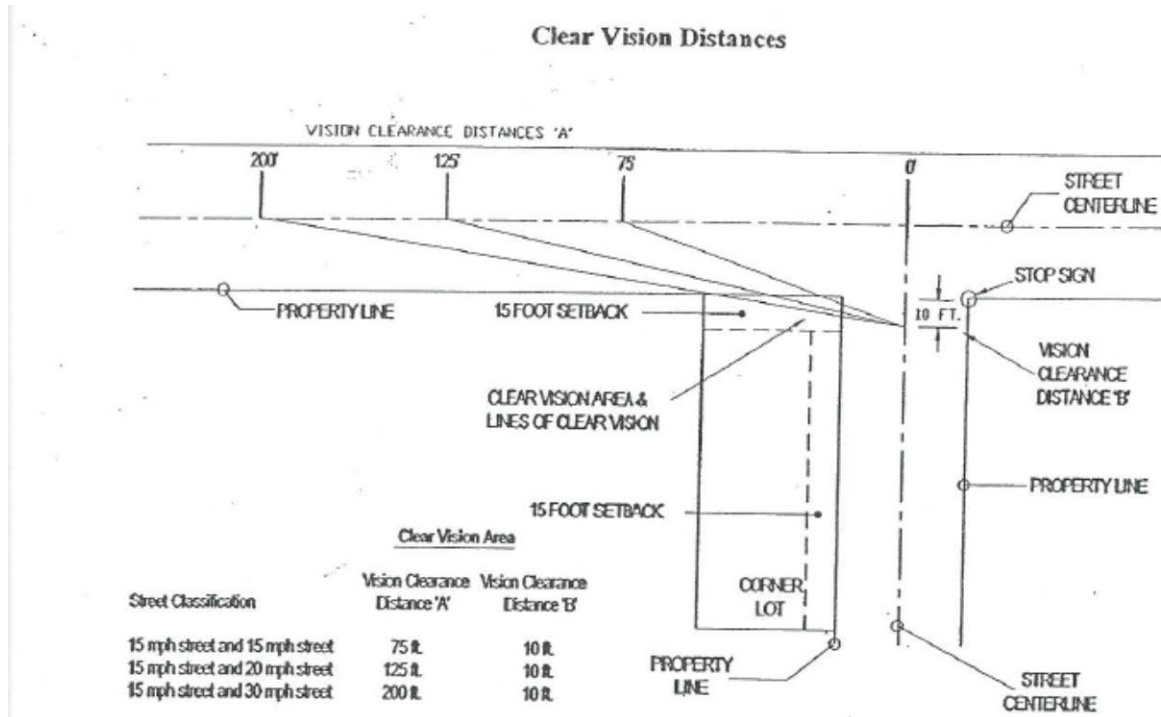
Section 11.080. Clear Vision Areas.

A clear-vision area shall be maintained on the corners of all property at the intersection of two streets.

1. A clear-vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners the lot lines extended in a straight line to a point of intersection and so measured, and the third side of each is a line across the corner of the lot joining the non-intersecting ends of the other two sides.
2. A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 3 feet in height, measured from the top of the curb, or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of 8 feet above the grade.
3. The following measurements shall establish clear-vision areas:
 - a. In a residential zone the minimum distance shall be 25 feet, or, at intersections including an alley, 10 feet.
 - b. In all other zones where yards are required, the minimum distance shall be 15 feet, or, at intersections including an alley, 10 feet, except that when the angle of intersection between streets, other than an alley, is less than 30 degrees, the distance shall be 25 feet.

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- c. In the General Commercial Zone, Clear Vision line of sight shall be maintained consistent with 'Clear Vision Distances' diagram. See below.



Section 11.090. Off-Street Parking and Loading Requirements.

At the time a new structure is erected, or the use of an existing structure is changed or enlarged, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless greater requirements are otherwise established. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this ordinance.

1. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.
2. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.
3. Owners of two or more uses, structures, or parcels of land may agree to utilize the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Commission in the form of deeds, leases, or contracts to establish the joint use. Where permitted, an appropriate directional sign to such parking shall be provided.

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4. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than 200 feet from the building or use they are required to serve, measured in a straight line from the building.
5. The area bounded by US Highway 101, Pine Street, First Street and Hall Street, generally referred to as the downtown area, shall be exempt from off street parking and loading requirements.

OFF-STREET PARKING AND LOADING REQUIREMENTS

USE	REQUIREMENT
(a) Dwelling	Two spaces for each dwelling unit
(b) Boarding, lodging, rooming house, motel, hotel, group cottage, or time share condominium	One space for each guest accommodation and one space for each two employees
(c) Hospital, nursing home or similar institution	One space for each three beds, plus one space per two employees on the largest shift
(d) Church, club, or similar place of assembly	One space for each six seats, or one space for each 50 square feet of floor area used for assembly
(e) Library	One space for each 400 square feet of floor area plus one space for each two employees
(f) Retail store, eating or drinking establishment	One space for each 200 square feet of floor area, plus one space for each two employees on the largest shift
(g) Service or repair shop, artist studio, or retail store handling bulky merchandise such as automobiles or furniture	One space for each 800 square feet of floor area, plus one space for each two employees on the largest shift
(h) Bank or professional offices, not including medical or dental clinics	One space for each 600 square feet of floor area, plus one space for each two employees

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| (i) | Medical, dental, or veterinary clinic | One space for each 400 square feet of floor area plus one space for each two employees |
| (j) | Day care center | One space per employee |
| (k) | Marina | One half of a parking stall per slip |
| (l) | Warehouse, storage and wholesale business | One space for each 1000 square feet of floor area or one space for each storage unit, plus one space for each employee on the largest shift |
| (m) | Manufacturing uses the largest shift | One space for each employee on |
| (n) | Cottage industry | One additional space for each employee outside the family |
| (o) | Caretaker, owner, or proprietor occupied dwelling when attached to a principle use | Two spaces for the dwelling plus the parking requirement of the principal use |
| (p) | Other uses not mentioned above | The Planning Commission shall determine parking requirements based on similar requirements in this section. |
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6. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting business or use.
7. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-weather use and be drained so as to avoid flow of water across public sidewalks or adjacent property.
8. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbances of residents by the erection between the uses of a sight-obscuring fence of not less than five or more than six feet in height except where vision clearance is required.

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9. Except for parking to serve single-family dwelling uses, parking spaces along the outer boundaries of a lot shall be contained by a curb or bumper rail at least four inches high and set back a minimum of four and one-half feet from the property line.
10. Artificial lighting which may be provided shall not create or reflect glare in a residential zone or on any adjacent dwelling.
11. All parking lots designed to accommodate more than five vehicles shall be developed with at least 10 percent of any uncovered parking area in plantings or other landscaping as approved by the Planning Commission. Such landscaping or plantings shall be located in defined planting areas evenly distributed throughout the parking area. The required planting areas shall have a width of not less than 3 feet. Landscaping shall be continuously maintained.
12. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required.
13. Loading of merchandise, materials, or supplies. Building or structures which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this ordinance may be used for loading and unloading operations during a period of the day when not required to take care of parking needs.