

AGENDA

City of Aurora
PLANNING COMMISSION MEETING
Tuesday, July 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 –June 04, 2013
- II. City Council Minutes – May, 2013
- III. Historic Review Board Minutes –

Correspondence

- I. **Email and Letter from the Mortuary Board in Regards to Back Yard Burial**

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. **Public Hearing**

- A. **Legislative Amendment 11-01 (LA-13-01) which would amend sections of the Aurora Municipal Code – Title 17 also known as Historic Preservation Ordinance of the City of Aurora.**

6. **New Business**

7. Old Business

A. Discussion and or Action on LA-13-01

7. Commission Action/Discussion

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

8. Adjourn,

Minutes
Aurora Planning Commission Meeting
Tuesday, June 04, 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
Renata Wakeley, City Planner

STAFF ABSENT:

VISITORS PRESENT: Bill Graupp, Aurora

1. Call to Order of Planning Commission Meeting

The meeting was called to order by Planning Chair Joseph Schaefer at 7:00 p.m.

2. City Recorder Did Roll Call

Chairman, Schaefer -	Present
Commissioner, Willman	Present
Commissioner, Gibson	Present
Commissioner, Graham	Present
Commissioner, Fawcett	Present
Commissioner, Sallee	Absent

3. Consent Agenda

Minutes

- I. Aurora Planning Commission Meeting –May 07, 2013
- II. City Council Minutes – April 2013
- III. Historic Review Board Minutes – April 2013

No comments....

A motion is made by Commissioner Gibson to approve the consent agenda as presented and seconded by Commissioner Fawcett. Motion Approved.

Correspondence

- I. NA

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.

Karen Townsend, Explained the grant the ACVA received for the Emma Walk and a bit about the tour and how it's like seeing it through Emma Giesy's eyes. Also wanted everyone to know that Random house will be coming out with a new book called Emma's tour around Aurora.

Townsend also wanted to explain to the Commission that they and their families are invited to attend the museum tour in hopes that they would gain additional appreciation for the Historic Preservation of our small City.

5. New Business

A. Discussion and or Action on the Aurora Vision Document, City Planner Wakeley explains that yearly the Planning Commission updates this plan and at that time the commission came up with an action plan and we will use it to highlight actions taken and any that we want to add to it. Wakeley asks the commission to look at the electronic copy and provide any additions and or comments.

Chairman Schaefer has a few items for discussion,

1. Food carts, legislatively put our heads together and come up with an approval process
2. Uses in our parks and City owned property, we don't have institutional land. R1 zone you do have a public zone as far as wells and city owned but not for our parks and there uses. It is considered an existing non conforming use. So there is nothing to regulate what happens in our park, Commissioner Gibson states since they are being used for other uses it's probably time to address it. Chairman Schaefer states that it would be smart to take it through a legislative process and make some provisions for that.

No other concerns are mentioned.

Karen Townsend with HRB comments on the fact that it would be nice if all applicable codes were on our city web-site at which time City Recorder Richardson informs the group that they are all online.

6. Old Business

A. Review of Title 17 Revisions, May 29th version. City Planner Wakeley is the keeper of the original document and is tracking all changes as discussed. The versions listed are what is being discussed at this meeting. Changes will be reflected through the track changes.

There is some confusion on the sign code it is discussed and will be addressed at a later date.

City Planner Wakeley reviews the time schedule

- May 23 will be the last review
- July 2nd PC Public Hearing
- Notification to DLCD on 29th of May

7. Commission Action/Discussion

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

- Vision update at the August meeting
- Saturday Market is moving forward
- Correspondence with ODOT in regards to the Erickson property currently the concern is if conditions of approval have not been met. ODOT is looking into enforcement.

9. Adjourn 9:06 P.M.

A motion to adjourn the June 04, 2013 meeting is made by Commissioner Fawcett and seconded by Commissioner Gibson. Motion Passes Unanimously.

Chairman, Schaefer

ATTEST:

Kelly Richardson, City Recorder

Minutes
Aurora City Council Meeting
Tuesday, May 14, 2013, at 7:00 P.M.
City Council Chambers, Aurora City Hall
21420 Main St. NE, Aurora, OR 97002

STAFF PRESENT: Kelly Richardson, City Recorder
Jan Vlcek, Finance Officer
Bob Southard, Water Superintendent
Pete Marcellais, Marion County Deputy

STAFF ABSENT: Otis Phillips, Waste Water Superintendent
Dennis Koho, City Attorney

VISITORS PRESENT: Kris Sallee, Aurora
Dwayne Johnson, Aurora
Maryclair Birkmeier, Aurora
Karen Townsend, Aurora

1. Call to Order of the City Council Meeting

The meeting was called to order by Mayor Greg Taylor at 7:00 p.m.

2. Administrative Assistant does roll call

Mayor Taylor – present
Councilor Graupp - present
Councilor Brotherton -present
Councilor Sahlin – present
Councilor Vlcek – came in late at 7:15 missed roll call

3. **Consent Agenda**

- I. City Council Meeting Minutes – April 09, 2013
- II. Planning Commission Meeting Minutes – April 02, 2013
- III. Historic Review Board Minutes –March 28, 2013

Correspondence

- I. **Marion County is Accepting Economic Development Grant Applications for Private Sector Businesses.**
- II. **Email Outlining the Oregon Passenger Rail Project**
- III. **Resolution 13R-9 from Marion County Establishing the North Marion Enterprise Zone.**
- IV. **CIS Final Report on Play Ground Damage**
- V. **Aurora Fire District Structure Fire Quick Form**

VI. Letter from Jan Peel from Visitors Association with comments on proposed Saturday Market Road Closure. (This was Added by Mayor Taylor)

Councilor Graupp points out that title 17 will come before us in July.

Motion to approve consent agenda was made by Councilor Graupp, seconded by Councilor Brotherton. Motion passes.

4. Visitors

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

5. Discussion with Parks Committee

Councilor Sahlin gave the report for the Parks Committee.

- Water for Amphitheater no status yet from Bob
- Support rods for the trees can come out
- Trees on liberty Street needs trimmed up there obstructing the walk way.
- Is TTT supposed to be weeding in front of restrooms Bob? Mayor No, Bob let's get this taken care of.
- Parking at park overnight is still a problem.

Brief discussion regarding the property located near the Museum, do we know who the owner is? This will need to be looked into.

Mayor we are going to core some trees in the park because they are dangerous. There are a few that need immediate attention.

There were no further questions.

6. Discussion with Traffic Safety Commission

- Deputy Marcellais informs the Council that he has had discussions with ODOT and it is agreed that there is a problem there and we are discussing a light be put in.
- We have also asked ODOT for assistance on a speed study on the previous discussion about lowering the speed in town to 20 miles per hour.

7. Reports

A. Marion County Deputy Report –(included in your packet)

Deputy Sheriff Pete Marcellais was in attendance.

- Structure Fire Discussion, investigation is still ongoing as far as Marion County, fire report from State Fire Marshall is undetermined at this point. This

burned for some time about 25 minutes. There was a misunderstanding with our new sergeant so communication will be better in the future.

No questions except to ask about any drug items found from Councilor Brotherton.

- Calls for service,. Couple alarms, civil. A couple of wrecks.
- Gives example of patch that was drawn by his daughter since no one from the community submitted one in the contest. **It was the consensus of the Council to accept the patch as submitted and the council thanks Deputy Marcellais.**
- May 25th Bike Rodeo, this will be a fun community event.
- Every 15 minutes program

There were no questions from council.

B. Finance Officer's Report – Financials (included in your packets)

Finance Officer Jan Vlcek read her report.

❖ 3rd Quarter Revenue to Expense to date

1. Revenue & Expense Report
2. Appointment of Budget Officer

No questions and no discussion.

C. Public Works Department's Report – (included in your packet)

1. Monthly Status Report (Storm Water)
2. Monthly Status Report (Water)

- Water, we are going through a lot of water I have given notice for odd and even for the citizens to follow. We are at about 30% more use than normal.
- Streets, been working on prints for the SEA Grant on liberty. Mayor Taylor asks if you are putting light gravel on it. Yes...
- Mayor Taylor would like it completed by Colony Days, This may not happen.
- PARKS ALL CHERRY TREES NEED TO COME DOWN THIS WEEK ALL BUT TWO.
- Talked to Mayor earlier about infrastructure grants that are coming up, there are many outdated water lines on Sayre, Main Street and many others, Mayor Taylor you need to find ones that we don't have to contribute because we do not have a lot of funds.
- City Recorder Richardson begins discussion about a city facebook page to help with posting information. **It is the consensus of the council to move forward on further research and the Mayor can approve once this is done.**

No more questions.

Waste Water Treatment Plant Update from Otis Phillips (included in your packet)

Waste Water Treatment Plant Supervisor Otis Phillips called in sick and was excused from the meeting. Bob Southard reads his report as submitted.

- It is discussed as whether or not the generator was in the budget or not.

There were no further questions of WWTPS Phillips (Bob).

D. City Recorder's Report (not included in your packet)

City Recorder Richardson expands the discussion on the facebook page that was proposed earlier. Along with reading the submitted report as is.

No Questions from Council.

➤ **City Attorney's Report** – (not Included in your packet) Not present at meeting and was excused.

➤ **Rodger Eddy**

There were no further questions for City Attorney Koho.

8. Ordinances and Resolutions

- A. Discussion and or Action on Resolution 668, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AURORA, OREGON, TO INCREASE THE STREET LIGHTING FEE ON THE WATER BILLS.**

A motion to approve Resolution Number 668 as amended to show the price of 4.225 a monthly billing cycle was made by Councilor Graupp and seconded by Councilor Sahlin. Motion Passes Unanimously.

- B. Discussion and or Action on Resolution 669 Supporting a Farmers Market,**

Council discussion and review of the draft commences and the result of the discussion is to list 8 & 9 as part of the exemptions. They decided to table this until the June meeting. Visitor Karen Townsend informs council that the ACVA is not excited at the thought of closing 2nd street off. She doesn't think this would best serve neither the applicant nor the businesses in the area. The applicant is present and states that she is open to not include closure of 2nd street.

9. New Business

- A. Discussion and or Action on Possible Proposal of New Logo for Aurora.**

A motion is made by Councilor Sahlin and seconded by Councilor Graupp to approve the logo as submitted. Motion Passes Unanimously.

- B. Discussion and or Action Letter from City Attorney Koho in regards to his fee.**

A motion is made to accept the City Attorney Koho new fee proposal for the 2013/2014 fiscal year is made by Councilor Graupp and is seconded by Councilor Brotherton. Motion Passes Unanimously.

C. Discussion and or Action on possibility of re-activating well 1 to irrigate the park system. A brief discussion about cost involved to reactivate the well for the purpose of watering the park.

It is the consensus of the Council to move forward with this.

D. Discussion and or Action on Possible Land for City Hall Location, A brief discussion about a new possible location for a new City Hall is introduce by Councilor Sahlin he would like to know if the Mayor is interested in setting up a meeting. Mayor Taylor states he would be interested in an informal meeting to discuss the possibility. Councilor Vlcek asks if we could do a simple loan no it would need to be done by a bond answered Mayor Taylor.

E. Discussion and or Action on Revenue Sharing Requests, ACVA, Mayor Taylor informs the ACVA that the majority of the work on the parking strips has already been done and that his intent is to use a portion of the revenue sharing money to pay for this work. Karen Townsend with the ACVA informs the Council that they had prepaid for some shrubbery from last year that goes into these strips, Mayor Taylor and the Council doesn't have a problem with the planting taking place.

The second half of the request is for the Emma Walk and Townsend shows the Council the proposed brochure. The ACVA give thanks to everyone that has been involved in this project and also informs the council that Random House publishing will be doing a book this fall. We are hoping to get the revenue share money to help with the printing costs for the brochures.

A motion is made by Councilor Sahlin and seconded by Councilor Vlcek to approve the 500.00 dollar request. Motion Passes.

F. Discussion on SEDCOR providing administrative support and organization the Enterprise Zone (this is added), Councilor Graupp explains what this is about this is a huge benefit to the city and it helps with printing & training costs along with monitoring. It is the Council consensus to bring back at the June meeting for more discussion.

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10. Old Business

A. Discussion and or Action on Tree Stand in the Park, move forward with core and evaluate.

11. Adjourn

A motion to adjourn the May 14, 2013, meeting at 8:34 p.m. was made by Councilor Graupp seconded by Councilor Sahlin and passed unanimously.



Greg Taylor, Mayor

ATTEST:



Kelly Richardson, City Recorder

recorder

From: Mortuary Board [mortuary.board@state.or.us]
Sent: Tuesday, June 25, 2013 9:57 AM
To: Mortuary Board
Cc: Lynne Nelson; Michelle Gaines
Subject: Private Property Burials - Requirements of Cities and Counties - per Oregon State Law
Attachments: Letter to Planning Commission re Burial on Private Property 04012010.pdf

Dear Oregon **County and City Planning Commissions**, or other relevant governing bodies:

Have you been contacted by a citizen asking if you allow burial on their property? If you haven't - you probably will before long. Private property burials in Oregon are on the rise... an increasing number of inquiries received by the Oregon Mortuary and Cemetery Board (OMCB) seems to indicate the trend. We typically refer the callers to their local city or county zoning or planning commission.

Have you notified us, the Oregon Mortuary & Cemetery Board (OMCB), with your city or county laws, ordinances or policies regarding private property burials as required by statute? State law does not prohibit the burial of a family member on someone's property...instead, Oregon lets each county and city decide for themselves. However, there are some State requirements...

ORS 97.460 Requirements for establishment of cemetery or burial park.

(1) A person may not lay out, open up or use any property for cemetery or burial park purposes unless the person:

- (a) Is the owner of the property;
- (b) Has the written consent of the planning commission of the county or city having jurisdiction under ORS 92.042 or, if there is no such commission in such county or city, the governing body of such county or city;
- (c) Agrees to maintain records of the disposition of human remains on the property as required by the planning commission or governing body of the county or city having jurisdiction under ORS 92.042; and
- (d) Agrees to disclose the disposition of human remains upon sale of the property. Failure to disclose the disposition of human remains does not invalidate the sale of the property.

(2) A planning commission of a county or city or, if there is no planning commission in a county or city, the governing body of the county or city, shall provide to the State Mortuary and Cemetery Board a list of the requirements for laying out, opening up or using property in the county or city for cemetery or burial park purposes. [Formerly 64.060; 1965 c.396 §3; 2009 c.709 §9]

As required by the statute above, please respond to this email with your requirements, if any, for private property burial so we can add them to our spreadsheet. If you have already contacted us since we sent the attached email in 2010, please let us know if you have updated your laws or policies.

You may also view the OMCB public awareness document posted on our website. Here is that link:

http://www.oregon.gov/MortCem/popularity_boxes/Burial_20091221.pdf

Please contact me if you have any questions or concerns, and we look forward to your emails.

Lynne Nelson
Education & Compliance Manager 971-673-1503

lynne.nelson@state.or.us

800 NE Oregon St. Suite 430
Portland OR 97232

Direct Phone: (971) 673-1503

Fax: (971) 673-1501

Licensing questions: (971) 673-1507 (*Carla Knapp, Office & Licensing Manager*)

Forms & General Information: www.oregon.gov/mortcem

Oregon Mortuary & Cemetery Board
Regulating Death Care Facilities and Practitioners in Oregon

*****CONFIDENTIALITY NOTICE*****

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Oregon

Mortuary and Cemetery Board

800 NE Oregon Street, Suite 430

Portland, OR 97232-2195

(971) 673-1500

FAX: (971) 673-1501

www.oregon.gov/MortCem

April 1, 2010

RE: New Statutory Reporting Requirement for Planning Commissions or Other Governing Bodies Related to Burial on Private Property

Dear County/City Planning Commission or Board,

Recent amendments to Oregon Revised Statute Chapter 97 have added an additional reporting responsibility for all Oregon county or city planning commissions (or if no planning commission exists, then for the governing bodies of those counties or cities), in relation to local requirements for private property burials of human remains. The new law requires these local entities to report their requirements on burial of human remains in their jurisdiction to the Oregon Mortuary and Cemetery Board. The Board will collect these requirements as a single reference and referral of requirements for the general public.

Please provide us with the appropriate contact information in your jurisdiction, as well as a link to the materials relating to the burial of human remains maintained on your web site. If you do not maintain this information online, please provide us with a copy of the most current documents via email at lynne.nelson@state.or.us. We will post these on our website with a disclaimer to contact you for the most current copy of the requirements.

SB796 also added minimum Statewide requirements for the burial of human remains. In summary, the new law mandates that a person may not use any property for cemetery or burial park purposes unless the person is the owner of the property, has written consent from the appropriate governing body, maintains records of disposition, and discloses the disposition of human remains upon sale of the property. The OMCB recommends reviewing the full text of the bill, and updating your policies and requirements as needed.

For the entire Enrolled version of SB 796, please go to the following web address:

<http://www.leg.state.or.us/09reg/measures/sb0700.dir/sb0796.en.html>

For your information, attached is a copy of a handout provided to the public on the OMCB website about private property burial. Our website address is: <http://www.oregon.gov/MortCem/index.shtml>

If you have any questions or concerns, please contact me at my direct number (971) 673-1503. Thank you very much for your effort in helping us jointly satisfy this requirement.

Kind regards,

<s> Lynne Nelson

Lynne Nelson

Compliance Manager

lynne.nelson@state.or.us



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Tuesday, July 2, 2013 at 7:00 p.m. at Aurora City Hall, 21420 Main Street NE**, the Aurora Planning Commission will conduct a public hearing regarding Legislative Amendment 11-01 (**LA-13-01**) which would amend sections of the Aurora Municipal Code- Title 17, also known as the Historic Preservation Ordinance of the City of Aurora.

At the conclusion of the public hearing, the Planning Commission will make a recommendation to the Aurora City Council regarding the proposed amendments. The City Council will conduct a public hearing to consider adoption of the proposed amendments. That hearing is scheduled for **Tuesday, August 13, 2013 at 7:00 p.m., Aurora City Hall, 21420 Main Street NE.**

The proposed amendments for application LA-13-01 would:

- Clarify which structures in the district are considered "contributing" and non-contributing"
- Clarify/establish standards related to: additions, porches, landscaping, paint colors, signage, etc.
- Clarify noticing requirements and the responsible entities for decisions in the historic district
- Clarify/update design standards application to properties and structures within the historic district.

Person wishing to participate in the public hearing may appear in person or by representative at the date and time listed above. Written comments may also be submitted by mailing information to 21420 Main Street NE, Aurora, OR 97002 by 5:00 p.m. on the date of the public hearing.

One week prior to the public hearings a copy of proposed amendments will be available for inspection at no cost or may be purchased at a reasonable cost.

For further information, please contact the City of Aurora at (503) 678-1283.

Memorandum

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

105 HIGH STREET S. E. SALEM, OREGON 97301-3667
TELEPHONE: (503)588-6177 FAX: (503)588-6094

TO: Aurora Planning Commission
FROM: Renata Wakeley, City Planner
RE: Legislative Amendment 13-01 (LA-13-01)
DATE: June 25, 2013

REQUESTED ACTION

The Planning Commission's options for taking action on Legislative Amendment 13-01 include the following:

- A. Recommend that the City Council adopt Legislative Amendment 13-01:
 1. As presented by staff; or
 2. As amended by the Planning Commission (stating revisions)
- B. Recommend that the City Council take no action on Legislative Amendment 13-01
- C. Continue the public hearing:
 1. To a time certain, or
 2. Indefinitely

BACKGROUND

Aurora's Municipal Code includes Title 17, known as the "Historic Preservation Ordinance of the City of Aurora", which provides preservation standards and regulations for the design of buildings and structures within the historic commercial and residential overlays of the City of Aurora.

Title 17 was last updated in 2002. In 2012, the Aurora City Council directed the Planning Commission to work with the Aurora Historic Review Board to update and streamline Title 17 based upon feedback and concerns from the public.

Generally, the proposed update includes changes to the following:

- Clarify which structures in the district are considered "contributing" and "non-contributing".

- Clarify/establish standards related to: additions, porches, landscaping, paint colors, signage, etc.
- Clarify noticing requirements and the responsible entities for decisions in the historic district.
- Clarify/update design standards applicable to properties and structures within the historic district.

Legislative Amendment 13-01 includes the adoption of code amendments to Title 17 of the Aurora Municipal Code. The revisions are attached in a **bold** and ~~strike through~~ format for review purposes.

FINDING OF FACT AND CONCLUSIONS

The Aurora Planning Commission, after careful consideration of the testimony and evidence in the record, adopts the following Findings of Fact and Conclusions:

1. In accordance with the post-acknowledgement plan amendment process set forth in Oregon Revised Statute 197.610(1), the City Planner submitted the draft proposed amendments to the Oregon Department of Land Conservation and Development on May 29, 2013, which was 35-days prior to the first evidentiary hearing on July 2, 2013.
2. Amendments to the Code, Comprehensive Plan, and/or Maps are considered Legislative Amendments subject to 16.80.20. Legislative Amendments shall be made in accordance with the procedures and standards set forth in AMC 16.74-Procedures for Decision Making-Legislative. A legislative application may be approved or denied.
3. AMC 16.74.030 outlines notice requirements. 10 days prior to the first evidentiary hearing, the City sent written notice of the hearing to all property owners within the historic commercial and historic residential overlays. Section 16.74.030.C.3. requires notice to be published at least seven days prior to the scheduled hearing date. Notice will be published in the Canby Herald on July 3rd, 2013 for the City Council public hearing date. As there are two hearing dates, staff finds adequate notice to allow for comment period has been provided as the Council hearing date is scheduled for August 13, 2013. Notice of both hearings was also mailed to every property owner within the district and posted at City Hall on June 25, 2013.
4. Proposed amendments for consideration of legislative changes to the provisions of the Comprehensive Plan, implementing ordinances and maps are a legislative action, not a quasi-judicial action. Section 16.74 calls for amendments to the Development Code to be processed as a recommendation by the planning commission and the decision by the city council.
5. AMC 16.74.060 includes the standards for decision of Legislative Amendments as outlined under FINDINGS below.

FINDINGS

- A. The recommendation by the planning commission and the decision by the council shall be based on consideration of the following factors:

1. Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes (ORS) Chapter 197;

FINDINGS: Goal 1, Citizen Involvement: A public hearing on the proposed amendments was held before the Planning Commission on July 2, 2013 and a second hearing will be held by the City Council on August 13, 2013. Notice was posted at City Hall, published in the Canby Herald, and provide to the Historic Review Board. The staff report was available for review one week prior to the planning commission hearing. This is consistent with City procedures. Goal 1 is met.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged AMC. Goal 2 generally supports clear and thorough local procedures and the code update is intended to clarify, simplify and streamline regulations for the approval entity and the general public. Goal 2 is met.

Goal 3, Agricultural Lands: Goal 4, Forest lands: Goals 3 and 4 are not applicable. The proposal does not involve or affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 is not applicable. The proposal does not address Goal 5 resources.

Goal 6, Air, Water and Land Resource Quality: Goal 6 is not applicable. The proposal does not address Goal 6 resources.

Goal 7, Natural Hazards: Goal 7 is not applicable. The proposal does not address Goal 7 resources.

Goal 8, Recreational Needs: Goal 8 is not applicable. The proposal does not address Goal 8 resources.

Goal 9, Economic Development: The draft code amendments partially respond to a need identified within the business community to clarify code requirements. The proposed code amendments are not found to deter employment or business opportunities. Goal 9 is met.

Goal 10, Housing: Goal 10 is not applicable. The proposal does not address Goal 10 issues.

Goal 11, Public Facilities and Services: Goal 11 is not applicable. The proposal does not address Goal 11 issues.

Goal 12, Transportation: The draft code amendment provide for some parking exemptions for historic commercial properties to allow greater flexibility for historic resources in meeting newer code provision for parking. However, the proposal does not address Goal 12 issues.

Goal 13, Energy Conservation: Goal 13 is not applicable. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues.

ORS 197 does not include specific notice requirements for legislative processes but the City met all notice requirements under AMC for Legislative Amendments. ORS 227.186, more commonly known as Measure 56 notice, does not apply as the proposed amendment does not reduce permissible uses of properties in the affected zone. However, the City did send notice to each property owner within the historic commercial and residential overlay.

2. Any federal or state statutes or rules found applicable;

FINDINGS: Staff finds the adoption actions are consistent with Oregon Revised Statute 197.610(1) for notice to the Department of Land Conservation and Development. Measure 56 notice was not required as the proposed amendments do not reduce permissible uses on historic commercial and residential overlay zone properties. However, notice was mailed at least 10 days prior to the first public hearing to all historic commercial and residential overlay properties. lands. Notice was also mailed to the Oregon State Historic Preservation Office (SHPO) who provided comments on the draft code update (see Exhibit B). Staff finds this criterion is met.

3. The applicable comprehensive plan policies and map; and

The following Comprehensive Plan Goals and associated policies were found to be applicable to this application:

Goal 1- Citizen Participation: Develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

FINDINGS: A public hearing on the proposed amendments was held before the Planning Commission on July 2, 2013 and a second hearing will be held by the City Council on August 13, 2013. Notice was posted at City Hall on June 25, 2-013 for both public hearings and published in the Canby Herald on July 3rd for the August City Council meeting. The staff report was available for review one week prior to the planning commission hearing. This is consistent with City procedures. Staff finds this condition is met.

Goal 2- Planning Process: Establish a land use planning process and policy framework document (comprehensive plan) as a basis for all decisions and actions related to use of land and ensure adequate factual base for such activities.

FINDINGS: Adoption actions are consistent with the acknowledged AMC. The update to Title 17 is also intended to clarify when properties or structures are subject to decisions or actions and clarify the approval authority for said decisions. The intent of the update is also to provide better noticing of decisions and appeal opportunities for all decision. Staff finds this condition is met.

Goal 9- Economic Policies

3. *Foster commercial and industrial activities to meet the expressed needs of City residents.*

FINDINGS: The draft code amendments respond to a need/concern identified within the historic overlay to clarify the code and remove interpretations of the code in order to all applicants a greater understanding and clarity on the regulations and design standards to be followed. The proposed code amendments are not found to deter employment or business opportunities. Staff finds this condition is met.

Goal 12- Transportation Policies

2. *Encourage transportation improvements which support the community's economic development and create a pedestrian friendly atmosphere.*
3. *Establish a street system which is consistent with orderly growth, minimizes conflicts with adjacent land uses, and provides a circulation system which is safe and efficient for both vehicles and pedestrians.*

FINDINGS: The draft code amendments reduce the parking standards for some commercial historic properties to be more in line with the small lot sizes and their potential inability to meet current parking standards. Staff finds this condition is met.

4. The applicable provisions of the implementing ordinances.

FINDINGS: Title 17 is intended to provides preservation standards and regulations for the design of buildings and structures within the historic commercial and residential overlays of the City of Aurora. The application and legislative amendment intends to clarify implementing ordinance within Title 17. In addition, the update intends to clarify noticing requirements and decision authorities for properties subject to Title 17. Staff finds the proposed code amendments can be established in compliance with the development requirements and implementation ordinances of the Aurora Municipal Code.

- B. Consideration may also be given to proof of a substantial change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

FINDINGS: Staff does not find a change in circumstance or mistake but rather the City Council directed the Planning Commission to work with the Historic Review Board to clarify and update inconsistencies in the implementing ordinances so as to ease understanding of requirements for property and business owners within the historic district. Staff finds this criterion is met.

- Exhibit A: Draft Title 17 code update
Exhibit B: June 19, 2013 comments from SHPO

1

- DLCD Notice of Proposed Amendment or
- Periodic Review work Task Proposed Hearing or
- Urban Growth Boundary or Urban Reserve Area

THIS COMPLETED FORM, including the text of the amendment and any supplemental information, **must be submitted to DLCD's Salem office at least 35 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING** ORS 197.610, OAR 660-018-0020 and OAR 660-025-0080

Jurisdiction: **City of Aurora**

Date of First Evidentiary Hearing: **07/02/2013**

Local File Number:

Date of Final Hearing: **08/12/2013**

Is this a **REVISION** to a previously submitted proposal? No Yes Original submittal date:

- | | |
|--|--|
| <input type="checkbox"/> Comprehensive Plan Text Amendment(s) | <input type="checkbox"/> Comprehensive Plan Map Amendment(s) |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment(s) | <input type="checkbox"/> Zoning Map Amendment(s) |
| <input type="checkbox"/> Transportation System Plan Amendment(s) | <input type="checkbox"/> Urban Growth Boundary Amendment(s) |
| <input type="checkbox"/> Periodic Review Work Task Number _____ | <input type="checkbox"/> Urban Reserve Area Amendment(s) |
| <input type="checkbox"/> Other (please describe): | |

The City of Aurora has been working with the Aurora Historic Review Board to update the design standards and processing requirements for properties within the Aurora National Historic District (see attached map). The text update is considered an update to permitted construction materials and designs as well as when properties within the Aurora Historic District are subject to review by the Historic Review Board.

Briefly Summarize Proposal in plain language IN THIS SPACE (maximum 500 characters):

Has sufficient information been included to advise DLCD of the effect of proposal? Yes, text is included
 Are Map changes included: minimum 8½"x11" color maps of Current and Proposed designations. Yes, Maps included
 Plan map change from: **n/a** To:
 Zone map change from: **n/a** To:

Location of property (Site address **and** TRS): **City of Aurora**

Previous density range: **n/a** New density range: **n/a** Acres involved: **150.00**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

State Historic Preservation Office, DLCD

Is an exception to a statewide planning goal proposed? YES NO Goal(s):
 Affected state or federal agencies, local governments or special districts (It is jurisdiction's responsibility to notify these agencies).

Local Contact person (name and title): **Renata Wakeley, Planner**

Phone: **503-540-1618**

Extension:

Address: **100 High Street SE**

City: **Salem**

Zip: **97301-**

Fax Number: **503-540-1618**

E-mail Address: **renatac@mwvcog.orf**

- FOR DLCD internal use only -

DLCD File No _____

SUBMITTAL INSTRUCTIONS

This form must be submitted to DLCD at least 35 days prior to the first evidentiary hearing.
per ORS 197.610, OAR Chapter 660, Division 18 and OAR Chapter 660, Division 25

1. This Form 1 must be submitted by a local jurisdiction. Individuals and organizations may not submit a comprehensive plan amendment for review or acknowledgment.
2. When submitting a plan amendment proposal, please print a completed copy of **Form 1** on light **green paper if available**.
3. **Text:** Submittal of a proposed amendment to the text of a comprehensive plan or land use regulation must **include the text** of the amendment and any other information necessary to advise DLCD of the effect of the proposal. "Text" means the specific language proposed to be amended, added to or deleted from the currently acknowledged plan or land use regulation. A general description of the proposal is not adequate. **Please submit Form 1 with ALL supporting documentation.**
4. **Maps:** Submittal of a proposed map amendment must also include a map of the affected area showing existing and proposed plan and zone designations. The map must be legible, in color if applicable and printed on paper no smaller than 8½ x 11 inches. Please provide the specific location of property: include the site address (es) and Township/Range/Section/tax lot number. Include text regarding background, justification for the change, and the application if there was one accepted by the local government.
5. **Exceptions:** Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.
6. Unless exempt by ORS 197.610(2), proposed amendments must be submitted to DLCD's Salem office at least 35 days before the first evidentiary hearing on the proposal. The 35 days begins the day of the postmark, or, if submitted by means other than US Postal Service, on the day DLCD receives the proposal in the Salem Office. The first evidentiary hearing is typically the first public hearing held by the jurisdiction's planning commission on the proposal.
7. Submit **one paper copy** of the proposed amendment including the text of the amendment and any supplemental information and maps (for maps see # 4 above).
8. Please mail the proposed amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ x11 green paper if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

Title 17

HISTORIC PRESERVATION

TABLE OF CONTENTS

17.04 General Provisions

17.04.010 Short Title.

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.

17.08 Definitions

17.08.010 Meaning of Words Generally.

17.08.020 Meaning of Common Words.

17.08.030 Meaning of Specific Words and Terms.

17.16 Historic Review Board

17.16.010 Authority.

17.16.020 Responsibilities.

17.16.030 Membership.

17.16.040 Meetings.

17.20 Application Procedures

17.20.010 Purpose.

17.20.020 Consolidation of Proceedings.

17.20.030 Application Process.

17.20.040 Time Period for Decision Making Procedures.

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.

17.24 Signs

- 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.
- 17.24.080 Prohibited Signs.
- 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.

17.28 Accessory Dwelling Units Dwellings and Structures

- 17.28.010 Purpose.
- 17.28.020 Applicability and Administration.
- 17.28.030 Application Submittal Requirements.
- 17.28.040 Approval Standards.

17.32 Temporary Uses and Structures

- 17.32.010 Purpose.
- 17.32.020 Application Submittal Requirements.
- 17.32.030 Temporary Uses.
- 17.32.040 Temporary Structures.
- 17.32.050 Outdoor Display.

17.36 Moving of Structures

- 17.36.010 Moving Contributing Structures.
- 17.36.020 Moving Structures into the Historic District.

17.40 Design Standards

- 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 New 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

Chapter 17.04

GENERAL PROVISIONS

Sections:

- 17.04.010** Short title.
- 17.04.020** Purpose.
- 17.04.030** Adoption of Guidelines.
- 17.04.040** Adoption of Inventory.
- 17.04.050** Applicability.
- 17.04.050060** Pre-existing Approvals.
- 17.04.060070** Interpretation.
- 17.04.070080** Fees.
- 17.04.080090** 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)

17.04.0200120 Purpose.

~~It is the general~~ The purpose of this title is to provide the principal means for the preservation of the buildings and sites and the visual character of the historic Aurora Colony. This title ~~is designed to regulate~~ 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. 416 § 8.10.020, 2002)

17.04.030 Adoption of Guidelines.

The Aurora Design Guidelines for Historic District Properties are incorporated as Appendix A ~~set out in the Appendix~~ to this code. These guidelines ~~are 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 basiscity. The guidelines do not include standards or criteria for reviewing applications for a certificate of appropriateness under this title or other titles of the Municipal Code.~~ (Ord. 416 §-8.10.030010, 2002)-(Ord 419)

17.04.040 Adoption of Inventory.

The Aurora Historic District Properties Inventory, 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__)

17.04.050 Applicability.

A. Except as ~~otherwise specifically provided by this title~~described in Subsection B immediately below, all exterior changes to a building or site within the ~~historic commercial overlay~~Historic Commercial Overlay and the ~~historic residential overlay~~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~~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 and/or colors match those already in use; and
2. Landscaping ~~work including shrubbery, annual plantings and general maintenance. The not exceeding \$2,500 in cost. The~~ removal of trees greater than twenty-four (24) inches in diameter requires approval. (Ord. 416 § 8.10.040, 2002).
- ~~3. Exterior painting with colors listed in Appendix A.~~
- ~~4. Installation of black roof shingles.~~

17.04.050060 Pre-existing A 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~~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)

-

17.04.060070 Interpretation.

A. An interpretation is a decision which is made under land use standards that require an exercise of policy or legal ~~judgement~~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~~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~~City Recorder. Upon receipt of such a request, the ~~historic review board~~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.~~42~~16.040. A Notice of Decision shall be issued for all interpretations. If the person making the request disagrees with the ~~historic review board's~~Historic Review Board's interpretation, they may appeal it to the ~~city council~~City Council. The ~~council~~Council will hear the appeal as a consideration item at the next month's regularly scheduled meeting. The decision of the ~~council~~Council shall be conclusive upon the parties.

E. The ~~city recorder~~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~~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~~City Council. (Ord. 416 § 8.10.070, 2002)

-
17.04.~~070~~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~~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)

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17.04.~~080~~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)

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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 ~~term "this title" shall be deemed to include the text, the accompanying Aurora Design Guidelines for Historic District Properties and all amendments made hereafter to either. (Ord 419)~~

~~H. The word "shall" is mandatory and the word "may" is permissive.~~

~~I. Where the word "must" or "shall" is used in the Aurora Design Guidelines for Historic District Properties (Appendix A), the guideline in question must be met if it is applicable to the application in order for the historic review board to issue a certificate of approval.~~

~~J. Where the word "should" is used in the Aurora Design Guidelines for Historic District Properties (Appendix A), the guideline is strongly recommended.~~

~~K. Where the word "encouraged" is used in the Aurora Design Guidelines for Historic District Properties (Appendix A), the applicant is urged to consider complying with the guideline, but is not required to do so to receive approval. _____ (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 1920.

"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 five (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. 419 § 20E, 2002; Ord. 416 § 8.40.030, 2002)

Chapter 17.~~4216~~

HISTORIC REVIEW BOARD

Sections:

17.~~4216~~.010 Authority.

17.~~4216~~.020 Responsibilities.

17.~~4216~~.030 Membership.

17.~~4216~~.040 Meetings.

17.~~4216~~.010 Authority.

The ~~historic review board~~Historic Review Board shall have the authority to approve ~~or~~ deny, ~~in whole or in part or approve with conditions~~, development applications ~~and/or building permits~~, 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~~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.~~4216~~.020 Responsibilities.

A. The ~~historic review board~~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~~Historic Review Board shall draft and recommend to the ~~council~~Council for adoption the prescriptive standards to be used by the ~~historic review board~~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~~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~~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~~Historic Review Board shall perform other functions as may be designated by the ~~city council~~City Council. (Ord. 416 § 8.20.020, 2002)

-

17.4216.030 Membership.

A. Persons who want to be considered for appointment shall submit a written letter of interest to the ~~mayor~~Mayor. The ~~historic review board~~Historic Review Board shall consist of five unpaid members who are nominated by the ~~mayor~~Mayor and appointed by ~~city council~~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~~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~~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)

-

17.4216.040 Meetings.

A. The regular meeting of the ~~historic review board~~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~~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.~~1620~~

~~DECISION MAKING~~
APPLICATION PROCEDURES

Sections:

- 17.~~1620~~.010 Purpose.
- 17.~~1620~~.020 Consolidation of proceedings.
- 17.~~1620~~.030 Application process.
- 17.~~1620~~.040 Time period for decision making.
- 17.~~1620~~.050 Approval authority responsibilities.
- 17.~~1620~~.060 Notice of pending decision.
- 17.~~1620~~.070 Decision procedure.
- 17.~~1620~~.080 Standards for the decision.
- 17.~~1620~~.090 Notice of ~~decision~~Decision.
- 17.~~1620~~.100 Record of proceeding.
- 17.~~1620~~.110 Appeal.
- 17.~~1620~~.120 Modification and revocation of approvals.
- 17.~~1620~~.130 Re-submittal of an application previously denied.
- 17.~~1620~~.140 Expiration and extension of approvals.

17.~~1620~~.010 Purpose.

The purpose of this chapter is to establish procedures for the consideration of applications for a ~~certificate of appropriateness~~.Notice of Decision. (Ord. 416 § 8.30.010, 2002)

17.~~1620~~.020 ~~Consolidation of proceedings~~Applications not Consolidated.

~~Whenever an applicant requests a certificate of appropriateness for a development that will also require development approvals~~An application under this title shall not be consolidated with applications under Title 16 or other titles of the Aurora Municipal Code. Applications requiring approval under both titles may be processed simultaneously, however, the certificate of appropriateness shall be reviewed separate from the approvals requiredTitle 17 application must be decided before a decision can be made under Title 16 ~~as provided in this title.~~ (Ord. 416 § 8.30.020, 2002)

17.~~1620~~.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 ~~element~~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. ~~City staff shall not accept an incomplete application.~~

E. If an application is incomplete, city staff shall:

~~1. Notify~~ notify the applicant in writing within thirty (30) days of receipt of the application of exactly what information is missing; and

~~2. Allow~~ 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 ~~submit a completed application.~~ ~~G.~~ ~~When the missing information is provided, the application shall be deemed complete and at that time the one hundred twenty (120) day time period shall begin.~~ respond in accordance with 17.20.030E.

-(Ord. 416 § 8.36.030, 2002)

17.~~16~~20.040 Time period for decision making.

The city shall take final action on an application ~~for a certificate of appropriateness,~~ 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 written 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~~Historic Review Board fails to approve, approve with modificationconditions, or deny- an application within seventy-five (75) days after the application is determined to be complete, the ~~historic review board~~Historic Review Board shall cause notice to be given and the matter to be placed on the ~~council's~~City Council's agenda. A public hearing shall be held by the ~~council~~Council and the decision shall made by the ~~council~~City Council. No further action shall be taken by the ~~historic review board~~Historic Review Board. (Ord. 416 § 8.~~30~~36.040, 2002)

17.~~16~~20.050 Approval authority responsibilities.

A. The ~~historic review board~~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, or deny the following:

1. Interpretations subject to Section 17.04.060;
2. Signs subject to Chapter 17.~~2024~~;
3. Accessory dwelling units subject to Chapter 17.~~2428~~;
4. Applications for ~~a certificate of appropriateness~~approval under this title;
5. Recommendations to ~~Planning Commission and City Council~~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 (Appendix A);
8. Amendments to the Aurora Historic District Properties Inventory (Appendix B)
9. Any other matter not specifically assigned to the administrative approval authority, or the ~~city council~~City Council under this title.

B. The ~~city council~~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~~Historic Review Board;
2. Matters referred to the ~~council~~City Council by the ~~historic review board~~Historic Review Board;
3. Review of decisions of the ~~historic review board~~Historic Review Board, whether on the ~~council's~~City Council's own motion or otherwise.
4. Amendments to the Aurora Design Guidelines for Historic District Properties (Appendix A);
5. Amendments to the Aurora Historic District Properties Inventory (Appendix B)

C. The ~~planning director~~Planning Director shall have the authority to approve, deny, or approve with conditions, ~~or deny~~ the following applications:

1. Temporary uses pursuant to Section 17.~~2832~~.030.

(Ord. 419 §§ 20A, ~~29A32A~~ (part), 2002; Ord. 416 § 8.~~3036~~.050, 2002)

~~17.1620.060~~ **Notice of ~~pending decision~~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).

~~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~~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 § ~~29A32A~~ (part), 2002; Ord. 416 § 8.~~3036~~.060, 2002)

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17.~~1620~~.070 Decision procedure.

The ~~historic review board~~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.~~4620~~.080 or continue the decision to gather additional evidence or to consider the application further. (Ord. 416 § 8.~~3036~~.070, 2002)

17.~~4620~~.080 Standards for the decision.

A. The decision shall be based on proof by the applicant that the application fully complies with ~~the relevant guidelines in the Aurora Design Guidelines for Historic District Properties. (Ord 419)~~this title.

B. The approval authority ~~may~~shall:

1. Adopt ~~its own~~ 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~~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 ~~certificate of appropriateness~~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~~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 § 29A and 32A (part), 2002; Ord. 416 § 8.~~3036~~.080, 2002)

17.4620.090 Notice of ~~decision~~Decision.

A. All decisions require a ~~notice~~Notice of ~~decision~~Decision. The ~~notice~~Notice of ~~decision~~Decision shall include a brief statement that ~~identifies the guidelines considered relevant to the decision, states the facts relied upon in making the decision,~~ explains the justification for the decision ~~based on the guidelines~~with reference to the standards, criteria and facts ~~set forth and a brief explanation of the~~ in the record, the date the final decision was made, along with the ~~deadline for~~ appeal process. ~~The certificate of appropriateness may be combined with the notice of decision.~~

B. The applicant and ~~any person who submits written comments during property owners within 100 feet of the fourteen (14) days~~subject property period shall be ~~entitled to receive~~provided with the ~~notice~~Notice of ~~decision~~Decision.

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

D. The ~~notice~~Notice of ~~decision~~Decision shall be reduced to writing, signed by the ~~historic review board~~Historic Review Board chair, and mailed to the applicant and all ~~parties in the action~~property owners within 100 feet of the subject application who submitted written testimony on the application within ten (10) calendar days after the decision is made. The vice chair is authorized to sign the ~~notice~~Notice of ~~decision~~Decision when the ~~chair~~Chair of the ~~historic review board~~Historic Review Board is not available to sign. (Ord. 419 §§ 20B, 2932(A) (part), 2002; Ord. 416 § 8.3036.090, 2002)

E. 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.

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17.4620.100 Record of proceeding.

The record shall include:

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

B. A copy of the ~~notice~~Notice of ~~pending decision~~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~~ A copy of the ~~certificate~~Notice of ~~appropriateness~~Decision signed by the approval authority;

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

G. A copy of the ~~notice~~Notice of ~~the decision~~Decision, which was given pursuant to Section 17.4620.090, and a list of all persons who were given mailed notice. (Ord. 419 § 2932(A), 2002; Ord. 416 § 8.3036.100, 2002)

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17.4620.110 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 is signed and mailed.

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~~ 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~~ 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 ~~17.4620~~.060 and Section ~~17.4620~~.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 ~~17.4620~~.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, 29A32A (part), 2002; Ord. 416 § 8.~~3036~~.110, 2002)

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17.~~4620~~.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 § 29A32A (part), 2002; Ord. 416 § 8.~~3036~~.130, 2002)

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17.~~4620~~.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~~Land Use Board of ~~appeals~~Appeals, the ~~land—conservation~~Land Conservation and ~~development commission~~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 §§ 29A32A (part), 2002; Ord. 416 § 8.~~3036~~.130, 2002)

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17.~~4620~~.140 Expiration and extension of approvals.

A. Approval under this title shall be effective for ~~a period~~ 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 ~~original approve tentative~~approved plan;

2. The ~~applicant has expressed request for extension is submitted in a~~ written ~~intent~~request to the City prior to the expiration of ~~submitting a final plat within the one year extension period;~~ ~~and the approval.~~

3. There have been no material changes to the ~~applicable comprehensive plan policies and ordinance provisions~~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 § 29A32A (part), 2002; Ord. 416 § 8.~~3036~~.140, 2002)

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Chapter 17.2024

SIGNS

Sections:

- 17.2024.010 General authority.
- 17.2024.020 Purpose.
- 17.2024.030 Sign permits required.
- 17.2024.040 Application.
- 17.2024.050 Definitions.
- 17.2024.060 Exempt signs.
- 17.2024.070 General sign provisions.
- 17.2024.080 Prohibited signs.
- 17.2024.090 Historic residential overlay.
- 17.2024.100 Historic commercial (HC) overlay.
- 17.2024.110 Nonconforming signs.
- 17.2024.120 Termination of signs by abandonment.
- 17.2024.130 Relief from sign standards.
- 17.2024.140 List of approved font types.

17.2024.010 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~~ Historic Review Board and a city building official. The applicant must receive ~~a certificate of appropriateness approval~~ from the ~~historic review board~~ Historic Review Board before a ~~building structure or sign~~ permit can be issued by the ~~building official~~ appropriate city authority. 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~~ 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~~ City Council. (Ord. 416 § 8.50.010, 2002)

17.2024.020 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~~ 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)

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17.2024.030 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~~2014. 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 17.2024.040(C), and pay no sign permit fee, ~~except those signs approved by the historic review board after October 26, 1995.~~

OR

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 17.2024.110(B)(2), these four reader board signs may continue, for their useful life, as nonconforming uses after the July 1, ~~2003~~2014 deadline requiring sign conformance. Non-conforming signs shall be subject to AMC 16.62 for non-conforming structures.

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 17.2024.040. 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 approval.~~ All departures from signage plans for which ~~a certificate of appropriateness an approval~~ has been issued shall be approved in advance by the ~~historic review board~~ Historic Review Board.

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

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17.2024.040 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)

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17.2024.050 Definitions.

~~—As used in this chapter:~~

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.

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"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 from 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 ~~right~~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 ~~make~~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)

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17.2024.060 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~~Historic Review Board approval 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 ~~non-~~illuminated 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~~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 ~~unilluminated~~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 (3) square feet in area, and shall be limited to two (2) colors. 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, No~~ more than two (2) flags per store front, each flag not to exceed a size of three (3) feet by five (5) feet).

C. Temporary Signs.

1. Political Signs. Temporary political signs not exceeding four (4) 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~~non-illuminated 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~~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)

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17.2024.070 General sign provisions.

The following general sign provisions apply to all signs, except those exempt signs specifically listed in Section 17.2024.060, 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. ~~Three-dimensional signs are not recommended.~~ Vinyl lettering may be used in approved fonts (See Appendix A).

2. Keep Graphics Simple. Sign graphics shall be simple and bold and in keeping with the ~~historic review board~~ 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 17.2024.140. 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)

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17.2024.080 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 17.2024.060.

~~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 17.20.060.~~

~~C. Flashing Signs.~~

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

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

~~ED.~~ 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.

~~FE.~~ 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.

~~GF.~~ 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.

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

~~IH.~~ Reader Board Sign. Except as exempted in Section 17.2024.030, reader board signs are prohibited. (Ord. 419 § 23E, 2002; Ord. 416 § 8.50.075, 2002)

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17.2024.090 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 17.2024.070.

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)

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17.2024.100 Historic commercial (HC) overlay.

All signs in the historic commercial overlay shall require approval by the ~~historic review board~~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 placed 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 17.2024.070.

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 17.2024.070.

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 facade 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.~~2024~~.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.~~2024~~.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.~~2024~~.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.~~2024~~.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.~~2024~~.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 events, 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)

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17.~~2024~~.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~~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)

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17.2024.120 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~~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)

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17.2024.130 Relief from sign standards.

The ~~historic review board~~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~~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)

17.2024.140 List of approved font types ~~are included in the Aurora Design Guidelines for Historic District Properties (Appendix A).~~

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

Chapter 17.2428

~~ACCESSORY DWELLING UNITS~~DWELLINGS AND STRUCTURES

Sections:

17.2428.010 Purpose.

17.2428.020 Applicability and administration.

17.2428.030 Application submittal requirements.

17.2428.040 Approval standards.

17.2428.010 Purpose.

Accessory ~~dwelling units~~dwelling units 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. (Ord. 416 § 8.60.010, 2002)
- F. Provide storage and workshop spaces. (Ord. , 2013)

17.2428.020 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~~Historic Review Board pursuant to Chapter 17.4620. (Ord. 416 § 8.60.020, 2002)

17.2428.030 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)

17.2428.040 Approval standards.

~~—A. Standards for creating accessory dwelling units address the following purposes:~~

~~—1. Ensure that accessory dwelling units are compatible with the desired character and livability of Aurora’s residential zones;~~

~~—2. Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;~~

~~—3. Ensure that accessory dwelling units are smaller in size than principal dwelling units; and~~

~~—4. Provide adequate flexibility to site buildings so that they fit the topography of sites.~~

~~—B. The design standards for accessory dwelling units are stated in this section and Appendix A set out in the Appendix to this code. If not addressed, the base zone development standards apply.~~

~~—C~~ 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.

~~—D~~ 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.

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

1. ~~The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the existing 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. 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 Title 17 (Title 16?).~~

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

~~—3. Trim on edges of elements on the addition must be the same in type size and location as the trim used on the rest of the existing single family detached dwelling.~~

~~—4~~ 3. Windows must match those in the existing single-family detached dwelling in proportion (relationship of width to height) and ~~orientation (horizontal or vertical); 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.~~

~~—F~~ D. Detached accessory ~~dwelling units~~ 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 ~~unit may not have a larger footprint than the footprint of the single-family dwelling unit~~ 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 ~~single-family detached 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 ~~orientation (horizontal or vertical)~~ 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.

HE. 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. (Ord. 416 § 8.60.040, 2002; Ord § , 2013)

F. In addition to the above standards, accessory dwellings and structures shall comply with Title 17.40, Design Standards. (Ord. § , 2013)

Chapter 17.2832

TEMPORARY USES AND STRUCTURES

Sections:

17.2832.010 Purpose.

17.2832.020 Application submission requirements.

17.2832.030 Temporary use administration and approval.

17.2832.040 Temporary structure administration and approval.

17.2832.050 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)

17.2832.020 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 17.2832.040, 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)

17.2832.030 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 Statutes.

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.~~2832~~.040. For temporary uses of tents, booths and canopies greater than one hundred twenty (120) square feet, a temporary structure permit under Section 17.~~2832~~.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~~City Council shall be exempt from temporary use permit requirements.

C. No ~~notice~~Notice of ~~decision~~Decision is required, but the planning director shall issue an approved temporary use permit stating how the application satisfies the criteria in Section 17.~~2832~~.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)

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17.~~2832~~.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~~Approval from the ~~historic review board~~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.

A. Outdoor display of merchandise shall conform to the standards and regulations as included in the applicable base zone for open inventory displays.

B. Outdoor displays may only occur in locations other than that of the fronting business during city-sanctioned special events, such as Aurora Colony Days.

C. 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

All relocations of contributing structures within the Historic District must meet the following standards and criteria:

- A. Relocation of contributing structures in the Historic District is prohibited with only these 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 at the expense of the public agency acquiring the property.**
 - 3. the contributing structure is located within the floodplain, on unstable soils, or other natural 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. The relocation is to another site within the Historic District unless an alternate site is approved by the Historic Review Board.**
- E. An approved building permit for the new location is required prior to 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 Additions to Contributing Structures

17.40.030 Awnings

17.40.040 Chimneys

17.40.050 Doors

17.40.060 Drive-in and Drive Thru Structures

17.40.070 Fences

17.40.080 Foundations

17.40.090 Garage Doors

17.40.100 Height

17.40.110 New Construction in the Historic District

17.40.120 Paint

17.40.130 Porches

17.40.140 Public Right-of-Way

17.40.150 Roofs

17.40.160 Setbacks

17.40.170 Siding

17.40.180 Visual Facades

17.40.190 Windows

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 Additions to Structures

A. Contributing Structures – Commercial Overlay

1. 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 unless supported by evidence in the historic inventory.
2. 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.
3. 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.
4. Additions to commercial structures are exempt from the parking requirements in Title 16.

B. Contributing Structures – Residential Overlay

1. 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.
2. 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.
3. 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.

C. Non-contributing Structures – Commercial Overlay

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

D. Non-contributing Structures – Residential Overlay

N/A

17.40.030 Awnings

A. Contributing Structures – Commercial Overlay

1. Awning styles must be in character with historic buildings. Brightly colored and curvilinear patterns or shapes are prohibited. Examples of permitted awnings are included under Appendix A.
2. Backlighting of awnings is prohibited.
3. Text on awnings is limited to border areas only.
4. Awnings are prohibited on residential structures that have been converted to commercial use.

B. Contributing Structures – Residential Overlay

1. Awning styles must be in character with historic buildings. Brightly colored and curvilinear patterns or shapes are prohibited. Examples of permitted awning are included under Appendix A.
2. Backlighting of awnings is prohibited.
3. Text on awnings is prohibited.
4. Awnings are prohibited on residential structures that have been converted to commercial use.
5. Awnings shall be limited to rear elevations.

C. Non-Contributing Structures – Commercial Overlay

1. Awning styles must be in character with historic buildings. Brightly colored and curvilinear patterns or shapes are prohibited. Examples of permitted awnings are included under Appendix A.
2. Backlighting of awnings is prohibited.
3. Text on awnings is limited to border areas only.
4. Awnings are prohibited on residential structures that have been converted to commercial use.

D. Non-Contributing Structures – Residential Overlay

1. Awnings are prohibited on residential structures that have been converted to commercial use.
2. Awning styles must be in character with historic buildings. Brightly colored and curvilinear patterns or shapes are prohibited. Examples of permitted awnings are included under Appendix A.
3. Backlighting of awnings is prohibited.
4. Awnings shall be limited to rear elevations.

17.40.040 Chimneys

A. Contributing Structures – Commercial Overlay

1. Masonry chimneys shall be faced with traditional red clay brick.

2. Masonry chimneys shall be preserved, or replaced with traditional red clay brick if preservation is not feasible.

B. Contributing Structures – Residential Overlay

1. Chimneys shall be masonry faced with traditional red clay brick.
2. Masonry chimneys shall be preserved, or replaced with traditional red clay brick if preservation is not feasible.

C. Non-contributing Structures – Commercial Overlay

1. Non-masonry materials may be used.

D. Non-contributing Structures – Residential Overlay

1. Non-masonry materials may be used.

17.40.050 Doors

A. Contributing Structures – Commercial Overlay

1. 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.
2. New door openings may only be located on the rear elevation.
3. Doors shall be made of wood; fiberglass and metal doors are prohibited.

B. Contributing Structures – Residential Overlay

1. 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.
2. New door openings may only be located on the rear elevation.
3. Doors shall be made of wood; fiberglass and metal doors are prohibited.

C. Non-contributing Structures – Commercial Overlay

1. Door design and materials are not regulated on these structures

D. Non-contributing Structures – Residential

1. Door design and materials are not regulated on these structures

17.40.060 Drive-in and Drive Thru Structures

A. All Structures within Historic District

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

(Ord. _____ 2013)

17.40.070 Fences

A. Contributing Structures – Commercial Overlay

1. Fences shall be wood picket fences, three (3) to four (4) feet high, painted white or with a natural protective finish.
2. 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.
3. Fences not expressly permitted are prohibited unless there is evidence of a different fence type in the historic inventory.

B. Contributing Structures – Residential Overlay

1. Fences in the Historic Commercial overlay and fences for contributing structures throughout the Historic district shall be wood picket fences, three (3) to four (4) feet high, painted white or with a natural protective finish.
2. Chain link, wire, stock fencing, rail or split rail, plastic or vinyl, lattice and fences taller than four (4) 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.
3. Fences not expressly permitted are prohibited unless there is evidence of a different fence type in the historic inventory.

C. Non-contributing Structures – Commercial Overlay

1. Fences shall be wood picket fences, three (3) to (4) four feet high, painted white or with a natural protective finish.
2. 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.
3. Fences not expressly permitted are prohibited.

D. Non-contributing Structures –Residential Overlay

1. Fences shall be wood picket fences, three (3) to four (4) feet high, painted white or with a natural protective finish.
2. 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 or side property

lines in rear yards only (back of house) 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.

3. Fences not expressly permitted are prohibited.

(Ord. , 2013)

17.40.080 Foundations

A. All Structures within Historic District

1. Concrete block, brick, and poured concrete foundations are permitted.

2. Textured paint and thin coat stucco may be applied on foundations.

3. The height of replacement foundations may be altered to improve accessibility.

4. Rusticated and decorative concrete block are prohibited.

5. On contributing structures with vertically oriented wood skirting, the wood skirting shall be replaced after a foundation is repaired or replaced.

(Ord. , 2013)

17.40.090 Garage Doors

A. Contributing Structures – Commercial Overlay

1. Commercial garage doors may not exceed twelve (12) feet in width.

2. Multiple garage doors shall be separated by a minimum of two (2) feet.

3. On contributing structures and detached garages serving them, visible garage door finish materials must be painted wood.

4. Windows are permitted in garage doors.

B. Contributing Structures – Residential Overlay

1. Front facing garage doors shall be set back a minimum of four (4) feet from the front façade of residential structures.

2. Residential garage doors may not exceed eight (8) feet in width.

3. Multiple garage doors shall be separated by a minimum of two feet.

4. On contributing structures and detached garages serving them, visible garage door finish materials must be painted wood.

5. Windows are permitted on garage doors.

C. Non-Contributing Structures – Commercial Overlay

1. Commercial garage doors may not exceed twelve (12) feet in width.

2. Multiple garage doors shall be separated by a minimum of two (2) feet.

3. Windows are permitted in garage doors.

D. Non-Contributing Structures – Residential Overlay

1. Front facing garage doors shall be set back a minimum of four (4) feet from the front façade of residential structures.
2. Residential garage doors may not exceed eight (8) feet in width.
3. Multiple garage doors shall be separated by a minimum of two (2) feet.
4. Windows are permitted in garage doors.

(Ord. _____ 2013)

17.40.100 Height

A. All Structures within Historic District

1. The maximum height of structures is thirty-five (35) feet.~~(Ord. _____ 2013)~~

17.40.110 New Construction in the Historic District

A. Non-contributing Structures – Commercial Overlay

1. New structures shall be subject to the design standards in Section 17.40.
2. New commercial structures are exempt from the parking requirements in Title 16.

B. Non-contributing Structures – Residential Overlay

1. New structures shall be subject to the design standards in Section 17.40.
(Ord. _____, 2013)

17.40.120 Paint

A. Contributing Structures – Commercial Overlay

1. Contributing Structures shall be painted with colors selected from the list in Appendix A for contributing structures.

B. Contributing Structures – Residential Overlay

1. Contributing Structures shall be painted with colors selected from the list in Appendix A for contributing structures.

C. Non-contributing Structures – Commercial Overlay

1. Non-Contributing Structures shall be painted with colors selected from the list in Appendix A for non-contributing structures.

D. Non-contributing Structures – Residential Overlay

1. Non-Contributing Structures shall be painted with colors selected from the list in Appendix A for non-contributing structures.
(Ord. _____ 2013)

17.40.130 Porches

A. Contributing Structures – Commercial Overlay

1. Porches shall be painted.
2. Porches 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.
3. Front porches shall not be enclosed by walls, screens, or windows.

B. Contributing Structures – Residential Overlay

1. Porches shall be painted.
2. Porches 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.
3. One porch entrance shall be located on the front elevation and have a direct pedestrian path from the porch to the sidewalk.
4. Front porches shall not be enclosed by walls, screens, or windows.

C. Non-contributing Structures – Commercial Overlay

1. Front porches shall not be enclosed by walls, screens, or windows.
2. Porches on front elevations shall be painted.

D. Non-contributing Structures – Residential Overlay

1. One porch entrance shall be located on the front elevation and have a direct pedestrian path from the porch to the sidewalk.
 2. Porches on front elevations shall be painted.
 3. Front porches shall not be enclosed by walls, screens, or windows.
- (Ord. _____ 2013)

17.40.130 Public Right-of-Way

A. Commercial Overlay

1. Sidewalks shall be concrete without coloring. The finish shall be broom finished and scored perpendicular to the path, in traditional squares of twenty-four (24) to thirty six (36)inches. Troweled edges are required.

2. Streetlights in the Historic Commercial Overlay shall be lamp style only.
3. Curb cuts for residential properties may not exceed twenty (20) feet in width.

B. Residential Overlay

1. Sidewalks shall be concrete without coloring. The finish shall be broom finished and scored perpendicular to the path, in traditional squares of twenty-four (24) to thirty six (36) inches. Troweled edges are required.
2. Streetlights in the Historic Commercial Overlay shall be lamp style only.
3. Curb cuts for residential properties may not exceed twenty (20) feet in width.

(Ord. _____ 2013)

17.40.150 Roofs

A. Contributing Structures – Commercial Overlay

1. The repair and alteration of roofs shall match the original style and pitch.
2. 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.
3. New decorative features such as cupolas or cresting shall be permitted only when historic evidence demonstrates those features were included in the original structure.
4. 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°).
5. For all structures, roofing materials on all sloped roofs shall be black composition shingles or wood shingles. Metal roofing on sloped roofs is prohibited.
6. Flat roofs are permitted on commercial structures 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.
7. Skylights are prohibited.

B. Contributing Structures – Residential Overlay

1. The repair and alteration of roofs shall match the original style and pitch.
2. 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.

3. New decorative features such as cupolas or cresting shall be permitted only when historic evidence demonstrates those features were included in the original structure.
4. 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°).
5. For all structures, roofing materials on all sloped roofs shall be black composition shingles or wood shingles. Metal roofing on sloped roofs is prohibited.
6. Skylights are prohibited.

C. Non-contributing Structures – Commercial Overlay

1. 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°).
2. For all structures, roofing materials on all sloped roofs shall be black composition shingles or wood shingles. Metal roofing on sloped roofs is prohibited.
3. Flat roofs are permitted on commercial structures 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.

D. Non-contributing Structures – Residential Overlay

1. 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°).
2. For all structures, roofing materials on all sloped roofs shall be black composition shingles or wood shingles. Metal roofing on sloped roofs is prohibited.

(Ord. _____ 2013)

17.40.160 Setbacks

A. All Structures within Historic District

1. Residential structures shall be set back a minimum of ten (10) feet from side lot lines, and minimum of twenty (20) feet from rear lot lines.
2. Commercial and mixed-use structures shall be set back a minimum of ten (10) feet from rear lot lines, and a maximum of ten (10) feet from front lot lines. There is no minimum setback from front lot lines.

3. For new structures or additions to structures, including porches, the front setback shall not exceed four (4) feet more or less than the average front setback of the adjacent structures.

(Ord. _____ 2013)

17.40.170 Siding

A. Contributing Structures – Commercial Overlay

1. Horizontal lap wood siding is required and historic siding patterns shall be matched when repairing or replacing siding.
2. Siding shall be painted; unpainted and stained wood is prohibited.
3. Decorative shingle patterns are prohibited on contributing structures, unless originally used as documented in the Historic Resources Inventory.
4. The paint color of siding shall be uniform on all sides of a structure.

B. Contributing Structures – Residential Overlay

1. Horizontal lap wood siding is required and historic siding patterns shall be matched when repairing or replacing siding.
2. Siding shall be painted; unpainted and stained wood is prohibited.
3. Decorative shingle patterns are prohibited on contributing structures, unless originally used as documented in the Historic Resources Inventory.
4. The paint color of siding shall be uniform on all sides of a structure.

C. Non-contributing Structures – Commercial Overlay

1. Wood horizontal lap siding shall have a reveal not exceeding six (6) inches, with the exception of board and batten siding comprised of solid sawn wood.
2. Masonry is permitted.
3. Composite smooth surface materials are permitted.
4. Siding shall be painted; unpainted and stained wood is prohibited.
5. The paint color of siding shall be uniform on all sides of a structure.

D. Non-contributing Structures – Residential Overlay

1. 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.
2. Siding shall be painted; unpainted and stained wood is prohibited.
3. The paint color of siding shall be uniform on all sides of a structure.

(Ord. _____ 2013)

17.40.180 Facades

A. All Contributing Structures in the Historic District

1. The design of the front and side elevations shall be preserved.

17.40.190 Windows

A. Contributing Structures – Commercial Overlay

1. Windows shall be trimmed with wood, and wood framed storm windows are permitted.
2. Window frames and sashes shall be made of wood.
3. 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.
4. Transom and clerestory windows are permitted above doors.

B. Contributing Structures – Residential Overlay

1. Windows visible from the right-of-way shall be vertically oriented.
2. Window frames and sashes shall be made of wood.
3. 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.
4. Transom and clerestory windows are permitted on doors.

C. Non-contributing Structures – Commercial Overlay

1. 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.
2. Transom and clerestory windows are permitted above doors.

D. Non-contributing Structures – Residential Overlay

1. Windows visible from the right-of-way shall be vertically oriented.
2. Transom and clerestory windows are permitted.

(Ord. _____ 2013)

Chapter 17.44
Landscaping

Sections:

17.44.010 Purpose

17.44.020 Applicability

17.44.030 General provisions

17.44.040 Buffering and screening requirements

17.44.050 Screening of parking, loading and storage

17.44.010 Purpose

The purpose of this chapter is to establish standards for landscaping, buffering and screening to enhance the appearance of the Historic District using trees and other landscaping materials to mitigate the effects of sun, wind, noise and the lack of privacy.

17.44.020 Applicability

This section shall apply to all properties in the Historic District.

17.44.030 General Provisions

- A. In the Historic Residential Overlay at least ten (10) percent of the total area shall be landscaped.
- B. In the Historic Commercial Overlay, landscaping shall be as follows:
 - 1. Properties up to twenty thousand (20,000) square feet in size shall have at least fifteen (15) percent of the total lot area landscaped.
 - 2. Properties larger than twenty thousand (20,000) square feet in size shall have at least ten (10) percent of the total lot area landscaped.
- C. 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.
- D. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming of otherwise so that:
 - 1. Public utilities can be maintained or repaired;
 - 2. Pedestrian or vehicular access is unrestricted;
 - 3. Visual clearance provisions are met (See Chapter 16.40).
- E. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or a bond has been posted with the city to ensure the completion of the landscaping requirements.
- F. Existing plant materials may be used to meet landscaping requirements if no cutting or filling takes place within the dripline of the plantings.

G. Plant materials are to be watered at intervals sufficient to ensure survival and growth.

H. Synthetic plant materials are not permitted.

I. Berms and excavations are prohibited in the commercial overlay.

J. Berms and excavations are prohibited in front yards of residential overlay.

(Ord. _____ 2013)

17.44.040 Buffering and Screening Requirements

A. A minimum landscape buffer width of twenty (20) feet shall be required between any nonresidential use in a non-residential zone which abuts a residential zone.

B. A buffer shall consist of an area within an interior setback adjacent to a property line, having a width of ten (10) feet or greater and a length equal to the length of the property line.

C. Occupancy of a buffer area shall be limited to utilities, screening, and landscaping. No buildings, accessways or parking areas shall be allowed in a buffer area.

D. The minimum improvements within a buffer area shall include:

1. One row of trees, or groupings of trees equivalent to one row of trees. At the time of planting, these trees shall not be less than ten (10) feet high for deciduous trees and five feet high for evergreen trees measured from the ground to the top of the tree after planting.

a. Small or narrow stature trees, under twenty-five (25) feet tall or less than sixteen (16) feet wide at maturity shall be spaced no further than fifteen (15) feet apart.

b. Medium sized trees between twenty-five (25) feet to forty (40) feet tall and with sixteen (16) feet to thirty-five (35) feet wide branching at maturity shall be spaced no greater than twenty-five (25) feet apart;

c. Large trees, over forty (40) feet tall and with more than thirty-five (35) feet wide branching at maturity, shall be spaced no greater than thirty (30) feet apart.

2. In addition, at least one shrub shall be planted for each one hundred (100) square feet of required buffer area.

3. The remaining area shall be planted in groundcover, or spread with bark mulch.

E. Where screening is required a hedge of narrow or broadleaf evergreen shrubs shall be planted which will form a four-foot continuous screen within two years of planting; or

F. Buffering and screening provisions shall be superseded by the vision clearance requirements as set forth in Chapter 16.40.

G. When the use to be screened is downhill from the adjoining property, the

prescribed heights of required fences, walls or landscape screening shall be measured from the actual grade of the adjoining property.

(Ord. _____ 2013)

17.44.050 Screening

A. If four or more off-street parking spaces are provided, off-street parking adjacent to a public street shall provide a minimum of four square feet of landscape screening for each lineal foot of street frontage. The screening shall consist of shrubbery at least two feet in height located as close to the street as practical and one tree for each fifty (50) lineal feet of street frontage or fraction thereof.

B. Landscaped screening shall achieve a balance between low lying and vertical shrubbery and trees.

C. Screening of loading areas and outside storage is required according to the standards of Section 17.44.040(E).

D. Except for one-family and two-family dwellings, any refuse container or disposal area and service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area, shall be screened from view by placement of a solid wood fence, masonry wall not exceeding six (6) feet in height, or evergreen hedge between five and eight feet in height. All refuse materials shall be contained within the screened area.

(Ord. _____ 2013)

recorder

From: Kuri Gill [kuri.gill@state.or.us]
Sent: Wednesday, June 19, 2013 9:38 AM
To: recorder; Renata Wakeley
Subject: RE: Title 17 to SHPPO
Attachments: Aurora Title 17 - June 4.2013 FINAL VERSION-SHPO.doc

HI Renata,

Here are some general comments. I have added some specific points and questions on the draft.

Please let me know if you have questions or need any clarification.

Take care, Kuri

1. To meet the minimum requirements for the CLG program, Survey and upholding state and federal laws must be included. We recommend adding a specific section addressing survey, or noting under the duties of the Commission that the City's survey process will conform to our standards. In the same section, I recommend that they note that the Commission will uphold existing federal and state preservation laws as required by the CLG program. The code already establishes a commission and includes provisions for appealing decisions.
2. Another minimum requirement is having a process to designate local landmarks, you may have this in your comprehensive plan. There is a section for this in our model code.
3. Many of the items addressed, such as signs, landscaping, etc. actually speak more about aesthetics than about historic preservation and could be handled by the planning commission. I would suggest focusing the landmarks commission on questions relating to historic resources - materials, siting, etc.
4. In the design standards, some of these items are so specific that with little work they could be written to be "clear and objective" and be signed off by staff. Right now, the list of items that staff can sign off on is quite small. To simplify the process and speed up applications, we strongly suggest that as many items as possible be handled administratively. The current code does not have a general set of guidelines, meaning, the Commission may find themselves hamstrung when a question comes up not specifically addressed in the code. We suggest including a set of general guidelines, like what we have in our model ordinance.
5. We recommend that the Landmarks Commission not regulate paint color or landscaping, with the exception of requiring design review for new structures.
6. We recommend grouping the passages in the design guidelines by property type (commercial and residential), then by status (contributing, non-contributing, and out of period), instead of by siding, doors, windows, etc. This organization makes it easier to find what you're looking for, and would allow a more specific purpose and intent statement for each section. Also, some of the regulations seem to be aimed at the Colony buildings if there is a specific story there that you want to retain you could consider having a separate section for those properties that has the purpose of retain the colony related character - then if color and uniformity are part of that story, those could be regulated only on those properties.
7. The City should consider demolition by neglect and economic hardship provisions, and address demolitions and relocations more directly. Surely these issues will come up.

8. The code needs to include incentives. Right now the only incentive is for non-historic building that do not need to meet parking requirements. I'm sure that this is in here to encourage new development, but it simultaneously disadvantages owners of historic property.

9. Seems that much of the application process could be in the general planning code.

Kuri Gill

Oregon Heritage

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<http://oregonheritage.wordpress.com/>

>>> "Wakeley, Renata" <renatac@mwwcog.org> 6/12/2013 10:44 AM >>>

Hi Kuri,

The attached is the current proposed update version of Title 17 from the City of Aurora Development Code related to the National Historic District. Your comments and feedback would be appreciated.

The Planning Commission public hearing is scheduled for July 2nd and the City Council public hearing is scheduled for August 13th. Of course, the sooner your feedback is received the sooner I can share it with the Historic Review Board and Planning Commission so they can review your comments prior to the July hearing date.

Feel free to call with questions or concerns.

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

From: recorder [mailto:recorder@ci.aurora.or.us]

Sent: Tuesday, June 11, 2013 11:33 AM

To: Wakeley, Renata

Subject: FW: Title 17 to SHPPO

Please read below comments from Karen and an email to send the copy of title 17 too.

Kelly Richardson

City Recorder

City of Aurora

21420 Main St. NE

Aurora, Oregon 97002

503-678-1283

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From: Karen Townsend [<mailto:karen@timeaftertimeoregon.com>]

Sent: Tuesday, June 11, 2013 9:25 AM

To: recorder

Subject: Title 17 to SHPP0

Hi Kelly,

I'm having trouble with my computer responding this morning on the city email so am sending the duplicate message from here.

As soon as you and/or Renata have an updated Title 17 (with or without signs), please send to Kuri.Gill@state.or.us

She has promised to review it immediately, provide any comments, suggestions they see and get it back asap.

Thanks,
Karen Townsend

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

SHPO COMMENTS Title 17

HISTORIC PRESERVATION

TABLE OF CONTENTS

17.04 General Provisions

- 17.04.010 Short Title.
- 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.

17.08 Definitions

- 17.08.010 Meaning of Words Generally.
- 17.08.020 Meaning of Common Words.
- 17.08.030 Meaning of Specific Words and Terms.

17.16 Historic Review Board

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

17.20 Application Procedures

- 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.**

17.24 Signs

- 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.**
- 17.24.080 Prohibited Signs.**
- 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.**

17.28 Accessory Dwellings and Structures

- 17.28.010 Purpose.**
- 17.28.020 Applicability and Administration.**
- 17.28.030 Application Submittal Requirements.**
- 17.28.040 Approval Standards.**

17.32 Temporary Uses and Structures

- 17.32.010 Purpose.**
- 17.32.020 Application Submittal Requirements.**
- 17.32.030 Temporary Uses.**
- 17.32.040 Temporary Structures.**
- 17.32.050 Outdoor Display.**

17.36 Moving of Structures

- 17.36.010 Moving Contributing Structures.**
- 17.36.020 Moving Structures into the Historic District.**

17.40 Design Standards

- 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 New 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**

Chapter 17.04

GENERAL PROVISIONS

Sections:

- 17.04.010 Short title.**
- 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. 416 § 8.10.020, 2002)

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. 416 §8.10.010, 2002)

17.04.040 Adoption of Inventory.

The [Aurora Historic District Properties](#) 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 [KG1]: Does this inventory describe the level of regulation for each property? Does it include local landmark properties that are not in the historic district? How is the district different than the overlay?

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.

Comment [KG2]: This is confusing.

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 and/or colors match those already in use; and
2. Landscaping not exceeding \$2,500 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 listed in Appendix A.
4. Installation of black roof shingles.

Comment [KG3]: This should be defined, could use "in kind" and provide a definition, the National Park Service definition is commonly used.

C. The procedures for approval are in Section 17.20 below.

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.

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)

Comment [KG4]: Under what circumstances would this apply?

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 1920.

“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 five (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.

Comment [KG5]: Recommend cutting

“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.

Comment [KG6]: Recommending cutting and using the NPS definitions for Restoration and add reconstruction

“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 17.16

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.

Comment [KG7]: This should only be designated local landmark properties, I don't see a way in this code that those designations happen. The landmark designation process is a requirement of the CLG program.

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)

Comment [KG8]: Public buildings could be an exclusion, it is common for communities to regulate interiors of public buildings.

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.

Comment [KG9]: Here is where the survey compatible with SHPO standards CLG requirement could be inserted.

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.

Comment [r10]: They don't do COA's anymore right? Just a decision on applications.

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.

Comment [KG11]: Great, meets all CLG requirements for the commission make up

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

Comment [KG12]: Much of this could be in the general planning code and referred to here.

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.

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. 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 be 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 ([Appendix A](#));

8. Amendments to the [Aurora Historic District Properties Inventory \(Appendix B\)](#)
[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.

[4. Amendments to the Aurora Design Guidelines for Historic District Properties \(Appendix A\);](#)

[5. Amendments to the Aurora Historic District Properties Inventory \(Appendix B\)](#)

C. The ~~planning~~ [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, [listed in Appendix A.](#)
3. Landscaping projects costing less than \$2,500.
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).

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.

Comment [r13]: These also require Council approval so should be included under B below (or at least Appendix A). Does Council really want to give HRB permission to change design guidelines themselves in the future?

Comment [KG14R13]: The commission should retain the right to propose amendments to both, of course these would be changes to the code and would have to go through public process and council.

Comment [KG15]: Could greatly expand this list, many of the specific in the design guidelines are so specific that they could go here. This would speed the process for people who are following the code to a T.

Comment [r16]: Do you agree that the applicant needs to cover the cost of the HRB notice and later a PC hearing notice? We can offer to send notices concurrently and if PC mtg needs to be continued or "conditioned" with eventual HRB approval we can do that as well

Comment [KG17]: Do whatever reduces process and cost while remaining within the law.

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;

Comment [r18]: I don't think the HRB will want to send Notices of Pending Decisions (admin level review like I do with partitions and lot line adjustments). Rather, I think the intent here is for "Notice of Meetings (no public hearing but written testimony permitted). After the HRB meeting, only the applicant and those that submitted written testimony OR asked to be given the written decision will need to be mailed the decision. This simplifies the process and limits required mailings as well.

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.

Comment [KG19]: Were recommend allowing 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 who submitted written testimony

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:

- A. A copy of the application and all supporting information, plans, exhibits, graphics, etc.;
- B. A copy of the notice of ~~pending meeting 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~~ a copy of the ~~certificate of appropriateness decision~~ signed by the approval authority;
- F. A list of the conditions, if any, attached to the ~~approval of the application decision~~; 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 ~~is signed and mailed~~.
- 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~~
 - 2. The request for extension is submitted in a written request to the City prior to the expiration of the approval.
 - 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.
- 17.24.080 Prohibited signs.
- 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 [approval 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.

Comment [KG20]: This code is mostly aesthetic and is not connected to the historic character of properties. It would be best to move this to planning.

If it stays in this section, you might consider linking it to the historic character – doesn't cause damage to the historic materials, is removable, doesn't obscure historic features, etc.

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.

Comment [r21]: shouldn't these dates but updated? Did the City really require all signs to submit copies of their signage in 1995?

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.

Comment [r22]: Karin should comment on this as they have previously determined this language hard to enforce, even though the businesses have changed ownership. We should update/correct this section.

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 an ~~certificate of appropriateness approval~~ has been issued shall be approved in advance by the Historic Review Board.

D. Sign Permit Fees. The application for ~~approval 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.

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.

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 from 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~~[Historic Review Board approval](#) 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. [Add: limited to two colors.](#)

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.~~

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 placed 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 facade 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 events, 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.

Comment [r23]: Maybe this can be included under Appendix A?

(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-Title 17](#).

Comment [KG24]: 1-3 don't follow the NPS standards – The standards are there to avoid a false sense of history. They promote compatible, but not replica construction.

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:

Comment [KG25]: You might want to add – minimize visibility from the street

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 Title](#) 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~~ 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 Statutes.

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.

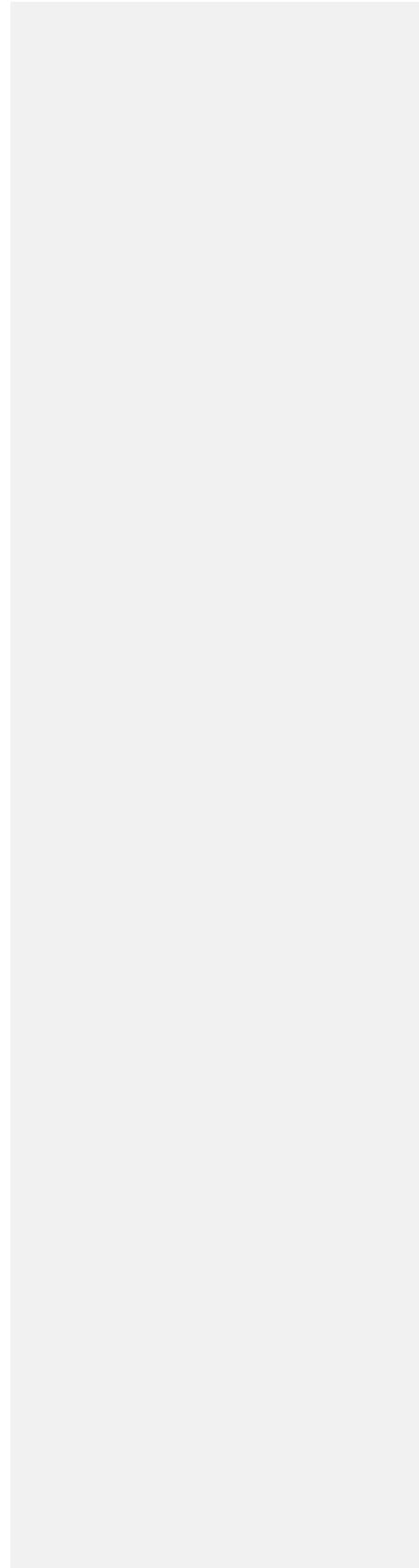
All applications for temporary structures shall be submitted and processed according to the requirements of this section. A ~~certificate of appropriateness approval~~ from the Historic Review Board is required for sites located in the historic commercial or historic residential overlay. (Ord. 419 §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

17.32.050 Outdoor Display.

- 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 thirty-six (26) inches ~~(This is ADA) feet~~ of clear width for pedestrians.
- C. Merchandise displayed on sidewalks shall be moved indoors ~~overnight~~ at the close of the business every night.
- 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.

Comment [r26]: Are these considered temporary uses? This is already permitted under 16.22 AND 16.34.060.D.2. so it doesn't need to be repeated here.

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Chapter 17.36
MOVING OF STRUCTURES

Sections:

17.36.010 Moving Contributing Structures

All relocations of contributing structures within the Historic District must meet the following standards and criteria:

- A. Relocation of contributing structures in the Historic District is prohibited with only these exceptions:
 - ~~A.1.~~ the contributing structure was previously moved to its current location.
 - ~~B.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.
 - ~~C.3.~~ the contributing structure is located within the floodplain, on unstable soils, or other natural 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. The relocation is to another site within the Historic District unless an alternate site is approved by the HRB.
- E. An approved building permit for the new location is required prior to~~before~~ approval of the relocation.

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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 Additions to Contributing Structures
- 17.40.030 Awnings
- 17.40.040 Chimneys
- 17.40.050 Doors
- 17.40.060 Drive-in and Drive Thru Structures
- 17.40.070 Fences
- 17.40.080 Foundations
- 17.40.090 Garage Doors
- 17.40.100 Height
and update numbers below
- 17.40.120 New Construction in the Historic District
- 17.40.130 Paint
- 17.40.140 Porches
- 17.40.150 Public Right-of-Way
- 17.40.160 Roofs
- 17.40.170 Setbacks
- 17.40.180 Siding
- 17.40.190 Visual Facades
- 17.40.200 Windows

Comment [KG27]: Many of these are so specific that they be on the list for staff approval without commission review

Comment [KG28]: General recommendations – to make the review process easier for all involved,
-split the guidelines into Residential and Commercial, because they are different property types.
-Split guidelines into contributing, non-contributing, out of period
-Split guidelines out for colony properties – if there are specific design features and colors that really tell that story, then you could specific that here

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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.

Comment [KG29]: We would recommend starting with general guidelines, so that if there is an application that doesn't fall within these specifics, it can still be reviewed. We recommend using the NPS standards.

17.40.020 Additions to Structures

A. Contributing Structures – Commercial Overlay

1. 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 unless supported by evidence in the historic inventory.

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A. 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.

Comment [KG30]: This is not recommended, it creates a false history

B. 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.

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

B. Contributing Structures – Residential Overlay

1. 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.

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Comment [KG31]: Recommend compatible rather than match

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A. 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.

B. 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.

C. Non-contributing Structures – Commercial Overlay

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

Comment [KG32]: This is a disincentive for historic property owners.

D. Non-contributing Structures – Residential Overlay

N/A

17.40.030 Awnings

A. Contributing Structures – Commercial Overlay

1. Awning styles must be in character with historic buildings. Brightly colored and curvilinear patterns or shapes are prohibited. [Provide examples of permitted awnings.]
2. Backlighting of awnings is prohibited.
3. Text on awnings is limited to border areas only.
4. Awnings are prohibited on residential structures that have been converted to commercial use.

Contributing Structures – Residential Overlay

- A. Awing styles must be in character with historic buildings. Brightly colored and curvilinear patterns or shapes are prohibited. [Provide examples of permitted awnings.]
- B. Backlighting of awnings is prohibited.
- C. Text on awnings is prohibited.
- D. Awnings are prohibited on residential structures that have been converted to commercial use.
- E. **ADD: Awnings shall be limited to rear elevations.**

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Non-Contributing Structures – Commercial Overlay

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

Non-Contributing Structures – Residential Overlay

- 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. Backlighting of awnings is prohibited.
- D. **ADD: Awnings shall be limited to rear elevations.**

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17.40.040 Chimneys

Contributing Structures – Commercial Overlay

- A. Masonry chimneys shall be faced with traditional red clay brick.
- B. Masonry chimneys shall be preserved, or replaced with traditional red clay brick if preservation is not feasible.

Contributing Structures – Residential Overlay

- A. chimneys shall be masonry faced with traditional red clay brick.
- B. Masonry chimneys shall be preserved, or replaced with traditional red clay brick if preservation is not feasible.

Non-contributing Structures – Commercial Overlay

- A. , non-masonry materials may be used.

Non-contributing Structures – Residential Overlay

- A. , non-masonry materials may be used.

17.40.050 Doors

Contributing Structures – Commercial Overlay

- A. 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. New door openings may only be located on the rear elevation.
- C. Doors shall be made of wood; fiberglass and metal doors are prohibited.

Comment [KG33]: Covered in A

Contributing Structures – Residential Overlay

- A. 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. New door openings may only be located on the rear elevation.
- C. Doors shall be made of wood; fiberglass and metal doors are prohibited.

Comment [KG34]: Covered in A

Non-contributing Structures – Commercial Overlay

Door design and materials are not regulated on these structures

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Non-contributing Structures – Residential

Door design and materials are not regulated on these structures

17.40.060 Drive-in and Drive Thru Structures

All Structures within Historic District

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

Comment [KG35]: Difference between the district and the overlay?

17.40.070 Fences

Comment [KG36]: Could approve administratively if they meet the requirements

Contributing Structures – Commercial Overlay

- A. Fences 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 unless there is evidence of a different fence type in the historic inventory.

Contributing Structures – Residential Overlay

- 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 unless there is evidence of a different fence type in the historic inventory.

Non-contributing Structures – Commercial Overlay

- A. Fences 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.

Non-contributing Structures –Residential Overlay

- A. Fences 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, and side property line up to rear yard (back of house) 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.

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17.40.080 Foundations

All Structures within Historic District

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

Comment [KG37]: Is this appropriate for all buildings?

17.40.090 Garage Doors

Contributing Structures – Commercial Overlay

- A. Commercial garage doors may not exceed 12 feet in width.
- B. Multiple garage doors shall be separated by a minimum of two feet.
- C. On contributing structures and detached garages serving them, visible garage door finish materials must be painted wood.
- D. Windows are permitted in garage doors.

Contributing Structures – Residential Overlay

- A. Front facing garage doors shall be set back a minimum of four (4) feet from the front façade of residential structures.
- B. Residential garage doors may not exceed eight (8) 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.
- E. Windows are permitted in garage doors.

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Non-Contributing Structures – Commercial Overlay

- A. Commercial garage doors may not exceed 12 feet in width.
- B. Multiple garage doors shall be separated by a minimum of two (2) feet.
- C. Windows are permitted in garage doors.

Non-Contributing Structures – Residential Overlay

- 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.
- C. Multiple garage doors shall be separated by a minimum of two feet.
- D. Windows are permitted in garage doors.

17.40.100 Height

All Structures within Historic District

The maximum height of structures is 35 feet.

17.40.120 New Construction in the Historic District

Non-contributing Structures – Commercial Overlay

- 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 (remove).
- C. New commercial structures are exempt from the parking requirements in Title 16.

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Comment [KG38]: Again a disincentive for historic property owners

Non-contributing Structures – Residential Overlay

- 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 (remove).

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17.40.130 Paint

Contributing Structures – Commercial Overlay

Contributing Structures shall be painted with colors selected from the (remove following) list in Table.

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Contributing Structures – Residential Overlay

Contributing Structures shall be painted with colors selected from the following list in Table.

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Non-contributing Structures – Commercial Overlay

non-Contributing Structures shall be painted with colors selected from the following list in Table ____.

A. Non-contributing Structures – Residential Overlay

1. Non-Contributing Structures shall be painted with colors selected from the following list in Table ____.

17.40.140 Porches

Contributing Structures – Commercial Overlay

A. Porches shall be painted.

B. Porches on contributing structures (remove) 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.

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

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Contributing Structures – Residential Overlay

A. Porches shall be painted.

B. 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.

C. One porch entrance shall be located on the front elevation and have a direct pedestrian path from the porch to the sidewalk.

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

Comment [KG39]: good

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Non-contributing Structures – Commercial Overlay

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

B. Porches on front elevations shall be painted.

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Non-contributing Structures – Residential Overlay

A. One porch entrance shall be located on the front elevation and have a direct pedestrian path from the porch to the sidewalk.

B. Porches on front elevations shall be painted.

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

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17.40.150 Public Right-of-Way

Commercial Overlay

- A. Sidewalks shall be concrete without coloring. The finish shall be broom perpendicular to the path, without troweled areas around the edges. Scoring perpendicular to the path is required. (add text from downtown improvement plan)
- B. Streetlights in the Historic Commercial Overlay shall be lamp style only.
- C. Curb cuts for residential properties may not exceed twenty (20) feet in width.

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Residential Overlay

- A. Sidewalks shall be concrete without coloring. The finish shall be broom perpendicular to the path, without troweled areas around the edges. Scoring perpendicular to the path is required. (add text from dtown improve plan)
- B. Streetlights in the Historic Commercial Overlay shall be lamp style only.
- C. Curb cuts for residential properties may not exceed twenty (20) feet in width.

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17.40.160 Roofs

Contributing Structures – Commercial Overlay

- A. The repair and alteration of roofs shall match the original style and pitch.
- B. 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. 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. Flat roofs are permitted on commercial structures 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.
- G. Skylights are prohibited.

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Contributing Structures – Residential Overlay

- A. The repair and alteration of roofs shall match the original style and pitch.
- B. 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. 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. Skylights are prohibited.

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Non-contributing Structures – Commercial Overlay

- A. 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°).
- B. For all structures, roofing materials on all sloped roofs shall be black composition shingles or wood shingles. Metal roofing on sloped roofs is prohibited.
- C. Flat roofs are permitted on commercial structures 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.

Non-contributing Structures – Residential Overlay

- A. 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°).
- B. For all structures, roofing materials on all sloped roofs shall be black composition shingles or wood shingles. Metal roofing on sloped roofs is prohibited.

17.40.170 Setbacks

All Structures within Historic District

- A. Residential structures shall be set back a minimum of 10 feet from side lot lines, and 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.
- C. For new structures or additions to structures, including porches, the front setback shall not exceed four (4) feet more or less than the average front setback of the adjacent structures.

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17.40.180 Siding

Contributing Structures – Commercial Overlay

- A. Horizontal lap 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. The paint color of siding shall be uniform on all sides of a structure.

Contributing Structures – Residential Overlay

- A. Horizontal lap 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. The paint color of siding shall be uniform on all sides of a structure.

Non-contributing Structures – Commercial Overlay

- A. Wood horizontal lap siding shall have a reveal not exceeding six (6) inches, with the exception of board and batten siding comprised of solid sawn wood.
- B. Masonry is permitted.
- C. Composite smooth surface materials are permitted.
- D. Siding shall be painted; unpainted and stained wood is prohibited.
- E. The paint color of siding shall be uniform on all sides of a structure.

Non-contributing Structures – Residential Overlay

- A. 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.
- B. Siding shall be painted; unpainted and stained wood is prohibited.
- C. The paint color of siding shall be uniform on all sides of a structure.

17.40.190 Visible (remove) Facades

All Contributing Structures in the Historic District

The design of the front and side elevations shall be preserved.

17.40.200 Windows

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Contributing Structures – Commercial Overlay

- A. Windows shall be trimmed with wood, and wood framed storm windows are permitted.
- B. Window frames and sashes shall be made of wood.
- C. 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.
- D. Transom and clerestory windows are permitted above doors.

Contributing Structures – Residential Overlay

- A. Windows visible from the right-of-way shall be vertically oriented.
- B. Window frames and sashes shall be made of wood.
- C. 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.
- D. Transom and clerestory windows are permitted **doors**.

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Non-contributing Structures – Commercial Overlay

- A. 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 above doors.

Non-contributing Structures – Residential Overlay

- A. Windows visible from the right-of-way shall be vertically oriented.
- B. Transom and clerestory windows are permitted.

Chapter 17.44
Landscaping

Sections:

17.44.010 Purpose

17.44.020 Applicability

17.44.030 General provisions

17.44.040 Buffering and screening requirements

17.44.050 Screening of parking, loading and storage

17.44.010 Purpose

The purpose of this chapter is to establish standards for landscaping, buffering and screening to enhance the appearance of the Historic District using trees and other landscaping materials to mitigate the effects of sun, wind, noise and the lack of privacy.

17.44.020 Applicability

This section shall apply to all properties in the Historic District.

17.44.030 General Provisions

- A. In the Historic Residential Overlay at least ten (10) percent of the total area shall be landscaped.
- B. In the Historic Commercial Overlay, landscaping shall be as follows:
 - 1. Properties up to twenty thousand (20,000) square feet in size shall have at least fifteen (15) percent of the total lot area landscaped.
 - 2. Properties larger than twenty thousand (20,000) square feet in size shall have at least ten (10) percent of the total lot area landscaped.
- C. 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.
- D. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming of otherwise so that:
 - 1. Public utilities can be maintained or repaired;
 - 2. Pedestrian or vehicular access is unrestricted;

- 3. Visual clearance provisions are met (See Chapter 16.40).
- E. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or a bond has been posted with the city to ensure the completion of the landscaping requirements.
- F. Existing plant materials may be used to meet landscaping requirements if no cutting or filling takes place within the dripline of the plantings.
- G. Plant materials are to be watered at intervals sufficient to ensure survival and growth.
- H. Synthetic plant materials are not permitted.
- I. Berms and excavations are prohibited in the commercial overlay.
- J. Berms and excavations are prohibited in front yards of residential overlay

17.44.040 Buffering and Screening Requirements

- A.
- B. A minimum landscape buffer width of twenty (20) feet shall be required between any nonresidential use in a non-residential zone which abuts a residential zone.
- C. A buffer shall consist of an area within an interior setback adjacent to a property line, having a width of ten (10) feet or greater and a length equal to the length of the property line.
- D. Occupancy of a buffer area shall be limited to utilities, screening, and landscaping. No buildings, accessways or parking areas shall be allowed in a buffer area.
- E. The minimum improvements within a buffer area shall include:
 - 1. One row of trees, or groupings of trees equivalent to one row of trees. At the time of planting, these trees shall not be less than ten (10) feet high for deciduous trees and five feet high for evergreen trees measured from the ground to the top of the tree after planting.
 - a. Small or narrow stature trees, under twenty-five (25) feet tall or less than sixteen (16) feet wide at maturity shall be spaced no further than fifteen (15) feet apart.
 - b. Medium sized trees between twenty-five (25) feet to forty (40) feet tall and with sixteen (16) feet to thirty-five (35) feet wide branching at maturity shall be spaced no greater than twenty-five (25) feet apart;
 - c. Large trees, over forty (40) feet tall and with more than thirty-five (35) feet wide branching at maturity, shall be spaced no greater than thirty (30) feet apart.
 - 2. In addition, at least one shrub shall be planted for each one hundred (100) square feet of required buffer area.
 - 3. The remaining area shall be planted in groundcover, or spread with bark mulch.

- F. Where screening is required a hedge of narrow or broadleaf evergreen shrubs shall be planted which will form a four-foot continuous screen within two years of planting; or
- G. Buffering and screening provisions shall be superseded by the vision clearance requirements as set forth in Chapter 16.40.
- H. When the use to be screened is downhill from the adjoining property, the prescribed heights of required fences, walls or landscape screening shall be measured from the actual grade of the adjoining property.

(Ord. _____ 2013)

17.44.050 Screening

A. If four or more off-street parking spaces are provided, off-street parking adjacent to a public street shall provide a minimum of four square feet of landscape screening for each lineal foot of street frontage. The screening shall consist of shrubbery at least two feet in height located as close to the street as practical and one tree for each fifty (50) lineal feet of street frontage or fraction thereof.

B. Landscaped screening shall (deleted sentences) achieve a balance between low lying and vertical shrubbery and trees.

C. Screening of loading areas and outside storage is required according to the standards of Section 17.44.040(E).

D. Except for one-family and two-family dwellings, any refuse container or disposal area and service facilities such as gas meters and air conditioners which would otherwise be visible from a public street, customer or resident parking area, any public facility or any residential area, shall be screened from view by placement of a solid wood fence, masonry wall not exceeding 6 ft in height, or evergreen hedge between five and eight feet in height. All refuse materials shall be contained within the screened area.

(Ord. _____ 2013)

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