

CITY OF WHEELER, OREGON ZONING ORDINANCE

ARTICLE 15: CONDITIONAL USE/ACTIVITIES

Section 15.010. Intent.

In certain districts, conditional uses or activities may be permitted subject to the granting of a Conditional Use Permit. Because of their unusual characteristics or potential disruption of the area in which they are to be located, conditional uses require special considerations, so they may be properly located with respect to the comprehensive plan and to the objectives of this ordinance.

Section 15.020. Authorization.

Uses designated in this ordinance as conditional uses may be permitted, enlarged, or otherwise altered upon authorization by the Planning Commission. A conditional use may be authorized if the Planning Commission finds that it is in conformity with the comprehensive plan, that the proposed use of the site and design of the project will be compatible with permitted uses in the area, and the proposed use of the site and design of the project minimizes adverse impacts to the site and adjacent areas. The burden is on the applicant to demonstrate that these requirements can be met. In granting a conditional use, the city may impose the following conditions:

1. Increasing the required lot size or yard dimensions;
2. Reducing the required height and size of buildings;
3. Controlling the location and number of vehicle access points;
4. Increasing the required off-street parking spaces;
5. Increasing the required street width;
6. Limiting the number, size, location, and lighting of signs;
7. Requiring diking, fencing, screening, landscaping, berms, or other items to protect adjacent or nearby property;
8. Designating sites for open space; and
9. Increasing pipe size or other public facility installment requirements, such as for fire protection, water flow, sewerage, or storm drainage.

Section 15.030. Preexisting Conditional Uses.

In the case of a use existing prior to the effective date of this ordinance and classified in the ordinance as a conditional use, any change in use or in lot area or an alteration of structure shall conform with the requirements for a conditional use.

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Section 15.040. Application.

Any person seeking a conditional use permit shall provide the Planning Commission such information as they require to determine whether the permit is authorized by law. At minimum the proposed conditional use description shall include:

1. Legal description of the affected property.
2. Site plan and elevations, drawn to scale, indicating the subject property, the location of all structures, walkways, driveways, landscaped areas, fences, walls, all parking and loading spaces and railroad tracks.
3. A sketch, showing the location of existing trees and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site.
4. Site analysis data indicating square footage of the site, building coverage, landscaped areas, and parking.
5. Other information, as requested by the Planning Commission.

Section 15.050. Performance Bond.

The Planning Commission may require that the applicant for a conditional use furnish to the town a performance bond, or an acceptable substitute, up to, and not to exceed, the value of the cost of the required improvements in order to assure that the conditions imposed are completed in accordance with the plans and specifications as approved by the Planning Commission and that the standards established in granting the conditional use are observed.

Section 15.060. Compliance with Conditions of Approval.

Compliance with conditions established for a conditional use 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.

Section 15.070. Time Limit for Conditional Uses.

Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction has taken place. However, when requested, the Planning Commission may extend authorization for an additional period not to exceed six months, provided such a request is submitted to the Planning Commission at least 10 days prior to the expiration of the permit.

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Section 15.080. 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.

Section 15.090. Basic Conditional Use Standards.

Before a conditional use is approved, findings will be made that the use will comply with the following standards:

1. A need exists for the use at the proposed location.
2. The use will not overburden the following public facilities and services: water, sewer, storm drainage, electrical services, fire protection, and schools.
3. The site layout shall provide an adequate amount of space for yards, buildings, drives, parking, loading and unloading areas, storage facilities, utilities, or other facilities which are required by city ordinances or desired by the applicant.
4. The topography, soils, and other physical characteristics of the site are appropriate for the use.
5. The use will not create traffic congestion on nearby streets.
6. The proposed use will be compatible with the general character of the area due to the architectural style, building materials and colors, landscaping, fencing, and/or other building or site characteristics.

Section 15.100. Specific Conditional Use Standards.

In addition to the standards of the zone in which the conditional use is located and the general standards of Section 15.090, specific conditional uses shall meet the following standards, where applicable:

1. Church, Meeting Hall, Government Structure, Community Center, Health Facility, or Retirement Home. The primary structure and related buildings shall be at least 30 feet from a side or rear lot line.
2. Day Care Centers. Day care centers or nursery schools shall provide and maintain at least 100 square feet of outdoor play area per child. A sight-obscuring fence (except in clear vision areas) at least 4 feet but not more than 6 feet high shall separate the play area from abutting lots and from a street.
3. Public Utility or Communication Facility.

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- a. When located in or adjacent to a residential zone, suitable fencing or landscaping shall be provided.
 - b. When located in or adjacent to a residential zone, all equipment storage shall be in an enclosed building.
 - c. The minimum lot size may be waived on a finding that a reduced lot size will not have a detrimental affect on adjacent property.
4. Mobile Homes on Individual lots. Mobile homes shall comply with the standards of Section 11.040.
5. Mobile Home Parks. A mobile home park shall be built to State standards in effect at the time of construction and shall comply with the following additional provisions:
- a. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by State law.
 - b. The space provided for each mobile home shall be provided with city water, and sewage connections.
 - c. The park shall abut and have direct access to an arterial or collector street and shall not have access to minor residential streets.
 - d. A centralized storage area for boats, campers, camping trailers shall be provided. Such storage area shall contain a minimum of 160 square feet for each mobile home space and be enclosed by a sight-obscuring fence.
 - e. Mobile homes shall be located no less than twenty feet from side or rear property lines and twenty- five feet from a street providing access.
 - f. Streets which are to be dedicated to the city, if any, shall be dimensioned and improved in accordance with the Subdivision Ordinance. For other streets, required rights-of-way shall be as follows:

Minor one-way street serving less than 20 spaces 25 feet Minor two-way street serving less than 40 spaces 30 feet Street serving 40 or more spaces 40 feet

For other streets, required pavement widths shall be as follows:

Minor one-way street serving less than 20 spaces 15 feet Minor two-way street serving less than 40 spaces 22 feet Street serving 40 or more spaces 28 feet

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At a minimum, connection to a public street shall be provided by a minor, two-way street. Aside from the pavement widths set forth above, private streets shall conform to the design and improvement standards of the Subdivision Ordinance.

- g. Walkways, not less than 4 feet in width, shall be provided from each mobile home space to service buildings and along one side of all streets.
 - h. Sight-obscuring fences or evergreen plantings, at least six feet in height, surrounding the mobile home park, except at entry and exit points, shall be provided.
 - i. Signs are limited to one identification sign with a maximum area on one side of 24 square feet and limited to eight (8) feet in height above ground. Such signs may be indirectly illuminated.
 - j. Mobile homes placed in the park shall conform to the provisions of Section 11.040.
 - k. Applications for mobile home parks shall be accompanied by complete plans and specifications of the proposed park and all permanent buildings indicating the proposed methods of compliance with the requirements. Such plans shall be to a scale of not less than one inch to fifty feet. A performance bond may be required, or an acceptable alternative, in an amount to be determined by the Planning Commission, to insure that a development proposal is completed as approved and within the time limit agreed to.
6. Recreational Vehicle Park. A recreation vehicle park shall be built to the standards of the Oregon State Building Codes Agency in effect at the time of construction and shall comply with the following additional provisions:
- a. The space provided for each recreational vehicle shall be at least 1,500 square feet.
 - b. All recreational vehicles and structures shall be located at least 25 feet from all park property lines.
 - c. Except for access roadways into the Park, the Park shall be screened on all exterior boundaries except the waterfront by a sight-obscuring hedge or fence not less than six feet in height.
 - d. The recreation vehicle pad shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide runoff of surface water.
 - e. No trailer or recreational vehicle shall remain in a park for more than thirty (30) days in a sixty (60) day period with the following exception. The long-term placement of a trailer or recreational vehicle or vehicles may be allowed for the recreational or vacation use by members or prospective members of a membership recreational vehicle park. There can be

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no more than twenty-five percent (25%) of the total RV park spaces utilized for long-term placement of trailers or recreational vehicles which are to be used by occupants staying thirty (30) days or less.

- f. Signs are limited to one identification sign with a maximum area of one side of 32 square feet and limited to eight feet in height above the ground. Such signs may only be indirectly illuminated.
 - g. Application for a recreational vehicle park shall be accompanied by preliminary plans, showing layout of spaces, buildings, roadways, walkways, drainage, sewers, water lines, and electric lines, along with building floor plans of the proposed park and all permanent buildings indicating the proposed method of compliance with requirements. Such plans shall be to a scale of not less than one (1) inch to fifty (50) feet. A performance bond or an acceptable alternative may be required, in an amount to be determined by the City Planning Commission, to ensure that a development proposal is completed as approved and within the time limits agreed to.
 - h. A Conditional Use Permit will be applied for prior to any grading or construction being undertaken.
7. Cottage Industries. Cottage industries may be allowed in order to promote a local economic base consistent with the character of the city. Allowable uses include crafts, small scale services, and other activities which have little impact on the neighborhoods in terms of traffic generation, noise, appearance, operating hours or other factors. Activities are to be allowed on a limited conditional use basis, with the primary condition that the permit can be revoked for violation of the standards.

The standards are:

- a. No more than four employees including members of the family.
- b. Signs shall not exceed 2 square feet in area.
- c. The use shall be carried out in the dwelling or in a structure attached thereto.
- d. Uses involving non-resident employees and the delivery of materials shall limit their hours of operation to between 8 A.M. and 6 P.M.
- e. There shall be no outdoor storage of materials or equipment.

The Planning Commission shall review cottage industries upon receipt of three written complaints from three separate households within 250 feet of the boundary of the affected property, or a complaint

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from the Planning Commission. The City Recorder shall schedule a public hearing to review the complaints.

The Planning Commission shall hear the evidence presented, and may, with adequate findings of fact, 1) approve the use as it exists, 2) require that it be terminated, and 3) impose restrictions, such as limiting hours of operation. Decisions of the Planning Commission may be appealed to the city council.

New complaints which are substantially similar to those previously acted upon will be heard by the Planning Commission only after a period of six months has elapsed from the date of the earlier decision - unless the Planning Commission believes that any restrictions it has imposed have not been followed.