

# Exhibit A: Model Code References

## Article I — Introduction and General Provisions

### Chapters:

- I.1 Introduction
- I.2 Title, Purpose, and General Administration
- I.3 Lot of Record and Legal Lot Determination
- I.4 Non-Conforming Situations
- I.5 Code Interpretations
- I.6 Enforcement

**Users Guide:** Consult your city recorder and city attorney regarding codification requirements. Options include repealing existing zoning and subdivision ordinances and adopting one ordinance that is a chapter (or title) of your existing municipal code, or adopting a separate ordinance that is incorporated into the municipal code by reference but has its own numbering.

### Chapter I.1 — Introduction

The City of [name] Development Code (“Code”) is administered by the [City Official] or his or her designee. The Code regulates land use and development within the City of [name], and is organized as follows:

**Article 1.** Article 1 describes the title, purpose, authority, organization and general administration of the Code. Article 1 also explains how city officials interpret and enforce code requirements.

**Article 2.** Article 2 contains the zoning regulations. Zones are designated by the City of [name] Zoning Map, consistent with the City of [name] Comprehensive Plan. The zoning regulations specify allowed land uses, and lot and development standards that are specific to particular land uses or zones. Before commencing a new use or development, changing an existing use or development, or applying for a building permit, the property owner [should verify the City’s zoning requirements. / shall complete a Zoning Checklist pursuant with Section 4.1.020.]

**Article 3.** Article 3 contains the City’s development design standards, including requirements for street access; pedestrian and vehicle circulation; parking; landscaping, screening, fences and walls; outdoor lighting; adequate transportation, water, sanitary sewer, and storm drainage facilities; and utility requirements. Article 3 applies to all development, including land divisions and projects for which no land use application or review is required; Article 3 is supported by the more detailed engineering design standards in the City’s [Public Works Design Manual / Engineering Design Standards Manual].

**Article 4.** Article 4 contains the City’s application requirements and review procedures for land use and development decisions, including but not limited to procedures for land divisions, property line adjustments, conditional use permits, site design review, master planned developments, and variances.

**Article 5.** Article 5 contains definitions and other exhibits that the City uses in interpreting and administering the Code. For example, where Article 2 contains a general list of land uses allowed in each zone, Article 5 provides examples of uses that are consistent with each general category.

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## I.2 – Title, Purpose, and Authority

### Chapter I.2 — Title, Purpose, and Authority

#### Sections:

Section I.2.010 Title

Section I.2.020 Purpose

Section I.2.030 Compliance and Scope

Section I.2.040 Rules of Code Construction

Section I.2.050 Development Code Consistency with Comprehensive Plan and Laws

Section I.2.060 Development Code and Zoning Map Implementation

Section I.2.070 [Zoning Checklist and] Coordination of Building Permits

Section I.2.080 Official Action

#### **I.2.010 Title**

The official name of this [Code / Title] is “The City of [name] Development Code.” It may also be referred to as “Development Code” and “Code.”

#### **I.2.020 Purpose**

This Code is enacted to promote the public health, safety, and welfare; and to encourage the orderly and efficient development and use of land within the City of [name], consistent with the City of [name] Comprehensive Plan and the following principles:

- A. Compact Development**, which promotes the efficient provision of public services and infrastructure;
- B. Mixed-Use**, which places homes, jobs, stores, parks, and services within walking distance of one another;
- C. Full Utilization of Urban Services** (e.g., water, sewer, storm drainage, parks and transportation facilities), which maximizes the return on public investments in infrastructure;
- D. Transportation Efficiency**, or development of an interconnected street system supporting multiple modes of transportation, which yields more direct routes (shorter distances) between local designation, conserves energy, reduces emergency response times, and provides alternatives to the automobile for those who are unable or choose not to drive a car;
- E. Human-Scale Design**, or development in which people feel safe and comfortable walking from place to place because buildings, streetscapes, parking areas, landscaping, lighting and other components of the built environment are designed foremost with pedestrians in mind;
- F. Environmental Health**, which requires adequate light and air circulation, management of surface water runoff, and treatment and disposal of waste; and
- G. Efficient Administration of Code Requirements**, consistent with the needs of [the City of (name), a small city with limited administrative capacity].

1.2 – Title, Purpose, and Authority | Rules of Code Construction

**F. Severability.** The provisions of this Code are severable. If any section, sentence, clause, or phrase is judged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Code.

**1.2.050 Development Code Consistency with Comprehensive Plan and Laws**

**A. City of [name] Comprehensive Plan.** This Code implements the City of [name] Comprehensive Plan. Except as otherwise required by applicable state or federal law, all provisions of this Code shall be construed in conformity with the Comprehensive Plan, including any Comprehensive Plan elements or public facility master plans, adopted pursuant to the Comprehensive Plan.

**B. Compliance with Other Laws Required.** In addition to the requirements of this Code, all uses and development must comply with all other applicable City, State of Oregon, and federal rules and regulations.

**C. References to Other Regulations.** All references to other City, state, and federal rules and regulations are for informational purposes only and do not constitute a complete list of such requirements. The references do not imply any responsibility by the City for enforcement of state or federal regulations. Where a proposal, permit, or approval is subject to both City of [name] requirements and state or federal requirements, the property owner is responsible for contacting the applicable agencies and complying with their rules and regulations.

**D. Current Versions and Citations.** All references to the regulations of other jurisdictions refer to the most current version and citation for those regulations, except where this Code, City Council policy, or applicable law require otherwise. Where a referenced regulation has been amended or repealed, the City Planning Official, Planning Commission or, upon referral, the City Council, shall interpret this Code and, based on adopted City policy, determine whether an equivalent standard applies. Such determinations, unless made through a legislative process, may be appealed to City Council.

**1.2.060 Development Code and Zoning Map Implementation**

**A. Zoning of Areas to be Annexed.** Concurrent with annexation of land to the City of [name], the City Council [ , upon considering the recommendation of the Planning Commission, ] shall enact an ordinance applying applicable zoning designation(s) to the subject land, pursuant to Chapter 4.6. The Comprehensive Plan shall guide the designation of zoning for annexed areas.

**B. Land Use Consistent With Development Code.** Land and structures in the City of [name] may be used or developed only in accordance with this Code, including all amendments thereto. A lawful use of land (“use”) is one that is permitted in accordance with this Code, or is allowed as a legal non-conforming use, pursuant to Chapter 1.4, provided state or federal law does not prohibit the use.

**C. Development Code and Zoning Map.** The City’s Official Zoning Map (“Zoning Map”), which may be published, amended, and filed separately from this Code, is part of this code. The zoning districts depicted on the Zoning Map correspond to the zoning districts in this code. In addition, this Code may contain zoning regulations for special areas (i.e., overlay zones), and for certain uses or structures that do not appear on

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## I.2 – Title, Purpose, and Authority | *[Zoning Checklists and]* Coordination of Building Permits

### I.2.070 *[Zoning Checklists and]* Coordination of Building Permits

- A. Land Use Approvals and Building Permits.** Land use and building approvals are processed by two city officials: The *[designated]* Building Official administers building codes *[including floodplain regulations,]* and issues building permits; and the *[Planning Official]* administers the Development Code, processes land use approvals, and coordinates with the *[designated]* Building Official on development and building projects to ensure compliance with the Development Code.
- B. Zoning Compliance Required for Building Permits.** A building permit shall not be issued until the *[Planning Official]* has confirmed that all applicable requirements of this Code are met, or appropriate conditions of approval are in place to ensure compliance.
- [C. Zoning Checklist.** *Where a Zoning Checklist is required prior to issuance of a building permit, pursuant with Section 4.1.020, the Planning Official through a Type I procedure shall review the project proposal. The Building Official shall not issue any building permit without an approved Zoning Checklist for the project. If in reviewing the project proposal the Planning Official determines that other permits or approvals are required before development may commence, or a building permit may be issued, the Planning Official shall advise the applicant in writing, accordingly. See Article 4 Application Requirements, Administrative Procedures, and Approval Criteria.]*

### I.2.080 Official Action

- A. Official Action.** The City of *[name]* *[Planning Official, Planning Commission, (Hearings Officer,) and City Council]* are vested with authority to issue permits and grant approvals in conformance with this Code, pursuant to Article 4 Application Requirements, Administrative Procedures, and Approval Criteria. City officials shall issue no permit and grant no approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this Code.
- B. Void Future Actions.** Any permit or approval issued or granted in conflict with the provisions of this Code shall be void, unless the City modifies it in conformance with the Code. The *[Planning Official]* shall determine when an approval is void and, as applicable, he or she shall refer it back to the decision body for modification to ensure Code compliance.
- C. Referral to Planning Commission.** In addition to those actions that require Planning Commission approval, the *[Planning Official]* may refer any question or permit request to the Planning Commission, who then shall take action on the request pursuant to the applicable provisions of this Code. See also, Chapter 1.5 Code Interpretations and Article 4 Application Requirements, Administrative Procedures, and Approval Criteria.
- D. Notices, Filing, and Validity of Actions.** The failure of any person to receive mailed notice or failure to post or file a notice, staff report, or form shall not invalidate any actions pursuant to this Code, provided a good faith effort was made to notify all parties entitled to such notice report, or form. See Chapter 4.1 General Review Procedures.

## I.4 – Non-Conforming Situations

### Chapter I.4 — Non-Conforming Situations

#### Sections:

- I.4.010 Purpose and Applicability
- I.4.020 Non-conforming Use
- I.4.030 Non-conforming Development
- I.4.040 Non-conforming Lot

**User's Guide:** Chapter I.4 should be customized to address the types of non-conforming uses and code violations that exist in a community. First, a city should consider whether its current land use standards are appropriate. If some code conflicts are so common that property owners routinely ask for and are granted variances, then that standard (e.g., setback, lot size, etc.) should be amended. Where non-conforming uses are common and predate current zoning regulations (e.g., single family dwellings in a downtown zone), consider permitting those uses subject to a cutoff date, provided they were lawfully established when constructed.

The limitations on expanding non-conforming uses, and the requirement that “discontinued” uses after a certain period of time not be resurrected, should also be customized to community. A basic land use inventory and some spot measurements from representative neighborhoods or developments can be helpful in educating the community about non-conforming uses and in establishing numerical standards and thresholds for this chapter.

#### I.4.010 Purpose and Applicability

Chapter I.4 provides standards and procedures for the continuation of uses and developments that are lawfully established but do not comply with current Code standards (“non-conforming situations”). The Code is intended to protect public health, safety, and general welfare, while allowing reasonable use of private property. The chapter contains three sections as follows:

- A. Non-conforming uses** (e.g., industrial use in residential zone) are subject to Section I.4.020;
- B. Non-conforming developments** (e.g., structure does not meet setback or height standards) are subject to Section I.4.030; and
- C. Non-conforming lots** (e.g., lot is smaller than minimum area standard) are subject to Section I.4.040.

#### I.4.020 Non-conforming Use

Where a use of land exists that would not be permitted under the current Code, but was lawful at the time it was established, the use may continue, provided it conforms to the following requirements:

- A. Expansion of Non-conforming Use Limited.** Expansion of a non-conforming use shall not exceed [20-50] percent of the subject site or building, and not more than [500-5,000] square feet of building area (footprint or floor area), cumulatively, whichever is less, that existed as of [cutoff date]. [Expansion of a non-conforming use requires approval of a Conditional Use Permit under Chapter 4.3.]

## Chapter I.5 — Code Interpretations

### Sections:

#### I.5.010 Code Interpretations

**User's Guide:** This chapter provides cities with a procedure for responding to requests for written code interpretations. Cities should keep written records of the code interpretations they make. Even informal interpretations made by staff in the course of answering questions from builders or business owners, should be noted, so that the city, through periodic code maintenance or housekeeping updates, can continually improve the code. Some cities do this annually, while others wait until they have accumulated a large number of needed changes. It is usually easier and takes less time overall to process the changes in smaller packages of code amendments every few years; however, the trade-off is that for every package of amendments, the city is required to provide public notice and conduct hearings. The important thing to remember is that the development code should be reviewed regularly and updated as conditions change and as the code is tested in ways that could not have been anticipated when first drafted.

#### I.5.010 Code Interpretations

Some terms or phrases within this Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

- A. Authorization of Similar Uses.** Where a proposed use is not specifically identified by this Code, or the Code is unclear as to whether the use is allowed in a particular zone, the *[Planning Official / Planning Commission]* may find the use is similar to another use that is permitted, allowed conditionally, or prohibited in the subject zone and apply the Code accordingly. However, uses and activities that this Code specifically prohibits in the subject zone, and uses and activities that the *[Planning Official / Planning Commission]* finds are similar to those that are prohibited, are not allowed. Similar use rulings that require discretion on the part of City officials shall be processed following the *[Type II / Type III]* procedure of Chapter 4.1.*[030 / 040]*. *[The Planning Official may refer a request for a similar use determination to the Planning Commission for its review and decision.]*
- B. Code Interpretation Procedure.** Requests for a code interpretations, including but not limited to similar use determinations, shall be made in writing to the *[Planning Official]* and shall be processed as follows:
1. The *[Planning Official]*, within *[(text) 7-14]* days of the inquiry, shall advise the person making the inquiry in writing as to whether the City will make a formal interpretation.
  2. Where an interpretation does not involve the exercise of discretion, the *[Planning Official]* shall advise the person making the inquiry of his or her decision within a reasonable timeframe and without public notice.
  3. Where an interpretation requires discretion, the *[Planning Official]* shall inform the person making the

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## I.5 – Code Interpretations

request that an application for code interpretation is required and advise the applicant on how to make the request. At a minimum, an application for code interpretation shall include a letter citing the nature and reasons for the request, and, as required, a City fee. The *[Planning Official]* then shall review relevant background information, including but not limited to other relevant Code sections and previous City land use decisions, and follow the *[Type II / Type III]* review and *[public hearing]* decision making procedures in Section 4.1.*[030 / 040]*.

- D. Written Interpretation.** Following the *[close of the public comment period on an application for a code interpretation, / Planning Commission's decision on a code interpretation application,]* the *[Planning Official]* shall mail or deliver the City's decision in writing to the person requesting it, to any other person who specifically requested a copy of the decision, and to those who provided public testimony on the application. The decision shall become effective when the appeal period for the decision expires.
- E. Referral to City Council.** Where a code interpretation may have significant citywide policy implications, the *[Planning Official]* may bypass the procedure in subsection 1.5.010.B and refer the request directly to the City Council for its legislative review in a public hearing; such public hearings shall be conducted following Type IV procedure of Chapter 4.1.050.
- F. Interpretations On File.** The City shall keep on file a record of its code interpretations.

# ARTICLE 2 – ZONING REGULATIONS

Chapters:

- 2.1 Establishment of Zoning Districts
- 2.2 Zoning District Regulations
- 2.3 Special Use Standards
- 2.4 Overlay Zones

**User’s Guide:** Article 2 has been reorganized for this edition of the Model Code. The regulations are grouped by topic and optional provisions are identified more clearly. General requirements that most cities are likely to use have been consolidated in fewer pages.

- Chapter 2.2 contains provisions for allowed uses, lot dimensions, setbacks, and other lot development standards.
- Chapter 2.3 contains special use regulations.
- Chapter 2.4 is a placeholder for overlay zones, or combining zones, such as those for flood hazard areas, natural features, airports, and other areas of special concern.

The model code does not contain provisions specifically for airports; natural, scenic, and historic resources (Goal 5); adult-oriented businesses; or natural hazards (Goal 7). Sample ordinances for airports are available through the Oregon Department of Transportation-Aviation Division, and the Oregon Department of Land Conservation and Development maintains a library with sample ordinances for uses regulated under Goal 5 and Goal 7. Much of this information is available online.



2.2 – Zoning District Regulations | Allowed Uses

Table 2.2.030 – Uses Allowed by Zoning District											
Uses	Residential Zones			Commercial Zones and Employment Zones				[Public Use][		[X]	Special Use Standards
	RL	[RM/RH]	[RC]	[D/MS]	GC	[LI/ME]	GI	[PF]	[P-OS]	[x]	
<b>A. Residential Uses<sup>1</sup></b>											
Single-Family Dwelling, Non-Attached	<b>P</b>	<b>P</b>	[P]	[S/N]	[S/N]	<b>N</b>	<b>N</b>	[N]	[N]		Sec 2.3.090
Single-Family Dwelling, Attached (Townhome)	[S/N]	<b>S</b>	[S]	[S/N]	[S/N]	<b>N</b>	<b>N</b>	[N]	[N]		Sec. 2.3.090; Sec 2.3.210
[Accessory Dwelling]	[S]	[S]	[S]	[S]	[N]	[N]	[N]	[N]	[N]		[Sec 2.3.170]
[Boarding/Rooming House]	[N]	[CU]	[CU]	[CU]	[N]	[N]	[N]	[N]	[N]		
[Cottage Housing Cluster]	[N]	[S]	[S]	[N]	[N]	[N]	[N]	[N]	[N]		[Sec 2.3.190]
Duplex Dwelling	<b>S</b>	<b>P</b>	[S]	[S/N]	[S/N]	<b>N</b>	<b>N</b>	[N]	[N]		Sec 2.3.060
Manufactured Home	<b>S</b>	<b>S</b>	[S]	[S/N]	[S/N]	<b>N</b>	<b>N</b>	[N]	[N]		Sec 2.3.090; Sec 2.3.130
Manufactured Home Park	<b>N</b>	[S/N]	[S/N]	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	[N]	[N]		Sec 2.3.140
Multifamily Dwelling	<b>N</b>	<b>S</b>	[S]	[S/N]	[S/N]	<b>N</b>	<b>N</b>	[N]	[N]		Sec 2.3.080; 2.3.090
Family Daycare	<b>S</b>	<b>S</b>	[S]	[S/N]	[S/N]	<b>N</b>	<b>N</b>	[N]	[N]		Sec 2.3.100
Residential Care Home	<b>S</b>	<b>S</b>	[S]	[S/N]	[S/N]	<b>N</b>	<b>N</b>	[N]	[N]		Sec. 2.3.090; Sec 2.3.110
Residential Care Facility	<b>N</b>	<b>S</b>	[S]	[S/N]	[S/N]	<b>N</b>	<b>N</b>	[N]	[N]		Sec. 2.3.090; Sec 2.3.110
Home Occupation	<b>S</b>	<b>S</b>	[S]	[S/N]	[S/N]	<b>N</b>	<b>N</b>	[N]	[N]		Sec 2.3.120
[Micro-Generation; wind, solar, or geothermal energy (household use)]	[S]	[S]	[S]	[S]	[S]	[S]	[S]	[S]	[S]		[Sec 2.3.200]
[Vacation Rental Dwellings]	[S]	[N]	[N]	[S/N]	[N]	[N]	[N]	[N]	[N]		[Sec 2.3.220]

**User's Guide:** The above residential uses represent the range of “needed housing” that cities are generally required to zone land for under Statewide Planning Goal 10. Residential Care Homes/Facilities are also subject to ORS 197.665 and 197.670, and Federal Fair Housing Amendments Act (FHAA) of 1988 (42 U.S.C. § 3615). The model code also provides clear and objective standards for housing, per state law, and allows residential uses in commercial districts, per OAR 660-012-060.

<sup>1</sup> **KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.**

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## 2.2 – Zoning District Regulations | Lot and Development Standards

### 2.2.040 Lot and Development Standards

- A. Development Standards.** Section 2.2.040 provides the general lot and development standards for each of the City’s base zoning districts. The standards of Section 2.2.040 are organized into two tables: Table 2.2.040.D applies to Residential [*and Residential-Commercial*] zones, and Table 2.2.040.E applies to non-residential zones.
- B. Design Standards.** City standards for Access, Circulation, Site and Building Design, Parking, Landscaping, Fences and Screening, and Public Improvements, among others, are located in Article 3. Notwithstanding the provisions of Table 2.2.040 and Article 3, different standards may apply in specific locations, such as at street intersections, [*within overlay zones,*] adjacent to natural features, and other areas as may be regulated by this Code or subject to state or federal requirements. [*For requirements applicable to the City’s overlay zones, please refer to Chapter 2.4.*]
- C. Disclaimer.** Property owners are responsible for verifying whether a proposed development meets the applicable standards of this Code. [*Submittal of a Zoning Checklist for review and approval by the City (Planning Official) (is / may be) required in order to determine whether use is allowed on a given site, and whether further land use review is required.*]

**User’s Guide:** The minimum lot sizes and other dimensions contained in 2.2.040 are based on contemporary zoning standards and development practices in small- and medium-sized Oregon communities. The standards should be reviewed and adjusted to fit the context of the community. The standards are also more flexible than conventional zoning, so that minor adjustments in lot size, for example through the “lot size averaging,” “sloping site,” and “lot coverage bonus” provisions, can be made without requiring variances or planned unit approval. This section is also designed to promote efficient land use and pedestrian-oriented design, for example, through the required “build-to line” in multifamily and residential-commercial projects. Table 2.2.040 does not recommend specific residential densities; cities should base minimum and maximum density standards on the locally adopted comprehensive plan, including an assessment of housing needs and urban growth management policies.

## 2.2 –Zoning District Regulations | Lot and Development Standards

**D. Lot and Development Standards for Residential Districts.** The development standards in Table 2.2.040.D apply to all [new] development [as of (effective date)] in the city’s Residential zones.

<b>Table 2.2.040.D – Lot and Development Standards for Residential zones</b> (Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)				
<b>Standard</b>	<b>RL Zone</b>	<b>[RM / RH] Zone</b>	<b>RC Zone</b>	<b>[Reserve]</b>
<b>Residential Density</b> , per Section 2.2.060 (Dwelling Units per [gross / net] acre) – Minimum and Maximum	[Per Comp Plan]	[Per Comp Plan]	[Per Comp Plan]	
<b>Minimum Lot Area* (square feet)</b>				
Single Family, not attached				
Corner Lot	[6,000-7,000 sf]	[5,000-6,000 sf]	[5,000-6,000 sf]	
Not a Corner Lot	[5,000-6,000 sf]	[4,000-5,000 sf]	[4,000-5,000 sf]	
Single Family, common-wall dwellings:				
Corner Lot	[4,000-5,000 sf]	[4,000-5,000 sf]	[4,000-5,000 sf]	
Not a Corner Lot	[4,000-5,000 sf]	[2,500-3,000 sf]	[2,500-3,000 sf]	
Single Family, w/accessory d.u.	[6,000-6,500 sf]	[5,000-6,000 sf]	[5,000-5,500 sf]	
Duplex	[6,000-9,000 sf]	[5,000-7,000 sf]	[5,000-6,000 sf]	
Multiple-Family or Cottage Cluster	[6,000-9,000 sf] for the first 3 dwelling units, plus [800- 1,500] for each additional unit. [6,000-9,000 sf]	[6,000-9,000 sf] for the first 3 dwelling units, plus [800- 1,500] for each additional unit. [6,000-9,000 sf]	[6,000-9,000 sf] for the first 3 dwelling units, plus [800- 1,500] for each additional unit. [6,000-9,000 sf]	
Non-Residential Uses	[Same as single family, not attached]	[Same as single family, not attached]	[Same as single family, not attached]	
<b>[Increased Lot Size for Sloping Site (15% or greater)]</b>	[1-1/2 times] minimum lot size]	[1-1/2 times] minimum lot size]	[1-1/2 times] minimum lot size]	
<b>User’s Guide:</b> Minimum lot size should be based on a city’s planned residential densities, per the land use designations and housing needs in the comprehensive plan. An alternative to increasing lot size standards for sloping sites is to allow clustering of smaller lots in exchange for open space conservation on the most sensitive hillsides. See also, recommendations for “Lot Size Averaging” below.				
[*]Lot size may be reduced in new subdivisions through Lot Size Averaging, per Section 4.3.050, or through approval of a Master Planned Development under Chapter 4.8, provided the density standards of this Section are met.] Minimum lot sizes do not apply to open space tracts and similar properties where development is restricted.				

## Chapter 2.3 – Special Use Standards

**User's Guide:** The following provisions correspond to the special uses identified in Chapter 2.2, as noted in Table 2.2.030.

### Sections:

- 2.3.010 Purpose
- 2.3.020 Applicability
- 2.3.030 Review Process
- 2.3.040 Artisanal Use/Light Manufacture
- 2.3.050 Drive-Through Service
- 2.3.060 Duplex Dwellings
- 2.3.070 Townhomes, Attached Single-Family Dwellings
- 2.3.080 Multifamily Development
- 2.3.090 Dwellings in Commercial [*and Mixed Employment*] Zones
- 2.3.100 Family Daycare
- 2.3.110 Residential Care Homes and Residential Care Facilities
- 2.3.120 Home Occupations
- 2.3.130 Manufactured Homes
- 2.3.140 Mobile Home and Manufactured Home Parks
- 2.3.150 Mobile Homes and Recreational Vehicles Used as Dwellings
- 2.3.160 Temporary Uses
- [2.3.170 Accessory Dwellings]
- [2.3.180 Bed and Breakfast Inn]
- [2.3.190 Cottage Housing Cluster]
- [2.3.200 Micro-Generation Facilities]
- [2.3.210 Parks and Open Spaces]
- [2.3.220 Vacation Rental Dwelling]
- [2.3.230 Wireless Communication Facilities]

### **2.3.010 Purpose**

Special uses included in Chapter 2.3 are uses, which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zoning district.

### **2.3.020 Applicability**

All uses designated as Special (“S”) Uses in Table 2.2.020, and uses the City determines to be similar to such uses, are subject to the standards of Chapter 2.3. The standards of this chapter supplement the other requirements of this Code. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

## Article 3 - Community Design Standards

### Chapters:

- 3.1 Design Standards Administration
- 3.2 Building Orientation and Design
- 3.3 Access and Circulation
- 3.4 Landscaping, Street Trees, and Screening
- 3.5 Parking and Loading
- 3.6 Public Facilities
- [3.7 Signs]

**Background:** Article 3 provides standards for development and changes of use. The standards address site/lot layout and design, access, circulation, landscaping, parking, loading and public facilities. Article 3 also provides general guidance for drafting sign regulations applicable to downtowns, main streets, and similar areas. Not every standard will apply to all of the actions (permits and approvals) under Article 4. Chapter 3.1 outlines the provisions of Article 3 that apply to each type of action, though cities will need to customize the code and establish the types of approvals, and development thresholds, to which the design standards apply.

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## 3.1 – Design Standards Administration | Purpose

### Chapter 3.1 - Design Standards Administration

#### Sections:

3.1.010 Purpose

3.1.020 Applicability

#### **3.1.010 Purpose**

Article 3 contains design standards for the built environment. The standards are intended to protect the public health, safety and welfare through multimodal accessibility and interconnectivity, and through the provision of parking, landscaping, *[and] adequate public facilities[, and appropriate signage]*.

#### **3.1.020 Applicability**

The provisions Article 3 apply to permits and approvals granted under this Code, and other City actions, as summarized in Table 3.1.020.

## 3.2 – Building Orientation and Design | Non-Residential Buildings

### 3.2.040 Non-Residential Buildings

**User's Guide:** Section 3.2.040 provides one set of design standards for non-residential buildings. The standards are intended to address the issues that are most frequently cited as concerns in small cities: basic site planning standards, pedestrian-oriented design, and architectural standards aimed at protecting small-town character. These standards support well-placed, well-planned commercial, mixed-use and institutional buildings. The model should be adapted to include standards that address local design objectives, including, where applicable historic preservation, while providing flexibility for institutional uses such as hospitals, airports, places of worship, schools and colleges.

**A. Purpose and Applicability.** The following requirements apply non-residential development, including individual buildings and developments with multiple buildings such as shopping centers, office complexes, mixed-use developments, and institutional campuses. The standards are intended to create and maintain a built environment that is conducive to pedestrian accessibility, reducing dependency on the automobile for short trips, while providing civic space for employees and customers, supporting natural surveillance of public spaces, and creating human-scale design. The standards require buildings placed close to streets, with storefront windows (where applicable), with large building walls divided into smaller planes, and with architectural detailing. *[The standards are also intended to promote compatibility with the historic development pattern / architectural character of the community].*

**User's Guide:** Additional (optional) purpose and intent language is offered below. Insert statements as numbered subsections, as needed.

*[The standards are intended to enhance / support the continued development of the city, reinforcing it as an attractive place to work, shop, and conduct business.*

*[The standards respond to and reconcile the historical context of the city with more contemporary building practices. The standards draw on the architectural vocabulary of the city's historic districts, while allowing a contemporary interpretation of older building forms and styles scaled to fit the community. It is not the City's intent to create an architectural theme, but rather to ensure that new buildings and exterior alterations fit within the context of their surroundings and contribute toward the development of compact, walkable commercial and mixed-use districts. Specifically, the standards:*

*Draw upon the local vocabulary of building styles and elements, including compatibility with locally significant historic structures where applicable*

*Create a sense of street enclosure with appropriate building heights and detailing*

*Address differences in building scale between different zoning districts*

*Require the use of contextually appropriate materials, textures and colors*

*Promote a storefront character (windows, pedestrian shelter, furnishings, etc.)*

*Encourage a diversity of building facades and rooflines that fall into a consistent rhythm*

*Promote corner lots as focal points*

*Improve the streetscape with adequate civic space, street furnishings and public art*

*Encourage energy and water conservation, and the use of renewable resources.]*

## Chapter 3.2 – Building Orientation and Design

### Sections:

- 3.2.010 Purpose
- 3.2.020 Applicability
- 3.2.030 Residential Buildings
- 3.2.040 Non-Residential Buildings
- 3.2.050 Civic Space and Pedestrian Amenities
- 3.2.060 Drive-Up and Drive-Through Uses and Facilities
- [3.2.070 *Reserved for Special District Design Standards*]

The Model Code is not a form-based code; rather it uses the platform of a traditional zoning ordinance to implement the smart growth principles of compact development, mixed-use, transportation efficiency, full utilization of urban services, and human-scale design. Cities can build on this model by adopting special design standards or form-based codes for specific neighborhoods or districts. Section 3.2.070 and the overlay zone chapters in Article 2 (placeholders) allow for this. Similarly, the Model Code does not have a specific chapter containing green building standards, nor is does it contain a green building rating system such as LEED; though the model is intended to help small cities move in the direction of sustainability, in both the built and natural environments. For example, in addition to the smart growth principles listed above, the model promotes water conservation through water-conserving landscapes (xeriscaping) in chapter 3.4, and provides options for using renewable energy.

### **3.2.010 Purpose**

Chapter 3.2 regulates the placement, orientation, and design of buildings. The regulations are intended to protect public health, safety, and welfare through clear and objective standards that promote land use compatibility and livability, while protecting property values and ensuring predictability in the development process. In summary, Chapter 3.2 is intended to create and maintain a built environment that:

- A.** Is conducive to walking and bicycling [*while providing convenient access to transit*];
- B.** Provides natural surveillance of public spaces, or “eyes on the street,” for crime prevention and security;
- C.** Reduces dependency on the automobile for short trips, thereby conserving energy and reducing unwanted congestion;
- D.** Encourages the use of water-conserving landscaping;
- E.** Allows for the integration of surface water management facilities within parking lots and landscape areas;
- F.** Supports small-scale energy generation, through the use of solar, wind, and renewable sources[. / ; and]
- [G.** *Creates a sense of place that is consistent with the character of the community, including historical development patterns and the community vision.*]



## 3.3 – Access and Circulation | Pedestrian Access and Circulation

### 3.3.040 Pedestrian Access and Circulation

**User's Guide:** This section implements Transportation Planning Rule (TPR) requirements related to pedestrian access and is intended to be consistent with the TPR provisions for multi-modal mixed-use areas. Note that the block length and perimeter standards are being consolidated in Chapter 3.6, which contains public improvement standards for subdivisions and site developments. In addition, the new building orientation and design standards of Chapter 3.2 are meant to complement the pedestrian circulation requirements of Section 3.3.040. Insert the graphics pages that apply, and add text references to graphics.

- A. Purpose and Intent.** Section 3.3.040 *[implements the pedestrian access and connectivity policies of City of (name) Transportation System Plan / serves as the pedestrian access and circulation policy of the City of [(name)] until such time as the City adopts a Transportation System Plan.]* It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
- B. Standards.** Developments shall conform to all of the following standards for pedestrian access and circulation:
- 1. Continuous Walkway System.** A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.
  - 2. Safe, Direct, and Convenient.** Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way based on all of the following criteria:
    - a. The walkway is reasonable direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel;
    - b. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The City *[decision body]* may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
    - c. The walkway network connects to all primary building entrances, consistent with the building design standards of Chapter 3.2 and, where required, Americans With Disabilities Act requirements.
  - 3. Vehicle/Walkway Separation.** Except as required for crosswalks, per subsection 4, below, where a walkway abuts a driveway or street it shall be raised *[6]* inches and curbed along the edge of the driveway/street. Alternatively, the City *[decision body]* may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.
  - 4. Crosswalks.** Where a walkway crosses a parking area or driveway (“crosswalk”), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrast). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians. *[Painted or thermo-plastic striping and similar types of non-permanent applications are discouraged, but may be approved for lesser used crosswalks not exceeding [24] feet in length.]*

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### 3.3 – Access and Circulation | Pedestrian Access and Circulation

- 5. Walkway Width and Surface.** Walkways, including access ways required for subdivisions pursuant with Chapter 4.3, shall be constructed of concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the City Engineer, and not less than [5-6] feet wide. Multi-use paths (i.e., designed for shared use by bicyclists and pedestrians) shall be concrete or asphalt and shall conform to the transportation standards of Section 3.6.020.
- 6. Walkway Construction.** Walkway surfaces may be concrete, asphalt, brick/masonry pavers, or other city-approved durable surface meeting Americans With Disabilities Act requirements. Walkways shall be not less than [4] feet in width, except that concrete walkways a minimum of [6] feet in width are required in commercial developments and where access ways are required for subdivisions under Chapter 4.\_\_. The city decision body may also require [6-]foot wide, or wider, concrete sidewalks in other developments where pedestrian traffic warrants walkways wider than [4] feet.
- [7. Multi-Use Pathways.** *Multi-use pathways, where approved, shall be [10-12] feet wide and constructed of [asphalt / concrete,] consistent with the [applicable Engineering / Public Works Design Standards.]*

### 3.3 – Access and Circulation | Vehicular Access and Circulation

7. As applicable, approaches and driveways shall be designed and constructed to accommodate truck/trailer-turning movements.
8. *[Except where the (City decision-making body) and roadway authority, as applicable, permit an open access with perpendicular or angled parking (See Section 3.3.030.J), d/D]* Driveways shall accommodate all projected vehicular traffic on-site without vehicles stacking or backing up onto a street.
9. Driveways shall be designed so that vehicle areas, including, but not limited to, drive-up and drive-through facilities and vehicle storage and service areas, do not obstruct any public right-of-way.
10. Approaches and driveways shall not be wider than necessary to safely accommodate projected peak hour trips and turning movements, and shall be designed to minimize crossing distances for pedestrians.
11. As it deems necessary for pedestrian safety, the *[City decision-making body]*, in consultation with the roadway authority, as applicable, may require that traffic-calming features, such as speed tables, textured driveway surfaces (e.g., pavers or similar devices), curb extensions, signage or traffic control devices, or other features, be installed on or in the vicinity of a site as a condition of development approval.
12. Construction of approaches along acceleration or deceleration lanes, and along tapered (reduced width) portions of a roadway, shall be avoided; except where no reasonable alternative exists and the approach does not create safety or traffic operations concern.
13. Approaches and driveways shall be located and designed to allow for safe maneuvering in and around loading areas, while avoiding conflicts with pedestrians, parking, landscaping, and buildings.
14. Where sidewalks or walkways occur adjacent to a roadway, driveway aprons constructed of *[concrete]* shall be installed between the driveway and roadway edge. The roadway authority may require the driveway apron be installed outside the required sidewalk or walkway surface, consistent with Americans with Disabilities Act (ADA) requirements, and to manage surface water runoff and protect the roadway surface.
15. Where an accessible route is required pursuant to ADA, approaches and driveways shall meet accessibility requirements where they coincide with an accessible route.
16. The *[City decision-making body]* may require changes to the proposed configuration and design of an approach, including the number of drive aisles or lanes, surfacing, traffic-calming features, allowable turning movements, and other changes or mitigation, to ensure traffic safety and operations.
17. Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The *[City decision-making body]* may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the City will work cooperatively with the applicant and ODOT to avoid unnecessary delays.
18. Where an approach or driveway crosses a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency, the applicant is responsible for obtaining all required approvals and permits from that agency prior to commencing development.
19. Where a proposed driveway crosses a culvert or drainage ditch, the *[City decision-making body]* may require the developer to install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant to applicable *[public works / engineering]* design standards.

## 3.5 – Parking and Loading | Bicycle Parking

### 3.5.040 Bicycle Parking

**A. Standards.** Bicycle parking spaces shall be provided with new development and where a change of use occurs, at a minimum, based on the standards in Table 3.5.040.A. Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automobile-parking standard, pursuant with subsection 3.5.030.B, the City [*decision body*] may require bicycle parking spaces in addition to those in Table 3.5.040.A.

<b>Table 3.5.040.A Minimum Required Bicycle Parking Spaces</b>	
<b>Use</b>	<b>Minimum Number of Spaces</b>
<b>Multifamily Residential</b> (not required for parcels with fewer than 4 dwelling units)	2 bike spaces per 4 dwelling units
<b>Commercial</b>	2 bike spaces per primary use or 1 per 5 vehicle spaces, whichever is greater
<b>Industrial</b>	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater
<b>Community Service</b>	2 bike spaces
<b>Parks</b> (active recreation areas only)	4 bike spaces
<b>Schools</b> (all types)	2 bike spaces per classroom
<b>Institutional Uses and Places of Worship</b>	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater
<b>Other Uses</b>	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater

**B. Design.** Bicycle parking shall consist of staple-design steel racks or other City-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle[, *consistent with the City of [name] Design Standard Manual*].

**C. Exemptions.** This Section does not apply to single-family and duplex housing, home occupations, and agricultural uses. The [*City decision-making body*] may exempt other uses upon finding that, due to the nature of the use or its location, it is unlikely to have any patrons or employees arriving by bicycle.

**D. Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with the vision clearance standards of Section 3.3.020.

## **Article 4 – Application Review Procedures and Approval Criteria**

### Chapters:

- 4.1 General Review Procedures and Zoning Checklist
- 4.2 Site Design Review
- 4.3 Land Divisions and Property Line Adjustments
- 4.4 Conditional Use Permits
- 4.5 Modifications to Approved Plans
- 4.6 Amendments to the Zoning Map or Code
- 4.7 Adjustments and Variances
- 4.8 Master Planned Developments

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## 4.1 – General Review Procedures | Purpose and Applicability

### Chapter 4.1 – General Review Procedures

#### Sections:

4.1.010	Purpose and Applicability
4.1.020	Type I Procedure (Ministerial/Staff Review and Zoning Checklist)
4.1.030	Type II Procedure (Administrative Review)
4.1.040	Type III Procedure (Quasi-Judicial Review - Public Hearing)
4.1.050	Type IV Procedure (Legislative Review)
4.1.060	General Provisions Applicable to All Reviews

#### **4.1.010 Purpose and Applicability**

- A. Purpose.** The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 4.1.010 provides a key for determining the review procedure and the decision-making body for particular approvals.
- B. Applicability of Review Procedures.** All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections 1-4 below. Table 4.1.010 lists the City’s land use and development approvals and corresponding review procedure(s).
- 1. Type I Procedure (Staff Review – Zoning Checklist).** Type I decisions are made by the City Planning Official, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., clear and objective standards);
  - 2. Type II Procedure (Administrative/Staff Review with Notice).** Type II decisions are made by the City Planning Official, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the City Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting;
  - 3. Type III Procedure (Quasi-Judicial Review – Public Hearing).** Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council[; *or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Type III decision is made by the City Council on recommendation of the Planning Commission*]. Quasi-Judicial decisions involve discretion but implement established policy.
  - 4. Type IV Procedure (Legislative Review).** The Type IV procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, who makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

## 4.1 – General Review Procedures | Purpose and Applicability

<b>Table 4.1.010 – Summary of Approvals by Type of Review Procedure</b>		
<b>Approvals*</b>	<b>Review Procedures</b>	<b>Applicable Regulations</b>
Zoning Checklist Review <u>User's Guide: See comments on page 4-6.</u>	Type I	Applicants are required to complete a Zoning Checklist before applying for any other permit or approval. See Section 4.1.020.
Access to a Street	Type I	Chapter 3.3 and the standards of the applicable roadway authority (City/County/ODOT)
Adjustment	Type II	Chapter 4.7
Annexation	Type IV	See Oregon Revised Statute 222
Code Interpretation	Type II or III	Chapter 1.5. Routine interpretations that do not involve discretion do not require a permit.
Code Text Amendment	Type IV	Chapter 4.6
Comprehensive Plan Amendment	Type IV	Chapter 4.6
Conditional Use Permit	Type III	Chapter 4.4
Home Occupation	No permit, except when required by Chapter 4.7.	
Legal Lot Determination	Type I	Chapter 1.3
Master Planned Development Concept Plan Detailed Plan	Type III Type [I / III]	Chapter 4.8 Chapter 4.8
Modification to Approval or Condition of Approval	Type I, II or III	Chapter 4.5
Non-Conforming Use or Structure, Expansion of	Type I, II or III	Chapter 1.4
Partition or Re-plat of 2-3 lots Preliminary Plat Final Plat	Type III Type [I / III]	Chapter 4.3 Chapter 4.3
Property Line Adjustments, including Lot Consolidations	Type I	Chapter 4.3
Site Design Review	Type II or III	Chapter 4.2
Subdivision or Replat of >3 lots Preliminary Plat Final Plat	Type III Type [I / III]	Chapter 4.3 Chapter 4.3
Variance Zoning District Map Change	Type III Type III or IV	Chapter 4.7 Chapter 4.6

\* The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

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## 4.1 – General Review Procedures | Time Limit; Consolidated Review; City Planning Official's Duties

### 4.1.060 Time Limit; Consolidated Review; City Planning Official's Duties

- A. Time Limit - 120-day Rule.** The City shall take final action on Administrative and Quasi-Judicial land use applications, pursuant with this Chapter, including resolution of all appeals, within 120 days from the date the City Planning Official deems the application complete for purposes of processing, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (Note: The 120-day rule does not apply to Legislative Land Use decisions.)
- B. Time Periods.** In computing time periods prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.
- C. Consolidated Review of Applications.** When an applicant applies for more than one type of land use or development permit for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.
- D. City Planning Official's Duties.** The City Planning Official, or his or her designee, shall perform all of the following duties with regard to administration of this Code:
1. Prepare application forms based on in the provisions of this Code and applicable State law;
  2. Prepare required notices, and process applications for review and action;
  3. Assist Planning Commission and City Council in administering the hearings process;
  4. Answer questions from the public regarding the City's land use regulations.
  5. Prepare staff reports summarizing pending applications, including applicable decision criteria;
  6. Prepare findings consistent with City decisions on land use and development applications;
  7. Prepare notices of final decisions, file the notices in the City's records and mail a copy of the notices to all parties entitled to notice under this Code; and
  8. Maintain and preserve the file and public record for each application.



## 4.1 – General Review Procedures | Neighborhood Context

### **[4.1.070 Neighborhood Contact**

**User's Guide:** The following provision is optional. It is intended to help applicants and residents work through potential design issues before the City begins processing a land use application and is subject to 120-day clock. While it is not necessary to have formally recognized neighborhood associations in order for the procedure to work, it will work best where such organizations exist, because they can organize public meetings and help ensure that residents' concerns are heard.

**A. Purpose and Applicability.** *Applicants for master planned development, subdivision, or site design review on projects involving parcels or lots larger than [one (1) acre] [and located adjacent to any residential zone], and property owner-applicants for zone changes, are required to contact neighboring property owners and offer to a hold meeting with them prior to submitting an application. This is to ensure that affected property owners are given an opportunity to preview a proposal and offer input to the applicant before a plan is formally submitted to the City, thereby raising any concerns about the project and the project's compatibility with surrounding uses early in the design process when changes can be made relatively inexpensively.*

**User's Guide:** The following notification radius of 100 feet (measured from parcel boundaries) is intended to be consistent with the minimum notice requirements for land use decisions. Cities may adopt a wider notification radius. In areas with large lots or low population densities, where few residents live within 100 feet of one another, a larger area may be warranted.

- B. Notice.** *Notice of the meeting must be given in writing and delivered in person, or by certified mail, to all of the property owners whose property is located within [100] feet of the site, at their addresses of record at the [County name] County Assessor's office, at least [14 days] before the meeting and at least [21 days] before submitting the application to the City. The notice must state the time, place and purpose of the meeting, including a description of the proposed development.*
- C. Meeting place, date and time.** *The meeting must be held within the City limits at a location obtained or provided by the applicant with sufficient room for the expected attendance. The meeting place must be accessible to persons with disabilities. It must be scheduled at a date and time reasonably calculated to allow maximum participation by interested property owners.*
- D. Conduct of meeting.** *At the meeting, the applicant, or the applicant's agent, must present sufficient information about the proposed development to inform the property owners in attendance of the nature of the proposal and impacts it may have on neighboring properties, including transportation impacts. Persons attending must be allowed to ask questions and make comments. The applicant, or the applicant's agent, must make a sound, video or digital recording or keep written minutes of the meeting that give a true reflection of the matters discussed at the meeting and the views of the participants. The applicant must also make a list of names of persons attending the meeting.*
- E. Filing requirements.** *Proof of having held the meeting, even if no affected property owners attend, is required and must be submitted to the City with a land use application for the application to be deemed complete. Copies of the following information must accompany the land use application: a copy of the notice mailed, certified mail receipts, all addresses for which notice was mailed (e.g., copy of mailing labels), a certificate of personal service as to those persons who were provided notice by personal service (including the date of service and the name of the person who provided service), a record or minutes of the meeting with a list of attendees, and copies of the meeting notice and all other written materials provided prior to or distributed at the meeting.]*