AGENDA

City of Aurora
PLANNING COMMISSION MEETING
Tuesday, April 02, 2013, 7:00 p.m.
Council Chambers
21420 Main Street N.E., Aurora, Oregon

1. Call to Order of Planning Commission Meeting:

2. City Recorder Calls Roll

Chairman, Schaefer
Commissioner, Willman,
Commissioner, Gibson
Commissioner, Graham,
Commissioner, Fawcett,
Commissioner, TBA,
Commissioner, Sallee

3. Consent Agenda

All matters listed within the Consent Agenda have been distributed to each member of the Aurora Planning Commission for reading and study, are considered to be routine, and will be enacted by one motion of the Commission with no separate discussion. If separate discussion is desired, that item may be removed from the consent Agenda and placed on the Regular Agenda by request.

Minutes

I. Aurora Planning Commission Meeting –February 05, 2013
II.

Correspondence

I. Letter From DLCD to COG Re: Invitation on GIS Data.
II. Resolution Number 664 Planning Commission Fee Schedule adopted
III. Email Regarding North Marion Enterprise Zone from Renata and Greg Leo
VI. Information on HB 2696 In regards to North Marion Enterprise Zone.

4. Visitor

Anyone wishing to address the Planning Commission concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the Council could look into the matter and provide some response in the future.

5. New Business

6. Old Business

A. Review of Title 17 Revisions, March 25

This is a public meeting and all interested citizens are invited to attend. The meeting place is not handicapped accessible; those needing assistance should contact the city Office three (3) working days before regularly scheduled meetings. The minutes of this and all public meetings are available at City Hall during regular business hours. All meetings are audio taped and may be video taped
C:\msword\planningcommission111032009

7. Commission Action/Discussion

A. City Planning Activity (in Your Packets) Status of Development Projects within the City.

- Notice of Decision SDR 12-02

8. Adjourn,

This is a public meeting and all interested citizens are invited to attend. The meeting place is not handicapped accessible; those needing assistance should contact the city Office three (3) working days before regularly scheduled meetings. The minutes of this and all public meetings are available at City Hall during regular business hours. All meetings are audio taped and may be video taped

Minutes
Aurora Planning Commission Meeting/Work Session with City Council and HRB
Tuesday, March 05, 2013 at 7:00 P.M.
Aurora Commons Room, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder

STAFF ABSENT: Renata Wakeley, City Planner

VISITORS PRESENT

1. Call to Order of Planning Commission Meeting

The meeting was called to order by Planning Chair Joseph Schaefer at 7:05 p.m.

2. City Recorder Did Roll Call

Chairman, Schaefer -	**Present**	**Mayor Taylor, Present**
Commissioner, Willman	**Present**	**Councilor Brotherton, Absent**
Commissioner, Gibson	**Present**	**Councilor Sahlin, Present**
Commissioner, Graham	**Present**	**Councilor Vlcek, Absent**
Commissioner, Fawcett	**Present**	**Councilor Graupp, Present**
Commissioner, Sallee	**Present**	

3. Consent Agenda

Minutes

I. Aurora Planning Commission Meeting –February 05, 2013
II. HRB Minutes – January 24, 2013
III. City Council – January 08 , 2013

Correspondence

I. SHPO Information on Historic Preservation District (Only provided in electronic Version and one on display)

A motion is made by Commissioner Sallee to accept the consent agenda as is and seconded by Commissioner Fawcett. Motion passes unanimously.

4. Visitor

Anyone wishing to address the Planning Commission concerning items not already on the meeting agenda may do so in this section. No decision or action will be made, but the Planning Commission could look into the matter and provide some response in the future.

5. New Business

6. Old Business

A. Review of Title 17 Revisions, Revision February 8th as attached.

- **Work session with City Council to discuss proposed changes and get direction if needed. ,** Chairman Schaeffer goes over all of his changes and presents it to the entire group.

Main Discussion Points:

- Houses, sloped roof, vertical windows, single garage, open front doors, horizontal lap siding…
- Colony Post, contributing and non-contributing 1921
- Type I permits (Administrative approval or Staff), roofing, landscaping under (2500), paint
- Entire Group went over the draft page by page and discussed various sections which will reflect in the next revision.
- PG 401 concern (imitation stone)
- Pg 405 question in regards to authority to withhold permit.
- Pg 407 questions about infrastructure concerns
- Pg 409 define Planning Director
- Pg 419 LED signs had a lot of discussion
- Pg 421 few points brought up A2, C1, E1 by Councilor Sahlin
- Pg 432 outdoor display, should be in front of establishment
- Pg 434 was discussed briefly
- Pg 437 Fences, Awning should be defined, Porches houses need one.
- Pg 438 doors were discussed
- Pg 439 discussion is that we cannot limit solar updates.
- Pg 440 and pg 441 had a few comments about logistics

Next Steps as discussed

- Chairman Schaefer will do draft for discussion at April Meeting
- Chairman Schaefer states that he thinks it time to start the State process and noticing requirements.
- Consensus of the group is to do away with parking restrictions as discussed.

7. Commission Action/Discussion

A. City Planning Activity (in Your Packets)
Status of Development Projects within the City.

9. Adjourn 9:16 P.M.

A motion to adjourn the March 05, 2013 meeting is made by Commissioner Willman and seconded by Commissioner Fawcett. Motion Passes Unanimously.

_____
Chairman, Schaefer

ATTEST:

_____
Kelly Richardson, City Recorder

Oregon
John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development
Director's Office
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540
Phone: (503) 373-0050
Fax: (503) 378-5518
www.oregon.gov/LCD

March 14, 2013

Suzanne Dufner, Community Development Director
MWVCOG
100 High St. SE, Suite 200
Salem, OR 97301

Dear Suzanne:

This is an invitation to participate in a collaborative effort to develop two statewide GIS data sets vital to land use planning decisions and outcomes: zoning and comprehensive plan maps. We are planning two versions: one for government and another for everyone else. Currently, a patchwork of stale and incomplete zoning data is being used to make significant decisions by state agencies, recommendations by consultants, plans by planners, and investments by transportation organizations since nothing better exists. We now have an opportunity to dramatically improve this situation by incorporating your local information into a seamless statewide layer. The benefits of using the same current and complete data include comparability, more reliable planning and modeling results, seeing the overall picture, ready reference to zoning and plan designations of other local governments, and increased data quality. This approach also saves time and money for everyone. Without working together, state agencies and others who need statewide information will either use the existing poor data or independently develop different updated versions. Will you join us to assure a superior outcome for everyone?

Please be assured that **participation does not require you to change anything about how you currently code and maintain your data**. We are simply using it "as is" and making it fit with all the other data sets across the state. You may also have concerns about the use and display of your data after integration. For government use, we propose retaining the local zoning codes for maximum utility and efficiency. For everyone else, we propose removing the local zoning classifications, thereby preserving you as the "go to" source. Cities and counties that charge for digital data may even see an uptick in revenue. In addition to stratified sharing, we will use a disclaimer and metadata to provide direction on limits of use, data source, and other important information.

With that in mind, here's how we propose to proceed. Your DLCD regional representative is poised to work with your GIS analyst and/or planner to develop a translation table of your zoning classes/codes into a common set. We can also help you convert to a standard format (shapefile) and forward your contribution to the integration team. Your regional rep will serve as your liaison during the initial development. Gradually, an integrated statewide layer of zoning will emerge; statewide comprehensive plan maps will grow in similar fashion a little later. The first iteration of zoning will be available this summer; with your cooperation, the gaps will be few. To preserve the investment we are all making, DLCD has volunteered to steward the statewide data sets with your continued partnership. **If you do not have digital data, we may be able to create it on your**

behalf. This offer is limited, so please consult with your regional representative to arrange for assistance as soon as possible.

Background & Contact

This effort is spearheaded by the Planning Workgroup under the auspices of Oregon's GIS coordination office and program. The Planning Workgroup is focused on UGBs, zoning, and comp plan maps. Participants include state, regional, and local government representatives from rural and urban governments. The workgroup welcomes your participation in shaping the future of this data. The GIS coordination program Web site is http://gis.oregon.gov. The workgroup materials are posted at http://www.oregon.gov/DAS/CIO/GEO/pages/fit/admin_boundaries/adminframe.aspx. For more information about this opportunity, contact your DLCD regional representative or:

Gail Ewart at DLCD and the Planning Workgroup lead
503-934-0295, gail.ewart@state.or.us

Thanks for your consideration.

DEPARTMENT OF LAND CONSERVATION
AND DEVELOPMENT

By_____
Jim Rue, Director

DEPARTMENT OF ADMINISTRATIVE SERVICES
CHIEF INFORMATION OFFICE

By Julie Pearson-Ruthven
Julie Pearson-Ruthven, Interim State CIO

By_____
Cy Smith, Geospatial Information Officer

cc: Erin Doyle, LOC
Michael Eliason, AOC

CITY OF AURORA

RESOLUTION NO. 664

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, OREGON, AMENDING RESOLUTION NO. 462 AND ADOPTING A NEW SCHEDULE OF FEES FOR PLANNING AND ZONING APPLICATIONS

WHEREAS, the City of Aurora finds that the policy established and implemented by Resolution No. 253 in 1993, that applicants for planning and zoning matters shall pay the entire cost of processing their applications, should be continued and updated.

WHEREAS, the City finds that the Planning and Zoning Charges were last updated and amended June 17, 2004.

WHEREAS, the City finds that the Planning and Zoning Charges need to be updated and amended to reflect increased staff and office overhead and costs of City Consultants, as well as to adequately prepare the City for a certain level of expected growth named in the City of Aurora Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AURORA THAT:

Section 1:

The City of Aurora Schedule of Fees for Planning and Zoning Applications set forth in Resolution No. 462 be and hereby is amended to provide for the Schedule of Fees/Deposits set forth in Exhibit "A and by this reference incorporated herein.

INTRODUCED AND ADOPTED this 12th day of March 2013.

CITY OF AURORA, OREGON

BY: _____
Gregory Taylor, Mayor

ATTEST:

BY: Mary C Lambert
Mary Lambert, Administrative Assistant

EXHIBIT A
CITY OF AURORA SCHEDULE OF FEES/DEPOSITS
FOR PLANNING & ZONING APPLICATIONS

The following estimated user fees are hereby imposed as a fee/deposit against the actual cost for processing land development applications and related permits. The "user fee" philosophy underlying these charges is designed to eliminate the amount of general fund monies used to process land development applications and permits, by charging the entire cost of the City providing that service directly to the person utilizing or receiving the benefit of the service. In this way, existing property tax revenues are not used to subsidize the processing of new land development applications.

Where the term "actual costs" is used, these costs include, but are not limited to, services rendered by the city planning consultant, city engineer consultant and city attorney, as well as all City administrative costs for communicating and meeting with the applicant/property owner and others, public notices, agency referral notices, staff reports, notices of decision, development agreements, correspondence, postage, photocopying, supplies, financial accounting and city clerical work.

If the actual costs exceed the deposit, the City reserves the right to request an additional deposit from the applicant/owner and the City will send an invoice for the additional charges to the applicant. The City shall not issue final approvals for land development and/or issue building permits, until all land development and other fees, including any additional charges are paid. If the applicant chooses to withdraw the application before preliminary approval has been issued by the City, then any unused deposit fees shall be refunded to the applicant upon the City's receipt of the applicant's written withdrawal and request for refund.

NO APPLICATION SHALL BE REVIEWED OR ACCEPTED FOR PROCESSING TO DETERMINE ITS COMPLETENESS UNTIL ALL FEES/DEPOSITS ARE PAID. Please note that additional land development and building permit fees/deposits may be required by the City, Aurora Rural Fire District, Marion County or State of Oregon.

This schedule of fees/deposits is effective March 12, 2013 pursuant to City Resolution No. 664, and is applicable to the following land development applications and related permits. The costs for application processing shall be based on the actual costs to the City of such processing and shall be based on the following hourly rates:

City Planning Consultant	$85.00/hr.	City Public Works	$40.00/hr.
City Planner/Paralegal	$65.00/hr.	City Recorder	$30.00/hr.
City Engineering	$80.00/hr	City Clerk	$30.00/hr.
Consultant Clerical	$35.00/hr.	City Attorney	$130.00/hr.

PLEASE NOTE: The following fees/deposits marked with an asterisk (*) require that public hearing notices be published in the Canby Herald, which additional cost of publication shall be charged to the applicant.

FEE DESCRIPTION

1. PRE-APPLICATION CONFERENCE ..... Actual Costs $600.00 deposit

2. QUASI-JUDICIAL MAP AND TEXT AMENDMENTS
   a. Comprehensive Plan Amendment ..... Actual Costs-$3,000.00 deposit*
   b. Zoning & Development Ordinance Amendment ..... Actual Costs-$3,000.00 deposit*

3. CITY ANNEXATIONS ..... Actual Costs-$2,000.00*

4. SITE DEVELOPMENT REVIEW
   a. Residential Zones (R-1, R-2)
      1) Manufactured Home Parks ..... Actual Costs-$3,000.00 deposit*
      2) Other development other than single family
         a) Project Value -0- to $49,999 ..... Actual Costs-$750.00 deposit
         b) Project Value $50,000 to $99,999 ..... Actual Costs-$1,000.00 deposit
         c) Project Value $100,000 to $499,999 ..... Actual Costs-$1,500.00 deposit
         d) Project Value $500,000 and over ..... Actual Costs-$2,000.00 deposit

   b. Commercial Zone (C) and Industrial Zone (I)
      1) Project Value -0- to $49,999 ..... Actual Costs-$750.00 deposit
      2) Project Value $50,000 to $99,999 ..... Actual Costs-$1,000.00 deposit
         a) Project Value $100,000 to $499,999 ..... Actual Costs-$1,500.00 deposit
         b) Project Value $500,000 and over ..... Actual Costs-$2,000.00 deposit

5. LAND DIVISIONS
   a. Subdivisions - Tentative and Final Plats ..... Actual Costs-$3,000.00+$50.00/lot deposit*
   b. Partitions-Tentative & Final Map Review ..... Actual Costs-$1,000.00 deposit*

6. CONDITIONAL USE PERMITS
   a. All Zones Actual Costs ..... -$1,000.00 deposit*
   b. Minor Alterations of Conditional Use Permits ..... Actual Costs-$400.00 deposit
   c. Home Occupations ..... Actual Costs-$ 300.00 deposit
      ($75.00 deposit for Type I home occupations that are **not** referred to consultants)

7. VARIANCES
   a. Minor Variance from dimensional and setback standards, etc. ..... Actual Costs-$500.00 deposit*
   b. Major Variance from public facilities standards ..... Actual Costs-$1,000.00 deposit*

8. HISTORIC OVERLAY DISTRICT PERMITS
   a. Certificate of Appropriateness (New Construction/Major Renovations) ... Actual Costs-$600.00 deposit*
   b. Certificate of Appropriateness (all others) ..... Actual Costs- See HRB fee schedule
   c. Demolition Permit ..... Actual Costs-$350.00 deposit*

9. NON-CONFORMING USE OR STRUCTURE (also may require Site Design Review Approval)
   a. Reinstatement, Enlargement or Alteration of Use ..... Actual Costs-$600.00 deposit*
   b. Alteration or Expansion of Structure
      1) Residential Zone (R-1 and R-2) ..... Actual Costs-$750.00 deposit*
      2) Commercial Zone (C) ..... Actual Costs-$1,000.00 deposit*
      3) Industrial Zone (I) ..... Actual Costs-$1500.00 deposit*

10. TEMPORARY USES OR STRUCTURES
   a. Temporary Uses/Structures (Planning Director approval) ..... Actual Costs $100.00 deposit
   b. Temporary Uses/Structures (Planning Commission approval) ..... Actual Costs $250.00 deposit

11. LOT LINE ADJUSTMENTS ..... Actual Costs-$500.00 deposit

12. APPEALS
   a. From Administrative Decision or HRB Decision
      1) Hearing Required ..... Actual Costs-$800.00 deposit*
      2) No Hearing Required ..... Actual Costs-$600.00 deposit
   b. From Planning Commission Decision ..... Actual Costs-$800.00 deposit*

13. TRANSCRIPTS FROM APPEAL HEARINGS ..... By Ordinance, actual costs

14. STREET VACATION AND/OR DEDICATION ..... Actual Costs-$1,000.00 deposit

15. INFRASTRUCTURE AND RIGHT-OF-WAY PERMITS
   a. Right-of-way Permit Review ..... Actual Costs$200.00 deposit + bond and insurance
   b. Infrastructure Permits (Sewer, Water, Street and Storm improvements, includes City Engineer and Public Works review ..... Actual Costs $500.00 deposit + bond and insurance
   c. Access Permit Application ..... Actual Costs $250.00 deposit

16. ACCESSORY DWELLINGS
   a. Administrative Decision ..... Actual Costs $400.00 deposit
   b. As Limited Land Use Decision ..... Actual Costs $500.00 deposit
   c. As Quasi-judicial Decisions with HRB approval ..... Actual Costs $800.00 deposit

17. SIGN PERMITS
   a. Permanent Signs in All Zones $60.00
   b. Certificate of Appropriateness for Signs in Historic District $25.00

18. FENCE PERMITS
   a. Fence Permit (Over 6 feet tall) $30.00
   b. Replacement Fence Permit (Over 6 feet tall) $20.00
   c. Fence Permit Variance (Over 6 feet tall) $50.00

19. ZONING & DEVELOPMENT ORDINANCE INTERPRETATION ..... Actual Costs-$500.00 deposit

20. ALL APPLICABLE CURRENT SYSTEM DEVELOPMENT CHARGES AS ADOPTED BY ORDINANCE OR RESOLUTION ARE HEREBY INCORPORATED HEREIN BY THIS REFERENCE. A SCHEDULE OF ALL BUILDING PERMIT AND OTHER APPLICABLE DEVELOPMENT FEES CAN BE OBTAINED BY CONTACTING THE CITY RECORDER AT CITY HALL AT 503-678-1283.

21. HOURLY RATE FOR LAND USE SERVICES: Zoning confirmations, interpretations of development code criteria, land use compatibility statements, or other services/assistance related to the development ordinances not listed above shall be the responsibility of the interested party/applicant. Services requiring in excess of fifteen minutes of staff time shall require a deposit with the City of $125.00 to cover staff time. Time/fees in excess of $125.00 deposit shall be the responsibility of the interested party and billed to them as such.

22. Legal Publications and Noticing costs related to any and all applications.....$At Cost

recorder

From: Wakeley, Renata [renatac@mwvcog.org]
Sent: Friday, March 29, 2013 11:38 AM
To: recorder; Joseph Schaefer
Attachments: Coastal_Park_Map_2010_02.pdf; Marion_County_Opposition_to_HB2696_Regional_Bypass_02-13-13.pdf

Kelly and Joseph-

I met with Greg Leo the other day on the N. Marion Enterprise Zone application and he mentioned HB 2696 and the April 8th hearing. I know this is late notice but would you please email the information attached to all PC and CC members? It can also be included under correspondence in the PC and CC packets. I do not know if the coastal parkway has been a discussion topic in recent meetings or whether the City of Aurora has taken a position for or against but I at least want to make sure the city is aware of the continued discussion.

The hearing is scheduled for April 8th. More information can be found at http://friendsoffrenchprairie.org/issues-hearing.html

Renata Wakeley, Senior Planner
Mid-Willamette Valley Council of Governments
100 High Street SE, Suite 200, Salem, OR 97301
503 540 1618 direct
503 588 6177 reception
503 588 6094 fax

CONFIDENTIALITY NOTICE: This message is intended solely for the use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential, and exempt from disclosure under applicable state and federal laws. If you are not the addressee, or are not authorized to receive information for the intended addressee, you are hereby notified that you may not use, copy, distribute, or disclose to anyone this message or the information contained herein. If you have received this message in error, please advise the sender immediately by reply email and delete this message. Thank you

recorder

From: Wakeley, Renata [renatac@mwvcog.org]
Sent: Friday, March 29, 2013 11:39 AM
To: Joseph Schaefer; recorder
Subject: FW: Coastal Parkway

More information from Greg Leo below.

From: Greg Leo [mailto:greg@theleocompany.com]
Sent: Friday, March 29, 2013 11:36 AM
To: Wakeley, Renata
Subject: Enterprise Zone and Coastal Parkway

Renata:

Thanks for the response. I will share this with our Board. Additionally, here is some more information about the Coastal Parkway hearing on April 8th at 3:00 PM. This is an email from the St. Paul Planning Commissioner Marci Garrett. St. paul strongly opposes the Parkway:

This will hopefully be my final update on the Coastal Parkway HB 2696 Hearing.

1. The hearing is Monday April 8th at 3 PM in Hearing Room E. That room is on the first floor of the Capital.
2. There is only metered parking around the Capital. The underground garage is full. There is free parking in the shopping mall (where Macy's, etc is) but that is a long walk for some. Dan and JoAnn Keeley have a van that seats 9 so if anyone wants a ride, contact them.
3. Per Troy Rayburn, the Committee Administrator (and Dan Keeley) the hearing room holds about 50 people. There is no standing room allowed. So Troy wants me to tell him when we have 25 folks from St. Paul coming so he can set up another room with audio and visual just in case....**So let me know by next Wednesday the 3rd if you are coming and who else you know is coming!!!!!** We can certainly pack the room.
4. Also per Troy, all the letters and online petition signers are part of the official record for the Bill. If anyone else just wants to simply voice their opposition to the Bill and be in the official record, they can do so briefly and simply at the hearing by simply testifying to their name, address and that they oppose the Bill and agree with all the arguments against it....
5. Also per Troy, testimony can be given at the hearing and will be limited to 3 minutes. Because the Committee has a full schedule until the end of the legislative session, he does not see how there would be a continuance of the hearing. This is not to discourage folks from testifying. But you can still write a letter or e-mail if you have not done that so far.
6. Everyone feels that farmers impacted by the Coastal Parkway should still testify...if only briefly to the impact on their farm. None in any government wants to condemn property.....so hearing that farmers will not sell will make a huge impact on these Committee members.

Guess that is all....
Take care
Enjoy Easter and our sun!!!!!
Marcie

The Leo Company
Marketing, Public & Government Affairs Counsel
Greg Leo

Marion County
OREGON

Board of Commissioners

(503) 588-5237 - FAX

February 13, 2013

BOARD OF COMMISSIONERS

Samuel Brentano
Janet Carlson
Patricia Milne

CHIEF ADMINISTRATIVE OFFICER

John Lattimer

The Honorable Larry George
State Senator
900 Court Street NE, S-307
Salem, OR 97301

Re: Marion County Opposition to HB 2696

Dear Senator George:

Marion County is adamantly opposed to HB 2696 which forces a regional bypass through northern Marion County. The Marion County Board of Commissioners has consistently opposed the Coastal Parkway proposal as evidenced by three resolutions stating our concerns about the project. For your reference we have enclosed a copy of Resolution 06-5R that is signed by each member of the current Marion County Board of Commissioners.

We are troubled that there continue to be misrepresentations of Marion County's position regarding this project by representatives of Coastal Parkway, LLC. The Board of Commissioners has provided clear direction on the following points:

- The proposal violates guidelines and desires regarding farmland preservation and protection in the French Prairie area;
- There is no desire on the part of the Board of Commissioners to depart from the regionally approved Newberg-Dundee bypass planned by the Oregon Department of Transportation; and
- The Board of Commissioners has stated it will not be compelled to use the power of condemnation for the Coastal Parkway project and HB 2696 is a direct attempt to undermine local control.

We appreciate your support in defeating this measure. Please feel free to contact us if you need additional information or have any questions. We can be reached at (503) 588-5212 or by e-mail at commissioners@co.marion.or.us.

Sincerely,

Janet Carlson — Chair
Samuel A. Brentano — Commissioner
Patricia Milne — Commissioner

cc: Chair Tobias Read and Committee Members
- House Transportation & Economic Development Committee
House Speaker Tina Kotek
Marion County Legislative Delegation

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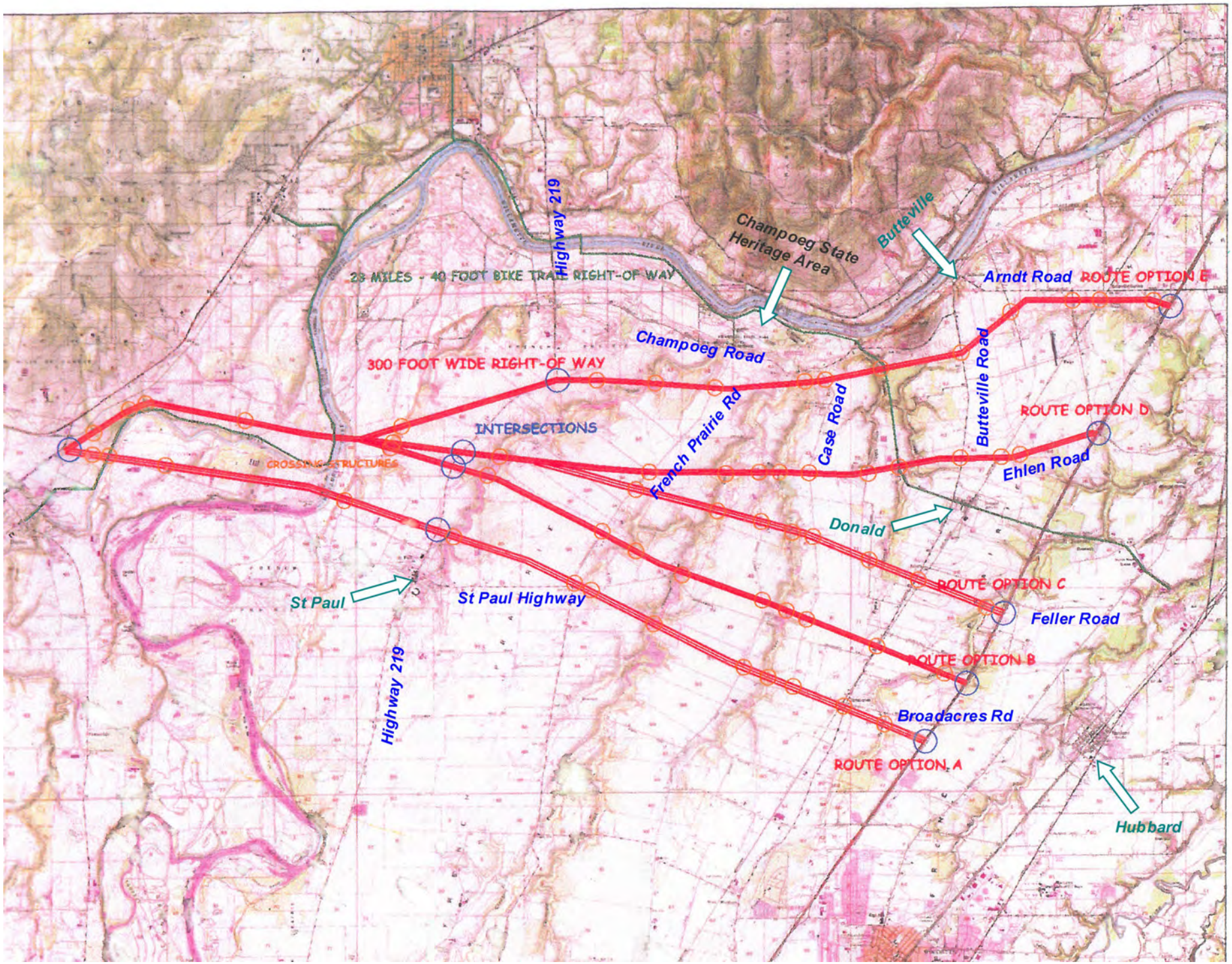
Highway 219
Champoeg State Heritage Area
Butteville
28 MILES - 40 FOOT BIKE TRAIL RIGHT-OF-WAY
Arndt Road
ROUTE OPTION E
Champoeg Road
300 FOOT WIDE RIGHT-OF-WAY
Butteville Road
French Prairie Rd
Case Road
ROUTE OPTION D
INTERSECTIONS
CROSSING STRUCTURES
Ehlen Road
Donald
ROUTE OPTION C
St Paul
St Paul Highway
Feller Road
ROUTE OPTION B
Highway 219
Broadacres Rd
ROUTE OPTION A
Hubbard

Title 17

HISTORIC PRESERVATION

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Chapter 17.04

GENERAL PROVISIONS

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17.04.020 Purpose.
17.04.030 Adoption of Guidelines.
17.04.040 Adoption of Inventory.
17.04.050 Applicability.
17.04.060 Pre-existing Approvals.
17.04.070 Interpretation.
17.04.080 Fees.
17.04.090 Enforcement.

17.04.010 Short title.

This title shall be known as the "Historic Preservation Ordinance of the City of Aurora" and shall be referred to herein as "this title." (Ord. 416 § 8.10.010, 2002)

17.04.020 Purpose.

The purpose of this title to provide the principal means for the preservation of the buildings and sites and the visual character of the historic Aurora Colony. This title regulates the design of buildings and structures within the historic commercial and residential overlays defined in Title 16 of the Aurora Municipal Code.

This title promotes preservation and restoration of existing structures and construction of new structures with consideration of Aurora's unique heritage and recognizes the role of historic preservation in protecting and enhancing real property values, and safeguarding and enhancing the livability and appearance of the city. (Ord.____)

17.04.030 Adoption of Guidelines.

The Aurora Design Guidelines for Historic District Properties are incorporated as Appendix A to this code. These guidelines provide a wealth of useful information which supports historic preservation in Aurora, and all applicants shall be instructed to review the guidelines upon their first contact with the city. The guidelines do not include standards or criteria for applications under this title or other titles of the Municipal Code. (Ord. 4__ §_____, 20__)

17.04.040 Adoption of Inventory.

The Inventory [need formal name], herein referred to as "Inventory" is incorporated as Appendix B to this code. The Inventory is the primary reference for structures and sites within the historic district, and all applicants shall be instructed to review the Inventory for information

about their property upon their first contact with the city. The Inventory does not include standards or criteria for applications under this title or other titles of the Municipal Code. (Ord. 4__ §_____, 20__)

Comment [s1]: Check to make sure that the appendix B can be updated by resolution only by HRB and would not require Council action every time it needs to be updated

17.04.050 Applicability.

A. Except as described in Subsection B immediately below, all exterior changes to a building or site within the historic commercial overlay and the historic residential overlay must be approved under this title. It is unlawful for any person to erect, demolish, remove, establish, construct, move into, externally alter, enlarge, use, or cause to be used, any building, structure, improvement or use of premises located in the historic commercial or historic residential overlays in a manner contrary to the provisions of this title.

B. The only exterior changes not subject to the requirement for approval under this title are:

1. Exterior painting, reroofing and general repairs when the new materials match those already in use; and
2. Landscaping not exceeding $2500 in cost (however the removal of trees greater than twenty-four (24) inches in diameter requires approval).
3. Exterior painting with colors previously approved by the city.
4. Installation of black roof shingles.

(Ord. _____)

17.04.060 Pre-existing Approvals.

All development applications approved more than two years prior to the adoption of the ordinance codified in this title shall be considered void, unless the Historic Review Board determines that the conditions of approval are substantially completed. All development applications approved less than two years prior to the adoption of said ordinance may occur according to such approvals. All development applications received by the city after the adoption of said ordinance shall be subject to review for conformance with the standards under this title or as otherwise provided by state law. (Ord. 416 § 8.10.060, 2002)

17.04.070 Interpretation.

A. An interpretation is a decision which is made under land use standards that require an exercise of policy or legal judgment. By definition, an interpretation does not include approving or denying a building permit issued under clear and objective land use standards.

B. Each development and use application and other procedure initiated under this title shall be consistent with the adopted comprehensive plan of the city as implemented by this title and applicable state and federal laws and regulations. All provisions of this title shall be construed in conformity with the adopted comprehensive plan.

C. Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provision of this title or of any other ordinance, or resolution, the most restrictive or that imposing the higher standard shall govern.

D. The Historic Review Board shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this title. All requests for interpretations shall be in writing and on forms provided by the City Recorder. Upon receipt of such a request, the Historic Review Board shall schedule the interpretation as a consideration item at the next regularly scheduled meeting unless a special meeting is requested pursuant to Section 17.16.040.

Comment [r2]: Does this meet the land use standards these are subject to? Is notice on the agenda sufficient? For example. 16.02.050E regarding quasi judicial and legislative processing?

If the person making the request disagrees with the Historic Review Board's interpretation, they may appeal it to the City Council. The Council will hear the appeal as a consideration item at the next month's regularly scheduled meeting. The decision of the Council shall be conclusive upon the parties.

E. The City Recorder shall keep a written record of all interpretations and shall make the record available for review on written request.

F. The City Council may exempt special events from the provisions of this title. A special event is an activity lasting a total of seven contiguous calendar days or less in a one-year period and approved by the City Council. (Ord. 416 § 8.10.070, 2002)

17.04.080 Fees.

To defray expenses incurred in connection with the processing of applications, the city may charge fees as established by resolution of the Council. The filing of an application shall not be considered complete, nor shall action be taken to process it until the required fee has been paid. (Ord. 416 § 8.10.080, 2002)

17.04.090 Enforcement.

Enforcement of this title shall be as codified in Chapter 16.82 of the Aurora Municipal Code. (Ord. 416 § 8.10.090, 2002)

Chapter 17.08

DEFINITIONS

Sections:

17.08.010 Meaning of words generally.
17.08.020 Meaning of common words.
17.08.030 Meaning of specific words and terms.

17.08.010 Meaning of words generally.

All of the terms used in this title have their commonly accepted, dictionary meaning unless they are specifically defined in this chapter or definition appears in the Oregon Revised Statute, or the context in which they are used clearly indicates to the contrary. (Ord. 416 § 8.40.010, 2002)

17.08.020 Meaning of common words.

A. All words used in the present tense include the future tense.

B. All words used in the plural include the singular, and all words used in the singular include the plural unless the context clearly indicates to the contrary.

C. All words used in the masculine gender include the feminine gender.

D. The word "building" includes the word "structure."

E. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

F. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary.

G. The word "shall" is mandatory and the word "may" is permissive.

(Ord. 419 § 20D, 2002; Ord. 416 § 8.40.020, 2002)

17.08.030 Meaning of specific words and terms.

The meaning of all specific words and terms, except as specifically defined in this title, shall be as defined in Aurora Municipal Code Title 16.

"Adaptive use" means the process of converting a building to a new use that is different from that which its design reflects. For example, converting a residential structure to offices is adaptive use. Good adaptive use projects retain the historic character while accommodating the new functions.

“Awning” means a fabric structure extending over or in front of a place, such as a storefront.

"Booth" means an open-air structure typically consisting of partial walls, counter and roof and which is portable, either as a whole or in parts.

"Canopy" means a protective exterior cover consisting of a roof, typically made of cloth, plastic or other materials that may be self-supported or using the support of another structure. Canopies may contain partial walls.

“Colony structure” means a structure built during the Aurora Colony period, from 1856 to ____.

“Contributing structure” means a structure built before 1921.

“Façade” means any face of a building and its accompanying architectural features.

“Finish material” includes is siding, trim, masonry and color of the exterior walls.

“Height” means the vertical distance from the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building to the peak of the roof.

“Masonry” means natural stone, imitation stone, brick, concrete masonry blocks, and similar materials.

“Noncontributing structure” means a structure built in 1921 or later.

“Planning Director” means the staff person assigned to handle applications pursuant to this title.

"Preservation" means the maintenance and repair of existing historic materials, and the conscious retention of the property’s form as it has evolved over time. This method of treatment focuses on maintenance and repair of historic materials and features, rather than extensive replacement and new construction. New exterior additions are not part of this treatment. Sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make a property function is appropriate.

"Rehabilitation" means there is a need to alter or add to an historic property to meet continuing or changing uses while retaining the property’s historical, cultural, or architectural values. This method of treatment is used when repair and replacement of deteriorated features is necessary; when alterations and additions to the property are planned for a new or continued use; when depiction of a particular period is not appropriate.

"Remodeling" means to remake or to make over the design image of a building. The appearance is changed by removing original detail and by adding new features that are out of character with the original. A "stylistic" change is often involved. A remodeling project is inappropriate on an historic building in Aurora, because it would involve altering its historic character.

"Renovation" means to improve by repair, to revive. In renovation, the usefulness and appearance of the building is enhanced. The basic character and significant details are respected and preserved, but some sympathetic alterations may also occur. Alterations that are made are generally reversible, should future owners wish to restore the building to its original design.

"Restoration" means to reproduce the appearance of a building exactly as it looked at a particular moment in time; to reproduce a pure style, either interior or exterior. This process may include the removal of later work that deviates from the original style or the replacement of missing historic features. Use a restoration approach for missing details or features of an historic building when the features are determined to be particularly significant to the character of the structure and when the original configuration is accurately documented.

"Tent" means a protective exterior cover consisting of roof and walls typically made of cloth, plastic or other flexible material and having a supporting structure. (Ord. ___ § ____, 2012)

Chapter 17.12

USE REGULATIONS

Sections:

17.12.010 Permitted Uses in the Historic Residential Overlay
17.12.020 Conditional Uses in the Historic Residential Overlay
17.12.030 Permitted Uses in the Historic Commercial Overlay
17.12.040 Conditional Uses in the Historic Commercial Overlay

17.12.010 Permitted Uses in the Historic Residential Overlay

In the historic residential overlay, only the following uses and their accessory uses are permitted outright:

A. Registered child care facility or certified group child care home defined by ORS 657A;
B. Home occupation (Type I) subject to Chapter 16.46;
C. Residential care home;
D. Single-family detached residential dwelling;
E. Public support facilities;
F. Accessory dwelling units in the rear or side yard subject to Chapter 16.54;
G. Accessory structures in the rear or side yard. (Ord. ___ § _____, 201_)

17.12.020 Conditional Uses in the Historic Residential Overlay

The following uses and their accessory uses may be permitted in the historic residential overlay, subject to other relevant sections of this title and any conditions imposed by the Planning Commission:

A. Church, provided that all building setbacks shall be a minimum of thirty (30) feet from any property line;
B. Home occupation (Type II) subject to Chapter 16.46;
C. Minor impact utilities;
D. Schools limited to pre-kindergarten through eighth grade, provided that all building setbacks shall be a minimum of thirty (30) feet from any property line;
E. Museum;
F. Bed and breakfast establishments. (Ord. ___ § _____, 201_)

17.12.030 Permitted Uses in the Historic Commercial Overlay

In the Historic Commercial Overlay, activities shall be conducted within an enclosed structure or building and are subject to Chapter 16.58. Only the following uses and their accessory uses are permitted outright:

A. Auditorium, exhibit hall, community building, club, lodge hall, fraternal organization or church;
B. Bed and breakfast inn, hotel or motel;
C. Bicycle sales or repair;
D. Community recreation facilities;
E. Cultural exhibits and library services;
F. Day care facility licensed by state;
G. Dwelling units located on the second floor of the commercial structure;
H. Eating and drinking establishments;
I. Financial, insurance and real estate offices;
J. General retail and convenience sales, except adult bookstores;
K. Medical or dental services including labs;
L. Parking structure or lot;
M. Professional and administrative offices;
N. Public safety and support facilities;
O. Public transportation passenger terminal or taxi stand;
P. Repair services for household and personal items, excluding motorized vehicles;
Q. Sales, grooming and veterinary offices or animal hospitals without outside pens or noise beyond property line;
R. Schools;
S. Single-family residence, provided it is an accessory use and cannot be sold separately;
T. Studios, including art, photography, dance, and music;
U. Vehicle fuel sales. (Ord. ___ § _____, 201_)

17.12.040 Conditional Uses in the Historic Commercial Overlay

The following uses and their accessory uses may be permitted when in accordance with the requirements of Chapter 16.60, subject to other relevant sections of this title and any conditions imposed by the Planning Commission:

A. Home occupations (Type II) subject to Chapter 16.46;
B. Retail or wholesale business with not more than fifty (50) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly incidental to the primary business conducted on the premises. (Ord. ___ § _____, 201_)

Chapter 17.16

HISTORIC REVIEW BOARD

Sections:

17.16.010 Authority.
17.16.020 Responsibilities.
17.16.030 Membership.
17.16.040 Meetings.

17.16.010 Authority.

The Historic Review Board shall have the authority to approve or deny, in whole or in part, development applications which include new construction or exterior modifications to cultural resources throughout the city or new construction or exterior modifications located on properties within the historic commercial overlay and the historic residential overlay. All standards and criteria for applications and permits are included in this title.

The Historic Review Board shall not be authorized to limit or regulate where growth and land development takes place or control the interior space of a building design. (Ord. 416 § 8.20.010, 2002)

17.16.020 Responsibilities.

A. The Historic Review Board shall maintain an inventory of cultural resources, including those within the historic commercial overlay, the historic residential overlay and within the city's urban growth boundary.

B. With the assistance of the State Historic Preservation Office, the Historic Review Board shall draft and recommend to the Council for adoption the prescriptive standards to be used by the Historic Review Board in reviewing applications for certificates of appropriateness to construct any structure, alter the exterior of any existing structure or any activity that visually impacts properties identified in the Aurora comprehensive plan as a cultural resource or located within the historic commercial overlay and the historic residential overlay district.

C. The Historic Review Board shall be responsible for participation in, promoting and conducting public informational, educational and interpretive programs pertaining to local resources.

D. The Historic Review Board may review and comment upon potential conflicts of land use, housing, redevelopment, municipal improvements, and other types of planning and programs undertaken by any agency of the city, county or state as these relate to the cultural resources of the community.

E. The Historic Review Board shall perform other functions as may be designated by the City Council. (Ord. 416 § 8.20.020, 2002)

17.16.030 Membership.

A. Persons who want to be considered for appointment shall submit a written letter of interest to the Mayor. The Historic Review Board shall consist of five unpaid members who are nominated by the Mayor and appointed by City Council. Members may include persons residing within or outside the boundaries of the historic commercial or historic residential overlays. Three members shall own, rent or lease property in the boundaries of the historic commercial or historic residential overlays.

B. Three members shall reside within the city limits. Those members required to be residents of the corporate city limits must have a minimum of six months of such residency before considered eligible for appointment to the board.

C. As available, board members shall be appointed from the following categories:

1. An architect with preservation expertise;

2. A historian with knowledge of local history;

3. A professional in the field of landscape architecture, real estate, urban planning, construction, community development, archeology, law, finance, cultural geography, cultural anthropology, or related fields with demonstrable interest, competence or knowledge of historic preservation;

4. A member of the Aurora Colony Historical Society; and/or

5. Interested persons residing within the corporate limits of the city.

D. No member of the Historic Review Board may concurrently hold other appointed or elected office in the city, with the exception of members of the budget committee.

E. All appointments to the Historic Review Board shall be for a three-year term, with staggered expiration years. A vacancy shall be filled in the same manner as the original appointments, and the appointee shall hold office for the remainder of the unexpired term. A member who is absent for three consecutively scheduled meetings without having been excused by the board may be removed and the vacancy filled. (Ord. 416 § 8.20.030, 2002)

17.16.040 Meetings.

A. The regular meeting of the Historic Review Board shall be held on the fourth Thursday of every month.

B. Special meetings may be called by the chairperson of the Historic Review Board with five days notice posted on the bulletin board in front of City Hall. (Ord. 416 § 8.20.040, 2002)

Chapter 17.20

APPLICATION PROCEDURES

Sections:

17.20.010 Purpose.
17.20.020 Consolidation of proceedings.
17.20.030 Application process.
17.20.040 Time period for decision making.
17.20.050 Approval authority responsibilities.
17.20.060 Notice of pending decision.
17.20.070 Decision procedure.
17.20.080 Standards for the decision.
17.20.090 Notice of Decision.
17.20.100 Record of proceeding.
17.20.110 Appeal.
17.20.120 Modification and revocation of approvals.
17.20.130 Re-submittal of an application previously denied.
17.20.140 Expiration and extension of approvals.

17.20.010 Purpose.

The purpose of this chapter is to establish procedures for the consideration of applications for a Notice of Decision. (Ord._____)

17.20.020 Applications not Consolidated.

An application under this title shall not be consolidated with applications under Title 16 or other titles of the Aurora Municipal Code. [Check with Renate about this]. (Ord. _____) Applications requiring approval under both titles may be processed simultaneously, however the Title 17 application must be decided before a decision can be made under Title 16.

17.20.030 Application process.

A. The applicant shall be the recorded owner of the property or an agent authorized in writing by the owner.

B. The application shall be made on forms provided by the city.

C. The application shall:

1. Include the information requested on the application form;
2. Address appropriate criteria in sufficient detail for review and action; and
3. Be accompanied by the required fee.

D. An application shall be deemed incomplete unless it addresses each standard or criterion required to be considered under applicable provisions of this title and the application form, unless that requirement has been found inapplicable by the city staff.

E. If an application is incomplete, city staff shall notify the applicant in writing within thirty (30) days of receipt of the application of exactly what information is missing; and allow the applicant thirty (30) days to submit the missing information. The application shall be deemed complete upon:

1. Receipt of the missing information; or

2. Upon receipt of some of the missing information and written notice from the applicant that no additional information will be submitted; or

3. Upon receipt of written notice from the applicant that none of the missing information will be provided.

F. On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information and fails to respond in accordance with 17.20.030E.
(Ord. 416 § 8.36.030, 2002)

17.20.040 Time period for decision making.

The city shall take final action on an application including the resolution of all local appeals, within one hundred twenty (120) days after the application is deemed complete, except:

A. The one hundred twenty (120) day period may be extended for a reasonable period of time at the request of the applicant;

B. The one hundred twenty (120) day period applies only to a decision wholly within the authority and control of the city.

C. If the Historic Review Board fails to approve, approve with modification, or denial of an application within seventy-five (75) days after the application is determined to be complete, the Historic Review Board shall cause notice to be given and the matter to be placed on the City Council's agenda. A public hearing shall be held by the Council and the decision shall made by the City Council. No further action shall be taken by the Historic Review Board. (Ord. 416 § 8.36.040, 2002)

17.20.050 Approval authority responsibilities.

A. The Historic Review Board shall make a public decision in the manner prescribed by this chapter and shall have the authority to approve, approve with conditions, approve with modifications or deny the following:

1. Interpretations subject to Section 17.04.060;
2. Signs subject to Chapter 17.24;
3. Accessory dwelling units subject to Chapter 17.28;
4. Applications for approval under this title;
5. Recommendations to City Council for amending this title;

6. Appeals of decisions by the administrative approval authority;
7. Amendments to the Aurora Design Guidelines for Historic District Properties;
8. Amendments to the Inventory [insert formal name]
9. Any other matter not specifically assigned to the administrative approval authority, or the City Council under this title.

B. The City Council shall make a public decision in the manner prescribed by this chapter and shall have the authority to approve, deny or approve with conditions the following:
1. Appeals of decisions made by the Historic Review Board;
2. Matters referred to the City Council by the Historic Review Board;
3. Review of decisions of the Historic Review Board, whether on the City Council's own motion or otherwise.
C. The planning director shall have the authority to approve, deny or approve with conditions the following applications:
1. Temporary uses pursuant to Section 17.32.030.
2. Paint colors.
3. Landscaping projects costing less than $2500.
4. Roof installations or replacements using black shingles.

(Ord. 419 §§ 20A, 32A (part), 2002; Ord. 416 § 8.36.050, 2002)

17.20.060 Notice of Pending Decision.

A. The notice requirements of this section are applicable to applications that are subject to Aurora Municipal Code Chapters 16.58 (Site Development Review), 16.60 (Conditional Uses) or 16.72 (Subdivisions).

Comment [r3]: So do we complete SDR notice twice if not processed concurrently or remove noticing all together.

B. Notice required by this section shall be given in the following manner:
1. At least fourteen (14) days prior to the scheduled decision, notice shall be sent by mail to:
a. The applicant and all owners or contract purchasers of record of the property, which is the subject of the application;
b. All property owners of record or the most recent property tax assessment roll with one hundred (100) feet of the property;
c. Any person who requests, in writing; and
d. The appellant and all parties to an appeal.
2. City staff shall include a copy of the notice and a copy of the mailing labels in the administrative record.
3. At least fourteen (14) days prior to the pending decision, notice of a pending decision notice shall be posted on the bulletin board in front of City Hall.
4. Notice of a pending decision by the Historic Review Board shall include the following information:
a. A description of the subject property and a general location, which shall include tax map designations from the county assessor's office;

b. A map showing the location of the subject property;

c. A description of what the application will allow the applicant to do and what the applicable criteria for the decision are;

d. State that a fourteen (14) day period for submission of written comments is provided prior to the decision;

e. State the place, date and time that the written comments are due;

f. State that copies of all documents or evidence relied upon by the applicant are available for review, the address where copies can be reviewed and that copies can be obtained at cost;

g. A statement that issues which may provide the basis for an appeal must be raised in writing during the comment period and comments must be sufficiently specific give the decision maker an opportunity to respond to the issue;

h. A statement that the decision does not require an exercise of policy or legal judgment, or a public hearing;

i. A statement that the applicant and any person who submits written comments during the fourteen (14) day period shall receive notice of the decision.

C. The failure of a property owner to receive notice shall not invalidate the action provided a good faith attempt was made to notify all persons entitled to notice.

D. Personal notice is deemed given when the notice is deposited with the United States Postal Service.

E. In computing the length of time that notice is given, the first date notice is given shall be excluded and the day of the hearing or the date on which the appeal period expires shall be included unless the last day falls on any legal holiday or on Saturday, in which case, the last day shall be the next business day.

F. The records of the Marion County assessor's office shall be the official records used for giving notice required in this title, and a person's name and address which is not on file at the time the notice mailing list is initially prepared is not a person entitled to notice. (Ord. 419 § 32A (part), 2002; Ord. 416 § 8.36.060, 2002)

17.20.070 Decision procedure.

The Historic Review Board decision shall be conducted as follows:

A. Request the applicant present the application, explain any graphic or pictorial displays which are a part of the application and provide such other information as may be requested by the approval authority;

B. Read all written comments into the record;

C. Allow the applicant to respond to all written comments;

D. Because this is a limited land use decision process, there is no procedural requirement for the board to allow oral testimony. Oral testimony may be permitted at the discretion of the board. If permitted, the applicant shall be allowed to respond to all oral testimony.

E. Make a decision pursuant to Section 17.20.080 or continue the decision to gather additional evidence or to consider the application further. (Ord. 416 § 8.36.070, 2002)

17.20.080 Standards for the decision.

A. The decision shall be based on proof by the applicant that the application fully complies with this title.

B. The approval authority shall:

1. Adopt findings of fact and conclusions addressing all applicable standards and criteria; or

2. Adopt findings of fact and conclusions submitted by any party provided all parties have had an opportunity to review the findings and comment on the same; or

3. Adopt findings of fact and conclusions from another source, either with or without modification, having made a tentative decision, and having directed staff to prepare findings for review and to provide an opportunity for all parties to comment on the same.

C. The decision may be for denial, approval or approval with conditions.

1. Conditions may be imposed where such conditions are necessary to:

a. Carry out applicable provisions of the Aurora Comprehensive Plan,

b. Carry out the applicable implementing ordinances; and

2. Prior to the commencement of the issuance of any permits or the taking of any action under the approved decision, the owner and any contract purchasers of the property which is the subject of the approved application may be required to sign and deliver to the city their acknowledgment in a development agreement and consent to such conditions:

a. The Mayor shall have the authority to execute the development agreement on behalf of the city,

b. No building permit shall be issued for the use covered by the application until the executed contract is recorded and filed in the county records, and

c. Such development agreement shall be enforceable against the signing parties, their heirs, successors and assigns by the city. (Ord. 419 § 32A (part), 2002; Ord. 416 § 8.36.080, 2002)

17.20.090 Notice of Decision.

A. All decisions require a Notice of Decision. The Notice of Decision shall include a brief statement that explains the decision with reference to the standards, criteria and facts in the record, the date the final decision was made, along with the deadline for appeal.

B. The applicant and any person who submits written comments during the fourteen (14) day period shall be provided with the Notice of Decision.

C. City staff shall include a copy of the Notice of Decision and a copy of the mailing labels in the administrative record.

D. The Notice of Decision shall be reduced to writing, signed by the Historic Review Board chair, and mailed to the applicant and all parties in the action within ten (10) calendar days after the decision is made. The vice chair is authorized to sign the Notice of Decision when the chair of the Historic Review Board is not available to sign. (Ord. 419 §§ 20B, 32(A) (part), 2002; Ord. 416 §8.36.090, 2002)

17.20.100 Record of proceeding.

The record shall include:

Comment [r4]: There is no 14 day comment period at this time (whether SDR or not). Karin? DO admin decision with Notice of Decision and 14 day appeal period to CC? 100 feet?

Comment [r5]: Who are all parties if no notice provided in advance?

A. A copy of the application and all supporting information, plans, exhibits, graphics, etc.;

B. A copy of the notice of pending decision and a list of all persons who were given mailed notice;

C. All testimony, evidence and correspondence relating to the application;

D. All information considered by the approval authority in making the decision;

E. If approved or approved with conditions, a copy of the certificate of appropriateness signed by the approval authority;

F. A list of the conditions, if any, attached to the approval of the application; and

G. A copy of the notice of the decision, which was given pursuant to Section 17.20.090, and a list of all persons who were given mailed notice. (Ord. 419 § 32(A), 2002; Ord. 416 § 8.36.100, 2002)

17.20.110 Appeal.

A. Standing to Appeal. Any person shall be considered a party to a matter, thus having standing to seek appeal, provided the person submitted written comments to the approval authority during the fourteen (14) day period prior to the decision or the person was entitled as of right to notice prior to the decision to be reviewed.

B. Computation of Appeal Period.

1. The length of the appeal period shall be fifteen (15) days from the date of the final decision.

2. In computing the length of the appeal period, the day of the decision is mailed shall be excluded and the last day for filing the appeal shall be included unless the last day falls on a legal holiday for the city or on a Saturday, in which case, the last day shall be the next business day.

C. Determination of Appropriate Appeal Body.

1. Any decision made by the Historic Review Board under this chapter, may be reviewed by the City Council by:

a. The filing of a notice of appeal and payment of required fees by any party to the decision before five p.m. on the last day of the appeal period;

b. The Council, on its own motion, seeking appeal by voice vote prior to the end of the appeal period.

2. Failure to file an available appeal shall be considered a failure to exhaust administrative remedies. The local appeals process must be completed before any appeal is made to the land use board of appeals.

D. The notice of appeal shall be filed within the appeal period and contain:

1. A reference to the application sought to be appealed;

2. A statement of the petitioner’s standing to the appeal;

3. The specific grounds for the appeal;

4. The date of the decision on the action;

5. The applicable fees.

E. The appeal hearing shall be confined to the record of the decision.

F. Upon appeal, notice shall be given to parties who are entitled to notice under Sections 17.20.060 and Section 17.20.090.

G. The appellate authority shall affirm, reverse or modify the decision, which is the subject of the appeal. The decision shall be made in accordance with the time provisions of Section 17.20.040; or upon the written consent of all parties to extend the one hundred twenty (120) day limit, the appellate authority may remand the matter if it is satisfied that testimony or other evidence could not have been presented or was not available at the time of the initial decision. In deciding to remand the matter, the appellate authority shall consider and make findings and conclusions regarding:

1. The prejudice to parties;
2. The convenience or availability of evidence at the time of the initial hearing;
3. The surprise to opposing parties;
4. The date notice was given to other parties as to an attempt to admit; or
5. The competency, relevancy and materiality of the proposed testimony or other evidence. (Ord. 419 §§ 20C, 32A (part), 2002; Ord. 416 § 8.36.110, 2002)

17.20.120 Modification and revocation of approvals.

The approval authority may modify or revoke any approval granted pursuant to this chapter for any of the following reasons:

A. A material misrepresentation or mistake of fact made by the applicant in the application or in testimony and evidence submitted, whether such misrepresentation is intentional or unintentional;

B. A failure to comply with the terms and conditions of approval;

C. A material misrepresentation or mistake of fact or policy by the city in the written or oral report regarding the matter whether such misrepresentation is intentional or unintentional. (Ord. 419 § 32A (part), 2002; Ord. 416 § 8.36.130, 2002)

17.20.130 Re-submittal of an application previously denied.

An application which has been denied or an application which was denied and which on appeal has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission or the courts, may not be resubmitted for the same or a substantially similar proposal or for the same or substantially similar action for a period of at least twelve (12) months from the date the final city action is made denying the application unless there is a substantial change in the facts or a change in city policy which would change the outcome. (Ord. 419 §§ 32A (part), 2002; Ord. 416 § 8.36.130, 2002)

17.20.140 Expiration and extension of approvals.

A. Approval under this title shall be effective for two years from the date of approval.

B. Approvals shall lapse if:

1. Substantial construction of the approved plan has not been completed within a two-year period;

2. Construction on the site is a departure from the approved plan.

C. City staff may, upon written request by the applicant, grant an extension of the approval period not to exceed one year; provided, that:

1. No material changes are made on the approved plan; and

3. There have been no material changes to the standards and criteria of this title on which the approval was based.

4. Written notice of the decision regarding an extension of time shall be provided to the applicant. (Ord. 419 § 32A (part), 2002; Ord. 416 § 8.36.140, 2002)

Chapter 17.24

SIGNS

Sections:

17.24.010 General authority.
17.24.020 Purpose.
17.24.030 Sign permits required.
17.24.040 Application.
17.24.050 Definitions.
17.24.060 Exempt signs.
17.24.070 General sign provisions.
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17.24.090 Historic residential overlay.
17.24.100 Historic commercial (HC) overlay.
17.24.110 Nonconforming signs.
17.24.120 Termination of signs by abandonment.
17.24.130 Relief from sign standards.
17.24.140 List of approved font types.

17.24.010 General authority.

Before any construction, erection, placing, painting, carving or otherwise giving public exposure of any sign occurs in the historic commercial overlay or the historic residential overlay, application must be made to both the Historic Review Board and a city building official. The applicant must receive a certificate of appropriateness from the Historic Review Board before a building permit can be issued by the building official. The sign provisions of this chapter may be considered as a part of a development application or individually. Applications shall be filed with the City Recorder on an appropriate form in any manner prescribed by the city, accompanied with an application fee in the amount established by general resolution of the City Council. (Ord. 416 § 8.50.010, 2002)

17.24.020 Purpose.

Sign guidelines and criteria can enhance the economic vitality and contribute to the visual quality of the city. Well-designed signs attract the eye, complement each other and draw attention to the buildings containing the businesses for which they are intended to advertise. In the review of sign applications within the city, the following criteria and standards will be considered by the Historic Review Board.

A. Signs are necessary to communicate information about places, goods, services and amenities. As such, they have a useful function; they should not confuse; they should inform with clarity.

B. Signs are a part of the town's street scape. Signage, in a collective sense, has a civic obligation to be in character with the rest of the street scape.

C. Buildings are signs in that they represent a kind of imagery through their architecture.

D. Signage is visual. Good signage is an art form that should be addressed with sensitivity. In addition to communicating information, signage is an architectural element.

E. Signs on buildings should not dominate or obscure the architecture of the building. A sign on a building should be compatible or integrated with its architecture. (Ord. 416 § 8.50.020, 2002)

17.24.030 Sign permits required.

A. Existing Signs. All existing signs on each business and residential premises shall be required to conform to the standards of this chapter on or before July 1, 2003. Upon adoption of the ordinance codified in this title, the person(s) in control of the business or property or in control of each business contained thereon, shall be required to submit a completed application form with a photograph of all existing signs according to Section 17.24.040(C), and pay no sign permit fee, except those signs approved by the Historic Review Board after October 26, 1995.

1. As of the effective date of the ordinance codified in this title, Aurora's historic district contains four existing backlit reader boards, specifically for the business of the "General Store," "Aurora Colony Market," "Nagl Floor Covering," and "Aurora Cycle." Due to the historic business related use of these signs and notwithstanding Section 17.24.110(B)(2), these four reader board signs may continue, for their useful life, as nonconforming uses after the July 1, 2003 deadline requiring sign conformance.

B. Proposed Signs. No person shall place on, or apply to, the surface of any building, any painted sign, or erect, construct, place or install any other sign, unless a sign permit has been issued by the city for such sign. Application for a sign permit shall be made by the permittee in accordance with Section 17.24.040. The person(s) in control of the building or property or in control of each business contained thereon, shall make application for a sign permit in writing upon forms provided by the city. Such application shall contain the proposed location of each sign on the premises, the street and number of the premises, the name and address of the sign owner, the type of construction of each sign, the design and dimensions of each sign, type of sign supports, location of each sign on the premises, and other such information as may be required by the city.

C. No person having a permit to erect a sign shall construct or erect same in any manner, except in the manner set forth in the approved certificate of appropriateness. All departures from signage plans for which a certificate of appropriateness has been issued shall be approved in advance by the Historic Review Board.

D. Sign Permit Fees. The application for a certificate of appropriateness for a sign shall be accompanied by a filing fee in an amount established by general resolution of the City Council. (Ord. 419 §§ 19, 23H, 2002; Ord. 416 § 8.50.030, 2002)

17.24.040 Application.

A. The applicant shall submit three copies of:

1. A drawing of the sign indicating its colors, lettering, symbols, logos, materials, size, and area;

2. An elevation and plot plan indicating where the proposed sign will be located on the structure or lot, method of illumination, if any, and similar information.

B. Signs existing September 26, 1995 shall be photographed with enough visual detail to determine their approximate size and location for inventory purposes. (Ord. 416 § 8.50.040, 2002)

17.24.050 Definitions.

Comment [r6]: Include with other definitions

As used in this chapter:

"Advertising structure" means any notice or advertisement, pictorial or otherwise, and any structure used as, or for the support of, any notice or advertisement for the purpose of making anything known about goods, services or activities not on the same lot as the advertising structure.

"Alterations" means any change in size, shape, and method of illumination, position, location, construction or supporting structure of a sign.

"Balcony" means a platform projecting form the exterior wall, enclosed by a railing, supported by brackets or columns or cantilevered out.

"Banner" means a temporary paper, cloth, or plastic sign advertising a single event of civic or business nature.

"Billboard" means the same as "advertising structure."

"Building facade" means the vertical exterior wall of a building including all vertical architectural features.

"Building register sign" means a sign that identifies four or more businesses contained within a single building structure or complex.

"Bulletin board" means a sign of a permanent nature, but which accommodates changeable copy, indicating the names of persons associated with, events, conducted upon or products or services offered upon, the premises upon which the sign is located.

"Business" means commercial or industrial enterprise.

"Business frontage" means the lineal front footage of the building or a portion thereof, devoted to a specific business or enterprise, and having an entrance/exit opening to the general public.

"Cartoon" means a caricature of an animate or inanimate object intended as humorous.

"Construction sign" means a sign stating the names, addresses or telephone numbers of those individuals or businesses directly associated with a construction project on the premises.

"Curvilinear" means represented by curved lines.

"Direct illumination" means a source of illumination directed towards such signs so that the beam of light falls on the exterior surface of the sign.

"Flag" means a light flexible cloth, usually rectangular and bearing a symbol(s) representing a nationality, statehood, or other entity.

"Flashing sign" means a sign incorporating intermittent electrical impulses to a source of illumination, or revolving in a manner, which creates the illusion of flashing, or which changes color or intensity of illumination.

"Fluorescent colors" means extra bright and glowing type colors; includes dayglow orange, fluorescent green, etc.

"Fluorescent lighting" means light provided by tubes.

"Free-standing" means a sign, which is entirely supported by a sign structure in the ground.

"Frontage" means the single wall surface of a building facing a given direction.

"Illustration" means a line drawing or silhouette of a realistic object.

"Marquee" means a permanent roofed, non-enclosed structure projecting over an entrance to a building, which may be attached to the ground surface, or not.

"Neighborhood identification" means a sign located at the entry point to a single-family subdivision comprising not less than two acres, or a sign identifying a multiple-family development.

"Neon light" means a form of illumination using inert gases in glass tubes and includes black light and other neon lights.

"Parcel" or "premises" means a lot or tract of land under separate ownership, as depicted upon the count assessment rolls, and having frontage abutting on a public street.

"Primary revenue source" means no less than seventy-five (75) percent of gross total principal income derived from a business.

"Public right-of-way" means the area commonly shared by pedestrians and vehicles for rite of passage. An easement for public travel or access including street, alley, walkway, driveway, trail or any other public way; also, the land within the boundaries of such easement.

"Quality material" means materials that are appropriate to make temporary window signs, including poster board, heavy bond paper or wood. All temporary signs will be lettered using the approved lettering styles. Brown paper or brown bags, ragged edges or light-weight paper are not allowed.

"Real estate sign" means a sign indicating that the premises on which the sign is located, or any portion thereof, is for sale, lease or rent.

"Sidewalk" means hard surface strip within a street right-of-way to be used for pedestrian traffic.

"Sign" means any notice or advertisement, pictorial or otherwise, used as an outdoor display for the purpose of advertising a property or the establishment or enterprise, including goods and services, upon which the signs are exhibited. This definition shall not include official notices issued by a court or public body or officer, or directional, warning or information signs or structures required by or authorized by the law or by federal, state, county or city authority.

“Sign, Area of.” In determining whether a sign is within the area limitations of this title, the area of the total exterior surface shall be measured and computed in square feet; provided, that where the sign has two or more faces, the area of the total exterior surface shall be measured and divided by the number of faces; and provided further, that if the interior angle between the two planes of two faces exceeds one hundred thirty-five (135) degrees, they shall be deemed a single

face for the purposes hereof. Measurement shall be made at the extreme horizontal and vertical limit of a sign.

"Street frontage" means the lineal dimension in feet of the property upon which a structure is built, each frontage having one street frontage.

"Wind sign or device" means any sign or device in the nature of a series of one, two or more banners fastened in such a manner as to move upon being subject to pressure by wind or breeze.

"Window" means all the glass included with one casement. (Ord. 416 § 8.50.050, 2002)

17.24.060 Exempt signs.

The following signs and devices shall not be subject to the provisions of this chapter and shall not require a certificate of appropriateness or a sign permit application:

A. Identification Signs.

1. Memorial and Historic Identification Signs. Memorial tablets, cornerstones or similar plaques, such as National Register listing, not exceeding six square feet.

2. Small Business-Related Informational Signs. Small nonilluminated informational signs such as "open/closed" signs (including one three foot by five foot flag or banner per store front), credit card signs, rating or professional association signs, and signs of a similar nature. Only one of each type of sign is permitted and no more than four of these signs are allowed for any individual business or on any parcel of property. The total area for these types of signs may not exceed three square feet in area. If logos are used, they should be no larger than one square foot. Historic Review Board approved colors and lettering styles must be utilized.

3. Occupant or Owner Sign. A sign identifying the name of the occupant or owner, provided the sign is not larger than one square foot, is not illuminated, and is either attached to the structure or located within the front yard setback.

4. Donation Name Plates. Donation nameplates located on benches are allowed.

5. One interior LED sign per business not exceeding three square feet in area. Flashing or other changes in illumination are prohibited.

B. Signs as Symbols.

1. Flags. Flags of national, state, or local government, and flags of U.S. historical significance (no more than two flags per store front, each flag not to exceed a size of three feet by five feet).

C. Temporary Signs.

1. Political Signs. Temporary political signs not exceeding four square feet, provided the signs located on private property, and are erected not more than thirty (30) days prior to, and removed within seven days following, the election for which they are intended.

2. Real Estate or Construction Signs. Temporary, nonilluminated real estate or construction signs (no more than one per parcel) not exceeding four square feet, provided such signs are removed within fifteen (15) days after sale, lease or rental of the property, or the completion of the project.

3. New Business Signs. Temporary signs for new businesses, after the city has been notified through a business permit license, for a period not exceeding ninety days.

4. Sale or Product Advertising Window Signs, Grand Opening and Going Out of Business Signs. Temporary fabric or paper signs for special events, sales, or grocery store type products may be placed upon the window opening of a nonresidential building, when such signs do not obscure more than twenty (20) percent of the window or wall area and no more than ten (10) percent of the total primary facade area. These temporary signs will not be put up more than fifteen (15) days prior to the event or sale and will be removed immediately after the event or sale. These temporary signs need to be of quality material and in keeping with the Aurora's historic character.

5. Business Change of Location. Businesses that are changing location may place a single one square foot inside a window facing outward for sixty (60) days before moving and up no more than sixty (60) days after vacancy.

6. Garage Sale Signs. Garage sale signs shall include the address of the person giving the sale, dates of the sale and be limited to three weekends per year per address. Signs are to be removed immediately at the close of the sale. Signs shall be maximum size of two square feet, signs shall be no more than four feet in height, and shall be self-supported and not affixed to public signs or utility poles. Signs shall not be placed in the city's park. Signs may be placed in the city right-of-way if placed no closer than four feet from the street. Sign may also be placed on private property with the owner's permission.

7. Holiday Lighting. Noncommercial decorations, including blinking lights, displayed on traditionally accepted civic, patriotic, and/or religious holiday, provided that such decorations are maintained a safe condition and do not constitute a fire hazard. Decorations in the historical commercial overlay must be removed, or cease to be used, within thirty (30) days following the holiday/event to which they relate.

8. Civic and Special Event Banners. Temporary banners, pennants and flags advertising civic and special (not sale) events shall be permitted for no more than sixty (60) days before the event and must be removed within forty-eight (48) hours after the event concludes.

D. Government Signs.

1. Construction Signs. Signs placed by state or federal governments for the purpose of construction, maintenance or identification of roads or other public agencies for the direction of traffic, and designed to fulfill the requirements of state and federal funding agencies.

2. Public Meeting Notices. Temporary paper signs that serve as notice of a public meeting when removed promptly after such meeting is held.

3. Town Identification Signs. One town identification sign shall be permitted at each entry to town located on major roadways, not exceeding twenty (20) square feet.

E. Security Signs. Signs relating to security monitoring which may include company logo are exempt and limited to twelve (12) square inches in size when located on a window or two square feet when free-standing. (Ord. 419 §§ 23A, 23B, 2002; Ord. 416 § 8.50.060, 2002)

17.24.070 General sign provisions.

The following general sign provisions apply to all signs, except those exempt signs specifically listed in Section 17.24.060, within the city:

A. Sign Design.

1. Materials. Wood is the recommended material for both the sign and the stanchion (in the case of free-standing signs). Signs, which use plastic as part of the exterior visual effects, are prohibited.

2. Shape. Rectangular, straight-edge and oval signs are the preferred shape for signs. Signs with highly stylized, curvilinear edges are not recommended. Refer to the approved sample sign styles available at City Hall.

B. Sign Color.

1. Maximum of Four Colors. The number of colors used on signs shall be minimized for maximum effect. As a result, each sign may contain only four colors, not including the background.

2. Fluorescent Colors. Fluorescent colors are not allowed.

3. Dark Letters over Light Background. All signs shall have dark colored letters placed on top of a light colored background.

C. Sign Graphics, Lettering and Content.

1. Graphics. Sign graphics shall be carved, applied, painted or stained. Vinyl lettering may be used in approved fonts.

2. Keep Graphics Simple. Sign graphics shall be simple and bold and in keeping with the Historic Review Board guidelines. Sign graphics can contain line drawings or silhouette images of live or inanimate objects. Cartoon images, either line drawn or silhouette, of live or inanimate objects are prohibited.

3. Lettering. To maintain continuity, all sign lettering shall be stylistically similar to the list of approved fonts in Section 17.24.140. All lettering shall be uniformly aligned, evenly spaced, precise, cleanly executed and legible.

4. Historic Building Name Signs. Signs placed flat against the facade of the building that identify the historic name of a building are encouraged, provided they are of uniform color and design throughout the city and are no more than six square feet in area.

5. City Directional Signs. Signs and graphics for which the city is responsible (i.e., parking lots, public facilities, street signs, etc.) shall have a single lettering style and use black for the lettering and white as a background. Signs for city parks shall not exceed twelve (12) square feet.

E. Sign Lighting.

1. External Lighting Only. When lighting is used for signs, only subdued external and indirect incandescent lighting is allowed. Internal illumination and fluorescent and/or internal neon lighting is not allowed. Special illumination circumstances, such as lottery signs and product advertising signs, will be considered on a case-by-case basis.

2. No Flashing or Blinking Lights. No sign shall contain any flashing lights, blinking or moving letters, characters or other elements, nor shall it be rotating or otherwise movable. (Ord. 419 § 23C, 2002; Ord. 416 § 8.50.070, 2002)

17.24.080 Prohibited signs.

A. Paper Signs. Paper signs are not allowed on the exterior of any building or attached to any sign, except as provided in Section 17.24.060.

B. Billboards or Off-Premises Advertising Signs. Billboards or off-premises advertising signs, temporary signs, wind signs or devices are prohibited, except as allowed in Section 17.24.060.

Comment [r7]: Non-enforceable

C. Flashing Signs. Signs with lights or illuminations, which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations are prohibited.

D. Bench Signs. Advertising murals and bench signs are prohibited. However, donation name plates are allowed.

E. Logo or Trademark Signs. Signs or devices (such as drink dispensers) placed on the outside of a business that display the symbol, slogan or trademark of national product brands of soft drinks, or other products, or services shall be prohibited.

F. Misleading Signs. Any unofficial sign which purports to be, is in imitation of or resembles an official traffic light or a portion thereof, or which hides from view any official traffic sign or signal, is prohibited.

G. Signs Obstructing Egress. No sign or portion thereof shall be so placed as to obstruct any fire escape, standpipe or human exit from a window located above the first floor of a building; obstruct any door or exit from a building; or obstruct any required light or ventilation.

H. Utility Poles. No sign shall be attached to a utility pole.

I. Reader Board Sign. Except as exempted in Section 17.24.030, reader board signs are prohibited. (Ord. 419 § 23E, 2002; Ord. 416 § 8.50.075, 2002)

17.24.090 Historic residential overlay.

Signs in the historic residential overlay shall be permitted as follows:

A. Neighborhood Identification. One sign shall be permitted at each entry point to developments, with more than ten (10) lots or dwelling units, not exceeding an area of eight square feet per sign, nor five feet in height above grade. See also the general sign provisions Section 17.24.070.

B. Conditional Uses. Where otherwise permitted, one sign of not more than four square feet, either attached to the building or freestanding, shall be permitted for conditional uses. If freestanding, the sign shall be mounted in a planter or landscaped area and shall not exceed five feet in height, nor shall it be located within ten (10) feet of any property line. (Ord. 416 § 8.50.080, 2002)

17.24.100 Historic commercial (HC) overlay.

All signs in the historic commercial overlay shall require approval by the Historic Review Board pursuant to this chapter. Signs should not be the dominant feature of a building or site, yet they are a key component in identifying businesses and contributing to the livelihood of the street with their individuality. These guidelines create a system whereby signs identifying businesses are visible to both pedestrian and automobile traffic without detracting from the architecture or

overpowering the streetscape. Special consideration may be granted for signage design that is consistent with the historical age and style of the building. The following types of signs are permitted within the historic commercial overlay:

A. Right-Angle Signs. Right-angle signs (those signs place perpendicular to the building facade) may be either attached to the wall surface or hung from the underside of a marquee or balcony. Right-angle signs are designed for viewing by pedestrians walking under such signs. See also the general sign provisions, Section 17.24.070.

1. Number. There shall be no more than one right-angle sign for every seventeen (17) feet of street frontage.

2. Area. The square footage of all right-angle signs on a single building frontage shall not exceed one percent of the area of that building facade to which the sign is attached. No individual sign shall be more than six square feet in area. A single right-angle sign identifying four or more businesses may be a maximum of ten (10) square feet.

3. Placement. Right-angle signs shall be below the sill of the second story windows or below the roofline, eave or parapet of a one-story building. No sign projecting over the public right-of-way shall be less than eight feet from the ground level. No sign shall project more than six feet from the vertical surface of a building facade, provided it is no closer than two feet from the face of the curb or edge of pavement.

B. Wall Signs. Wall signs are those signs attached and parallel to the building facade, and which extend no more than six inches from the surface of the wall. (Parapet signs are a type of wall sign, but are treated separately). See also the general sign provisions, Section 17.24.070.

1. Number. Only one wall sign is permitted for every seventeen (17) feet of building street frontage.

2. Area. The square footage of all wall signs on a single building frontage shall not exceed six percent of the area of that building façade to which the signs are attached.

3. Placement. Wall signs shall not extend above an eave or ridge line.

4. Former Residential Use. Wall signs on commercial buildings originally built as houses shall not exceed four square feet, be placed sensitively to the architecture, and contain only the business name and/or business category.

C. Parapet Signs. Parapet signs are a distinctive type of wall sign, which are generally located above the lintels of the upper story windows and continue upward on a wall that extends beyond the roof edge (or false front). They are designed to be legible to pedestrians across the street and persons traveling on the street. Parapet signs generally identify the name of the business establishment. See also the general sign provisions, Section 17.24.070.

1. Number. No more than one parapet sign is permitted per building.

2. Area. A parapet sign shall not exceed six percent of the total square footage of the building facade to which it is attached. A parapet sign shall be no more than two feet in vertical dimension.

3. Placement. Parapet signs shall not extend above the upper edge of the parapet wall. A parapet sign shall not extend any nearer than one foot from either edge of the building. Recessed sign panels located in building parapets should be used when possible.

D. Window and Door Signs. Window and door signs are those, which are painted, displayed or placed inside a translucent or transparent surface facing outward. Window graphics are usually most effective when they are simple and clearly. Generally these types of signs do not identify the primarily business to persons outside the building. As a result, these types of signs should be kept to a minimum. See also the general sign provisions, Section 17.24.070.

1. Number. Each building frontage shall have no more than a total of two window/door signs.

2. Area. The total of all window or door signs shall not exceed twenty (20) percent of the total window and/or door area for each building.

3. Placement. In all cases, window graphics shall be limited to the first and second story window.

4. Former Residential Use. Window signs are not allowed on commercial buildings originally built as houses.

E. Balcony or Marquee Signs. Balcony or marquee signs are those signs that are attached to the fascia of the balcony or marquee and are parallel to the street and building facade. They are intended for viewing by travelers on the street or pedestrians on the opposite side of the street. There is little historical precedent for balcony or marquee signs that hang from the fascia, hence signs that are hanging from the outside edge of a balcony or marquee roof are prohibited. See also the General Sign Provisions, Section 17.24.070.

1. Number. Only one attached balcony or marquee sign shall be permitted per building.

2. Area. No more than eighty (80) percent of a balcony or marquee fascia shall be covered with signage.

3. Placement. The attached balcony or marquee sign shall be centered in the middle of the balcony or marquee fascia. The signs shall not project above the marquee roofline or balcony floor line, or below the bottom edge of the balcony or marquee fascia.

F. Free-standing Signs. Free-standing signs are those, which are provided with their own support and are not attached to a building. Typically they are attached or are suspended from a post, pole or stanchion. Aurora had few if any free-standing signs in the late 1880s. Most business activities were conducted in buildings built on the front property line, allowing little room for placement of free-standing signs. See also the General Sign Provisions, Section 17.24.070.

1. Former Residential Use. Free-standing signs are especially appropriate for commercial buildings originally built as houses.

2. Number. No more than one free-standing sign is permitted for each parcel containing one or more business activities within a building structure.

3. Area. A free-standing sign shall not exceed thirty-two (32) square feet in area.

4. Placement. A free-standing sign shall be within the parcel boundaries.

5. Height. A free-standing sign shall not exceed eight feet in height from the top edge of such sign to the grade below.

G. Sandwich and A-Board Signs. Sandwich or A-Board Signs are signs that are ordinarily in the shape of an "A" or some variation thereof, on the ground, easily moveable and which is usually two sided. See also the General Sign Provisions, Section 17.24.070.

1. Number. One sandwich board type sign is permitted per business. Additional sandwich boards granted only on businesses with more than one frontage and then only at the discretion of the governing body.

2. Placement. Sandwich boards shall not obstruct pedestrian walkways, or in any way impede the normal flow of vehicular traffic. These signs shall be placed in a manner that maintains a walkway of not less than thirty-six (36) inches in width and shall be no larger than three feet wide, nor more than four feet high when measured vertically.

3. Removal. Sandwich board signs shall be moveable at all times and displayed only during the open hours of the business.

4. Distance Between Sandwich Boards. Sandwich boards must maintain a minimum distance of fifteen (15) feet from any other sandwich board sign.

5. Location. Location of sandwich boards must be approved at the time of sign application review.

6. No Posters or Promotional Materials. No paper signs of any kind shall be placed upon sandwich board signs. Sandwich boards are not to be used for posters or to display promotional materials, except for special community evens, which are limited to the duration of the event.

H. Signs Painted on Buildings. Signs painted directly upon the facade of the building within the HC district shall be consistent with historical documentation. (Ord. 419 §§ 23F, 23G, 2002; Ord. 416 § 8.50.090, 2002)

17.24.110 Nonconforming signs.

All signs existing on the date of adoption of the ordinance codified in this title, and not conforming with the provisions of this chapter are deemed nonconforming signs, except those signs approved by the Historic Review Board after October 26, 1995.

A. No nonconforming sign shall be changed, expanded or altered in any manner which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain nonconforming.

B. Termination of Nonconforming Signs.

1. Immediate Termination. Nonconforming signs which advertise a business no longer conducted or a product no longer sold on the premises where such sign is located shall be terminated within fifteen (15) days after the effective date of said ordinance.

2. Termination by Change of Business. Any nonconforming sign advertising or relating to a business on the premises on which it is located shall be terminated upon any change in the ownership or control of such business.

3. Termination by Amortization. Any nonconforming sign not terminated pursuant to any other provision of this title shall be terminated on or before July 1, 2003. (Ord. 419 §§ 20, 23I, 2002: Ord. 416 § 8.50.100, 2002)

17.24.120 Termination of signs by abandonment.

A. Obsolete Business Signs. Any sign advertising or relating to a business, except a regular seasonal business, on the premises on which it is located, which business is discontinued for a

period of thirty (30) consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and all such signage, whether conforming or nonconforming to the provisions of this title shall be removed within thirty (30) days thereafter. Any period of such non-continuance caused by government actions, strikes, materials shortages or acts of God, and without any contributing fault by the business or user, shall not be considered in calculating the length of discontinuance for purposes of this subsection.

B. Appeal. An extension of time for removal of signage of an abandoned business, not to exceed an additional thirty (30) days, may be granted by the City Council upon an appeal filed by the legal owner of the premises or person in control of the business. (Ord. 416 § 8.50.110, 2002)

17.24.130 Relief from sign standards.

The Historic Review Board may grant relief from strict compliance with standards contained in this chapter in cases where documented evidence suggests it is impossible or impractical to comply with the standard for one or more of the reasons set forth in the preceding subsections. The facts and conclusions relied upon to grant relief from a particular standard shall clearly be set forth in the final order of the Historic Review Board.

A. Exceptional or extraordinary conditions applying to the property which do not apply generally to other properties in the same zone or vicinity, which conditions are a result of building location or style, or other circumstances over which the applicant has no control make strict compliance impossible or impractical; or

B. Relief from the standard for reason set forth, will result in equal or greater compatibility with the architectural style and features, which exist on the building or nearby historical buildings; or relief is necessary to restore or replace a sign in a way which is historically accurate or compatible. (Ord. 416 § 8.50.120, 2002)

17.24.140 List of approved font types.

(Ord. 419 § 23D, 2002: Ord. 416 § 8.50.130, 2002)

Chapter 17.28

ACCESSORY DWELLINGS AND STRUCTURES

Sections:

17.28.010 Purpose.
17.28.020 Applicability and administration.
17.28.030 Application submittal requirements.
17.28.040 Approval standards.

17.28.010 Purpose.

Accessory dwellings and structures are allowed in certain situations to:

A. Create new housing units while respecting the look and scale of single-dwelling neighborhoods;

B. Allow more efficient use of existing housing stock and infrastructure;

C. Provide a mix of housing that responds to changing family needs and smaller households;

D. Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and

E. Provide a broader range of accessible and more affordable housing.

F. Provide storage and workshop spaces. (Ord. , 2002)

17.28.020 Applicability and administration.

A. An accessory dwelling unit may be added to any single-family detached dwelling in the historic residential overlay.

B. Accessory dwellings requiring exterior modifications and detached accessory dwelling units on properties located in the historic residential overlay shall require approval by the Historic Review Board pursuant to Chapter 17.20. (Ord. 416 § 8.60.020, 2002)

17.28.030 Application submittal requirements.

All applications for accessory dwelling units shall be made on forms provided by the city and shall be accompanied by:

A. The information requested on the application form;

B. A narrative discussing the appropriate criteria in sufficient detail for review and action;

C. The required fee;

D. A site plan drawn to standard engineering scale showing the location of the accessory dwelling unit, the entrance and exits from the site, and areas to be designated for parking; and

E. A completed building permit application. (Ord. 416 § 8.60.030, 2002)

17.28.040 Approval standards.

A. Only one entrance to a residence may be located on the front facade of the single-family dwelling facing the street, unless the single-family dwelling contained additional front doors entrances before the conversion accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.

B. The size of the accessory dwelling unit may be no more than fifty (50) percent of the living area of the single-family detached dwelling or the maximum allowed for an accessory dwelling unit in the applicable zone or overlay, whichever is less.

C. Accessory dwelling units created through the addition of floor area must meet the following:

1. Where the primary dwelling is a contributing structure, the exterior finish materials must be identical in substance, size and placement to the exterior finish material of the existing structure. Where the primary dwelling is a noncontributing structure within the historic commercial overlay, exterior finish materials must meet the standards for new construction within that overlay. Where the primary dwelling is a noncontributing structure in the historic residential overlay, exterior finish materials must meet the standards of Chapter 17._____.

2. The roof pitch must be the same as the predominant roof pitch of the primary single-family detached dwelling.

3. Windows must match those in the existing single-family detached dwelling in proportion (relationship of width to height) and be oriented vertically. Where the primary dwelling is a contributing structure, the windows must be identical in substance, size and placement to the windows of the existing structure.

D. Detached accessory dwellings and structures must meet the following:

1. The accessory dwelling unit must be located in the side or rear yard of the primary detached single-family dwelling, except where the primary dwelling is a contributing structure, in which case the accessory dwelling must be located in the rear yard.

2. The maximum height allowed for a detached accessory dwelling unit is eighteen (18) feet or seventy-five (75) percent of the height of the primary dwelling unit, whichever is greater.

3. The maximum footprint of the detached accessory dwelling is 800 square feet.

4. The exterior finish and trim material must be visually compatible in type, size and placement, the exterior finish material of the single-family detached dwelling. Where the primary dwelling is a contributing structure, the exterior finish materials must be identical in substance, size and placement to the exterior finish material of the existing structure.

5. The roof pitch must be the same as the predominant roof pitch of the existing dwelling or 8:12, whichever is steeper.

6. Windows must match those in the existing single-family detached dwelling in proportion (relationship of width to height) and be oriented vertically. Where the primary dwelling is a contributing structure, the windows must be identical in substance, size and placement to the windows of the existing structure.

E. All parking must meet the requirements of Chapter 16.42, Off-Street Parking and Loading, for single-family residences, except as follows:

1. No additional parking space is required for the accessory dwelling unit if it is created on a site with an existing single-family dwelling and, the roadway surface on at least one abutting street is at least eighteen (18) feet wide.

2. One additional parking space is required for the accessory dwelling unit when:

a. None of the abutting street roadway surfaces are at least eighteen (18) feet wide;

b. When the accessory dwelling unit is created at the same time as the single-family detached dwelling is constructed.

F. In addition to the above standards, accessory dwellings and structures shall comply with Chapter 17.40, Design Standards. (Ord. ___ § _____, 2012)

Chapter 17.32

TEMPORARY USES AND STRUCTURES

Sections:

17.32.010 Purpose.
17.32.020 Application submission requirements.
17.32.030 Temporary use administration and approval.
17.32.040 Temporary structure administration and approval.
17.32.050 Outdoor Display.

17.32.010 Purpose.

The purpose of the temporary use permit is to permit commercial activities that are small scale and short term in nature and generally promote celebration of specific events, holidays and seasons. Examples include, but are not limited to, temporary uses associated with existing licensed businesses, seasonal produce sales and farmers markets.

The purposes of the temporary structure approval are: (1) to permit property owners to utilize temporary structures for up to one year for approved longer term temporary uses, including but not limited to, temporary construction offices and leasing offices for previously approved developments; or (2) to permit property owners to utilize shorter term temporary open air structures, such as tents, booths and canopies of greater than one hundred twenty (120) square feet with approved shorter term temporary uses. (Ord. 419 § 21A (part), 2002; Ord. 416 § 8.70.010, 2002)

17.32.020 Application submission requirements.

All applications for temporary uses or temporary structures shall be made on forms provided by the city and shall be accompanied by:

A. A site plan drawn to standard engineering scale showing the location of the temporary use or temporary structure, the entrance and exits from the site, areas to be designated for parking, if applicable, and any requested signs; and

B. For structures subject to Section 17.32.040, a letter from the property owner of record giving approval for the proposed temporary structure; and

C. A completed business license application for the temporary use. (Ord. 419 § 21A (part), 2002; Ord. 416 § 8.70.020, 2002)

17.32.030 Temporary use administration and approval.

A. The planning director may approve a temporary use based on following criteria:

1. The temporary use is located in the historic commercial overlay in the commercial zone and the parcel of land on which the temporary use will be located is zoned consistent with the proposed temporary use.

2. Where the temporary use is sited on a property containing an existing business, the temporary use shall directly relate to the existing business.

3. The temporary use will last for no more than two, separate, contiguous seven day periods in any one calendar year and the two periods shall not be permitted back-to-back.

4. The temporary use and all items related to the temporary use shall be removed from the site prior to expiration of the approval period.

5. No regulations prohibiting the activity are identified in a review of the Aurora Municipal Code and Oregon Revised Statues.

6. Temporary use of tents, booths or canopies less than one hundred twenty (120) square feet are permitted under this section without a temporary structure permit under Section 17.32.040. For temporary uses of tents, booths and canopies greater than one hundred twenty (120) square feet, a temporary structure permit under Section 17.32.040 is required.

7. Tents, booths or canopies shall comply with the requirements of Section 14, Aurora Design Guidelines for Historic District Properties (Appendix A).

B. Temporary uses during special events approved by the City Council shall be exempt from temporary use permit requirements.

C. No Notice of Decision is required, but the planning director shall issue an approved temporary use permit stating how the application satisfies the criteria in Section 17.32.030(A) and specifying the dates for which the approval is valid. A copy of this permit shall be attached to the business license application as filed in City Hall. (Ord. 419 § 21A (part), 2002; Ord. 416 § 8.70.030, 2002)

17.32.040 Temporary structure administration and approval.

All applications for temporary structures shall be submitted and processed according to the requirements of this section. A certificate of appropriateness from the Historic Review Board is required for sites located in the historic commercial or historic residential overlay. (Ord. 419 § 21A (part), 2002; Ord. 416 § 8.70.040, 2002)

17.32.050 Outdoor Display.

Comment [r8]: Is this a temporary use? Already permitted under the code so it doesn't need to be here.

A. Outdoor display of merchandise for sale shall only occur in front of retail uses, and shall be of the same merchandise that is available indoors.
B. Outdoor displays shall not obstruct the sidewalk, and leave a minimum of 5 feet of clear width for pedestrians.
C. Merchandise displayed on sidewalks shall be moved indoors overnight.
D. Outdoor displays may only occur in other locations during city-sanctioned special events, such as Aurora Colony Days.
E. Children's play equipment, and recycling and waste containers, shall be located to the rear or side of contributing structures.

Chapter 17.36

MOVING OF STRUCTURES

Sections:

17.36.010 Moving Contributing Structures

A. Relocation of contributing structures in the Historic District is prohibited with only two exceptions:
   1. the contributing structure was previously moved to its current location.
   2. the current location of the contributing structure is being acquired for a public purpose under eminent domain, in which case the structure shall be moved to another location within the Historic District at the expense of the public agency acquiring the property.
   3. Add floodplain or other hazards
B. Structures to be moved shall be carefully documented for the inventory prior to approval of the relocation.
C. The relocation proposal shall describe how the structure will be preserved during the relocation.
D. An approved building permit for the new location is required before approval of the relocation.

17.36.020 Moving Structures into the Historic District.

Structures proposed for moving into the Historic District shall have been originally constructed before 1921, and shall meet the design standards of Chapter 17.36.

Chapter 17.40

DESIGN STANDARDS

Sections:

17.40.010 Purpose
17.40.020 Fences
17.40.030 Awnings
17.40.040 Porches
17.40.050 Windows
17.40.060 Doors
17.40.070 Chimneys
17.40.080 Roofs
17.40.090 Foundations
17.40.100 Siding
17.40.110 Visible Facades
17.40.120 Additions to Contributing Structures
17.40.130 New Construction in the Historic District
17.40.140 Height
17.40.150 Public Right-of-Way
17.40.160 Drive-in and Drive Thru Structures
17.40.170 Setbacks
17.40.180 Garage Doors
17.40.190 Lots and Parcels

17.40.010 Purpose.

The purpose of these design standards is to protect the historic scale, form, appearance and integrity of the Aurora Colony National Historic District**.**

17.40.020 Fences

A. Fences in the Historic Commercial overlay and fences for contributing structures throughout the Historic district shall be wood picket fences, three to four feet high, painted white or with a natural protective finish.
B. Chain link, wire, stock fencing, rail or split rail, plastic or vinyl, lattice and fences taller than four feet are only permitted on rear property lines when they are screened with landscaping from the right-of-way. However, these types of fencing are not permitted adjacent to, or along a common boundary with, a property that includes a contributing structure.
C. Fences not expressly permitted are prohibited.

17.40.030 Awnings

A. Awnings are prohibited on residential structures that have been converted to commercial use.
B. Awing styles must be in character with historic buildings. Brightly colored and curvilinear patterns or shapes are prohibited. [Provide examples of permitted awnings.]
C. Back-lighting of awnings is prohibited.
D. Writing on awnings is limited to border areas only. See Figure ____.

17.40.040 Porches

A. Porch design shall be similar to those seen on contributing structures.

B. Houses shall have one porch entrance located on the primary façade and have a direct pedestrian path from the porch to the sidewalk.

C. Porches on contributing structures shall be preserved in their original design, and repair or replacement shall match the original in both materials and design, except that modern foundations which are not visible may be installed.

D. Front porches shall not be enclosed by walls, screens or windows.

17.40.050 Windows

A. In the Historic Commercial Overlay windows shall be trimmed with wood, and wood framed storm windows are permitted. Storefront windows manufactured with metal frames shall have wood trim covering the exterior of the metal frames.
B. Transom and clerestory windows are permitted.
C. In the Historic Residential Overlay, windows visible from the right-of-way shall be vertically oriented.
D. For contributing structures, window frames and sashes shall be made of wood.
E. For contributing structures, new window openings are only permitted where they are not visible from the right-of-way. New windows and window openings on rear elevations shall match the materials, style, colors and trim of other windows on the structure.

17.40.060 Doors

A. On contributing structures, the original location, materials, size, and decorative features of doors shall be preserved, and when doors are being replaced, all those elements shall be replaced in kind. Restoration of original door features is permitted.
B. On contributing structures, new door openings may only be located on the rear elevation.
C. On contributing structures, doors shall be made of wood; vinyl and metal doors are prohibited.

17.40.070 Chimneys

A. On contributing structures, masonry chimneys shall be preserved, or replaced with traditional red clay brick if preservation is not feasible.
B. On all structures, masonry chimneys shall be faced with traditional red clay brick.
C. On noncontributing structures, non-masonry materials may be used.

17.40.080 Roofs

A. On contributing structures, the repair and alteration of roofs shall match the original style and pitch.
B. On contributing structures, the addition of new roof elements such as vents, chimneys and dormers shall not be readily visible from the right-of-way, unless the property has frontage on more than one right-of-way, in which case new elements shall be on a side elevation and screened from view.
C. On contributing structures, new decorative features such as cupolas or cresting shall be permitted only when historic evidence demonstrates those features were included in the original structure.

D. For residential structures, the roof pitch shall be 8:12 (equal to 34°) or steeper. On mansard roofs, the upper areas of the roof may have a shallower pitch so long as the lowest roof planes are steeper than 12:12 (equal to 45°).
E. For all structures, roofing materials on all sloped roofs shall be black composition shingles or wood shingles. Metal roofing on sloped roofs is prohibited.
F. In the Historic Commercial Overlay, flat roofs are permitted when the roof and all mechanical equipment on the roof, including railings, are screened by a parapet. The materials used for flat roofs are not regulated by this section.

17.40.090 Foundations

A. Concrete block, brick, and poured concrete foundations are permitted.
B. Rusticated and decorative concrete block are prohibited.
C. On contributing structures with vertically oriented wood skirting, the wood skirting shall be replaced after a foundation is repaired or replaced.
D. Textured paint and thin coat stucco may be applied on foundations.
E. The height of replacement foundations may be altered to improve accessibility.

17.40.100 Siding

A. On contributing structures, and for all residential structures in the Historic Commercial Overlay, wood siding is required, and historic siding patterns shall be matched when repairing or replacing siding.
B. Siding shall be painted; unpainted and stained wood is prohibited.
C. Decorative shingle patterns are prohibited on contributing structures, unless originally used as documented in the Historic Resources Inventory.
D. In the Historic Residential Overlay, siding shall be masonry or horizontal lap siding with a reveal not exceeding six (6) inches is required, with the exception of board and batten siding comprised of solid sawn wood.
E. The paint color of siding shall be uniform on all sides of a structure.

17.40.110 Visible Facades

On contributing structures, the design of the front and side elevations shall be preserved.

17.40.120 Additions to Contributing Structures

A. On contributing structures, new additions may only be placed on the rear elevation. Architectural detailing including roofing, siding, trim, doors and windows shall match the existing structure in design and materials.

B. On contributing structures, previous additions to the original structure that were added prior to 1921 shall be subject to the same standards and criteria as the original portion of the structure; however, in the event that the addition does not match the original, the exterior features of the addition may be altered to match the original.

C. Additions to contributing structures that were built in 1921 or later may be removed, and following removal, the exterior materials on that portion of the structure must match the remainder of the structure.

D. Additions to commercial structures are exempt from the parking requirements in Title 16.

17.40.130 New Construction in the Historic District

A. New structures shall be subject to the design standards in Section 17.40.
B. Paint colors shall be selected from the list in Table _____.
C. New commercial structures are exempt from the parking requirements in Title 16.

17.40.140 Height

The maximum height of structures is 35 feet.

17.40.150 Public Right-of-Way

A. Sidewalks shall be concrete without coloring. The finish shall be broom perpendicular to the path, without troweled areas around the edges.
B. Street lights in the Historic Commercial Overlay shall be lamp style only.
C. Curb cuts for residential properties may not exceed twenty (20) feet in width.

17.40.160 Drive-in and Drive Thru Structures

Drive-in and drive-thru commercial structures and businesses are prohibited within the Historic District.

17.40.170 Setbacks

A. Residential structures shall be set back a minimum of 10 feet from side lot lines, and a minimum of 20 feet from rear lot lines.

B. Commercial and mixed use structures shall be set back a minimum of 10 feet from rear lot lines, and a maximum of 10 feet from front lot lines. There is no minimum setback from front lot lines.

17.40.180 Garage Doors

A. Front facing garage doors shall be set back a minimum of 4 feet from the front façade of residential structures.
B. Residential garage doors may not exceed 8 feet in width; commercial garage doors may not exceed 12 feet in width.
C. Multiple garage doors shall be separated by a minimum of two feet.
D. On contributing structures and detached garages serving them, visible garage door finish materials must be painted wood. Windows are permitted in garage doors.

17.40.190 Lots and Parcels

A. In the Historic Residential Overlay, the minimum area is 10,000 square feet.
B. In the Historic Residential Overlay, the minimum width is 50 feet.
C. In the Historic Commercial Overlay, there is no minimum area or depth.
D. In the Historic Commercial Overlay, the minimum width is 50 feet.

April 2013 Update

LAND USE APPLICATIONS

Project	**Status**
Building Permits/Correspondence	• Lot 56 in Kiel Park II
Sign Permits	• HRB review of conforming signage and submission to city attorney (update from Kelly?)
Manufactured Home Permit	
Land Use Applications	• Food Cart at 21200 99E (administrative SDR attached)- approved along with a sign permit application

ADDITIONAL PLANNING

Project	**Status**
ODOT 99E Corridor Study	• No updates from ODOT
Urban Renewal District Feasibility Study	•
Development Code/HRB updates	• Next steps?
Newsletter/Community Updates	
Misc.	• STIP-update from Chair Schaeffer and Renata. Next steps to be determined in late April • Fee schedule update adopted by City Council (Resolution #644)

CITY OF AURORA
NOTICE OF DECISION FOR
APPLICATION FOR SITE DESIGN REVIEW
FOR FOOD CART

File No. SDR 12-02
February 21, 2013

APPLICANT:	Joe Conner 7589 SW Vlahos Drive Wilsonville, OR 97070
OWNER:	David Erickson Ross 21200 Highway 99E Aurora, OR 97002
REQUEST:	Site Development Review approval for installation of a food cart related to the food cart manufacturing business currently located on site. The proposed cart measures approximately 110 square feet. The proposal includes on-site parking improvements, landscaping improvements, and revised signage for egress/ingress.
SITE LOCATION:	21200 Highway 99E, Aurora OR 97002 Map 041.W.13BD, Tax Lots 2900
SITE SIZE:	Lot 2900- approx. 54,886 square feet, or 1.26 acres
DESIGNATION:	Zoning: Commercial (C) with Gateway Property Development Standards
CRITERIA:	Aurora Municipal Code (AMC) Chapters 16.14 Commercial, Overlay, 16.56 Gateway Property Development Standards, and 16.58 Site Development Review

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I. CRITERIA AND FINDINGS

The applicable review criteria for site design review applications are found in AMC Chapter 16.56 Gateway Property Development Standards and 16.58 Site Development Review.

16.58.070 Site Development Review- Minor Modification(s) to approved plans or existing development.

FINDING: Aurora Municipal Code (AMC) section 16.58.070 allows any modification not within the description of a major modification to be considered a minor modification. The Planning Director has determined that the application does not meet the requirements for a major modification under AMC 016.58.060 and can therefore be approved, approved with conditions, or denied following the Planning Director's review based on the finding that no code provisions will be violated and the modification is not a major modification. Minor modifications shall be processed and noticed in accordance with administrative land use decisions under AMC 16.78.

Notice of this decision was mailed to adjacent property owners in accordance with AMC 16.78. The Planning Director finds these conditions are met.

In order to determine that the minor modification will not violate code provisions, the application must be determined to meet the criteria for the Commercial zone and the criteria for Site Development Review approval.

16.14 Commercial Zone

FINDINGS: AMC Chapters 16.14 Commercial Zone provide additional development standards and requirements for use within the zone. There is no minimum lot size, width, or depth under the Commercial zone for parcels served by municipal sewer. The proposed height and setback requirements have been met. Eating and drinking establishments are permitted under the Commercial zone.

16.14.040.E. states parking shall be in accordance with Chapter 16.42.

FINDINGS: The site currently contains a 2,000 square foot food cart manufacturing business requiring 1 parking space per 750 square feet, or 3 parking spaces. There are five (5) existing parking spaces on site. An eating or drinking establishment requires 1 parking space per 400 square feet of restaurant space when no seating is provided. The food cart would require 1 additional parking space. The applicant has submitted evidence of three (3) additional parking spaces to be added on site to accommodate the mobile food cart. Staff finds this criterion is met.

AMC 16.42.040.C. requires parking spaces to be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and shall not be used for the storage of vehicles or materials or for the parking of trucks used in the conducting of the business or use. The subsequent use of property for which the appropriate permits are issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading spaces required. This is included as a condition of approval.

Per AMC 16.42.050.A., all parking and maneuvering surfaces shall have a durable, hard and dustless surface such as asphalt, concrete, cobblestone, unit masonry, scored and colored concrete, grasscrete, compacted gravel, or combinations of the above and pursuant to AMC 16.42.050.J. Staff finds this criterion is met.

16.14.040.F. states landscaping shall be in accordance with Chapter 16.38.

FINDINGS: 16.38.020.C. requires properties larger than 20,000 square feet in size to have at least fifteen (15) percent of the total area landscaped. The applicant has submitted evidence that this condition will be met within two months of approval of the subject application. Staff finds this criterion can be met, with conditions. 16.38.030 states, unless otherwise provided by the lease agreement, the owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. This is included as a condition of approval.

16.38.040.E.3. states chain link fences with slats may qualify as screening when combined with a planting of a continuous evergreen hedge. Staff finds this condition is met.

According to AMC 16.14, all properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties."

FINDINGS: 16.56.030.B. for administration and approval of gateway properties states, "Because the application of Section 16.56 Gateway Standard to a development appears to be ministerial, objective and not discretionary and because the approval of building permits is an administrative decision by the Planning Director, all development permit applications on Gateway District properties which do not otherwise require Planning Commission and/or City Council review and approval, shall be processed administratively under the requirements of AMC 16.78. Staff finds this condition is met.

Staff finds the proposed application meets the setback requirement of the Gateway Property Development Standards. The installation of a food cart is not an alteration of the existing structure and staff finds the design standards for Gateway Properties does not apply.

16.58.100 Site Development Review Approval Standards.

FINDINGS: Aurora Municipal Code 16.58 outlines the conditions for approving site development review applications. Staff finds 16.58.100.A for conformance of all applicable chapters can be met with conditions as outlined above under the Commercial zone and as conditioned with this Notice of Decision.

Staff has found that AMC 16.58.100.B. through 16.58.100.I. and 16.58.100. K. not apply to the subject application.

AMC section 16.58.100.J. for access and circulation can be met with the approval of signage prior to business license approval. The applicant has proposed to address access and circulation by creating a one-way traffic pattern through the parking area and restricting access to the site via the western access off of 99E and restricting exiting from the site via the northern access and access easement. Staff finds this criteria can be met, with conditions.

AMC section 16.58.100.L. for parking and loading areas and 16.58.100.M. for landscaping can be met with conditions as outlined above under the Commercial zone criteria and as conditioned with this Notice of Decision.

II. NOTICE OF DECISION

NOTICE IS HEREBY GIVEN THAT THE CITY OF AURORA PLANNING DIRECTOR **APPROVED** THE APPLICATION FOR SITE DESIGN REVIEW-MINOR MODIFICATION FOR INSTALLATION OF A FOOD CART ON THE PROPERTY SUBJECT WITH THE FOLLOWING CONDITIONS OF APPROVAL. THE FINDINGS AND CONCLUSIONS ON WHICH THE DECISION IS BASED ARE CONTAINED ABOVE.

The decision shall become final after the 15 day appeal period, subject to the following conditions of approval:

1. The applicant shall comply with all City of Aurora and State of Oregon development, building and fire codes.

2. Applicant shall submit evidence of review and approval by the Oregon Health Department for the food cart business prior to business license approval. Health Department approval shall be maintained at all times or the City business license shall be revoked immediately.

3. Applicant shall submit evidence of review and approval of an electrical permit for the food cart prior to business license approval.

4. Signage shall comply with the requirements of AMC 16.44. Approval of a sign permit application must be obtained from the planning director and building official prior to installation of any signage on the subject properties and prior to business license approval.

5. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and shall not be used for the storage of vehicles or materials or for the parking of trucks used in the conducting of the business or use. The subsequent use of property for which the appropriate permits are issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading spaces required.

6. Pursuant to AMC 16.38, the applicant shall install landscaping to meet the fifteen (15) percent requirement within two months of approval of the site development review application. Pursuant to 16.38.030, the owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris.

7. The proposed business is subject to the Aurora Municipal Code for nuisances. In the event the site is not maintained in a clean and sanitary condition at all times, or the City has reason to believe vermin are present on the site, the City may designate the outdoor food service as a nuisance and terminate this approval.

8. If construction and/or structures installed on the site are a departure from the approved plan, the administrative Site Design Review approval shall be voided immediately.

THE PLANNING DIRECTOR'S DECISION IS FINAL ON THE DATE THE NOTICE OF DECISION IS MAILED. THIS DECISION BECOMES EFFECTIVE AND NOT SUBJECT TO APPEAL AS OF MARCH 12, 2013 UNLESS A TIMELY APPEAL APPLICATION IS FILED WITH APPEAL FEE PAID NOT LATER THAN 5:00 p.m. ON MARCH 11, 2013.

Any party with standing may appeal the final decision in accordance with the City of Aurora Municipal Code 16.78 which provides that a written appeal, together with the required fee, shall be filed with the City Recorder within fifteen (15) calendar days of the date the Notice of Decision was mailed. The appeal fee schedule and forms are available from the City Recorder at City Hall, 21420 Main Street NE, Aurora, Oregon, 97002.

Renata Wakeley, City Planner

Attachments: Exhibit A Assessor Map

LEGEND

LINE TYPES

TAX LOT BOUNDARY — OLD PROPERTY LINE

ROAD RIGHT-OF-WAY — VACATED RIGHT-OF-WAY

RAILROAD — RAILROAD RIGHT-OF-WAY

STREAM, LAKE, ETC. TAX LOT BOUNDARY — STREAM, LAKE, ETC. NON-BOUNDARY

SUBDIVISION BOUNDARY — PARTITION PLAT BDY.

TAX CODE BOUNDARY — EASEMENT

SYMBOL TYPES

D.L.C.

CONTROL POINTS

SURVEY MONUMENTS

G.L.O. CORNERS

SECTION — 1/4 SEC — 1/16 SEC

NUMBERS

TAX CODE NO.

000 00 00 0

ACREAGE - ALL ACREAGES EXCLUDE ANY PORTION THAT MAY LIE WITHIN THE DEDICATED PUBLIC RIGHT OF WAYS.

TICK MARKS - WHEN A TICK MARK IS INDICATED ON THE EXTENSION OF A LINE, THEN THE DIMENSION GOES TO THE TICK MARK. GENERALLY THIS IS USED WHEN DIMENSIONS GO INTO PUBLIC RIGHT OF WAYS.

ARROWS ARE USED WITH DIMENSIONS IN AREAS OF GREATER COMPLEXITY.

NOTICE: This map was created for Assessor's Office use ONLY.

Assessor "We Care" GIS Geographic Information System

SCALE 1" = 100' or 1:1200

Plot file created: September 27, 2011

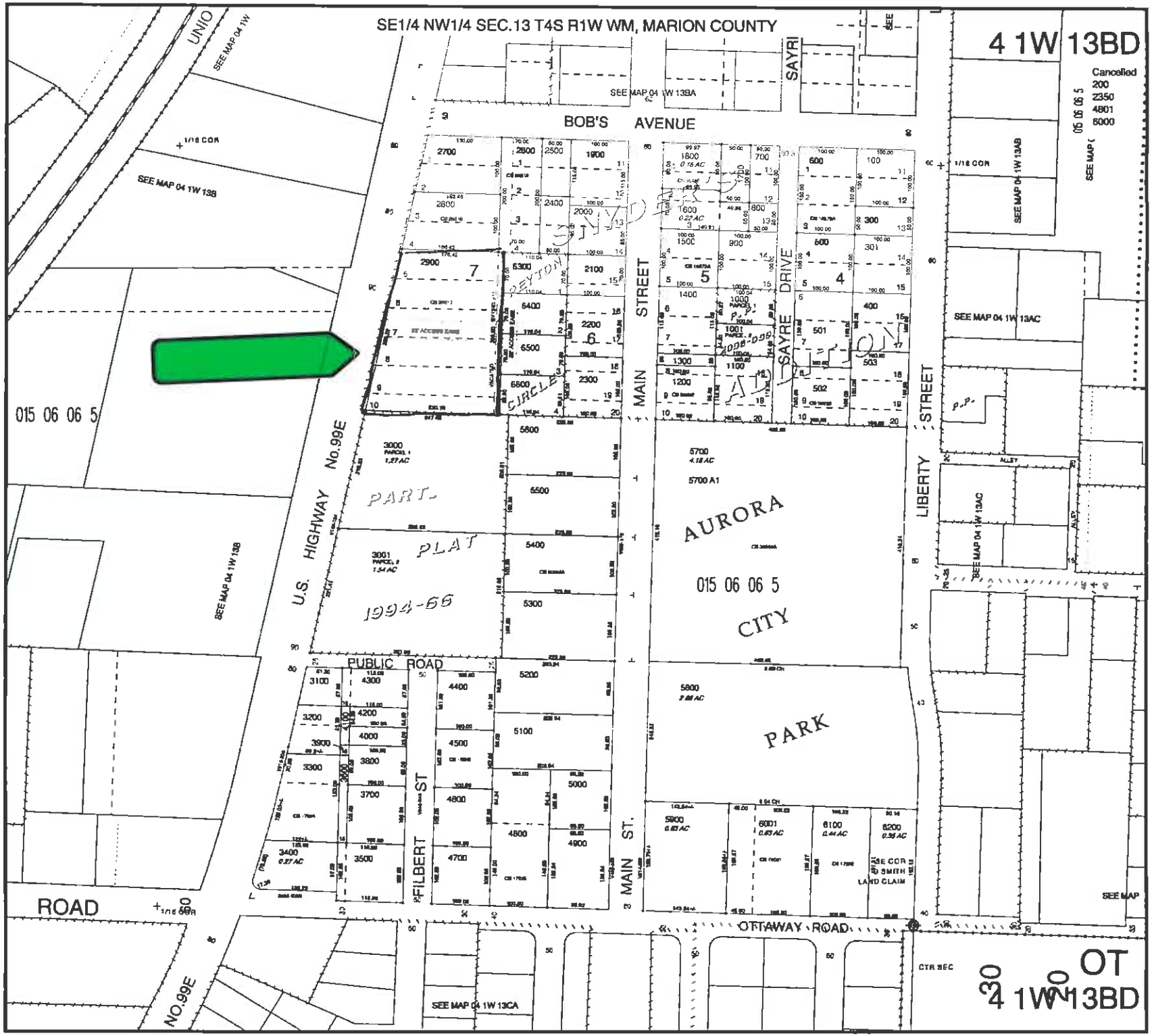

Exhibit A