

CHAPTER 7

CONDITIONAL USES AND SPECIAL EXCEPTIONS

SECTION 1: CONDITIONAL USES

a) In General

Conditional uses shall be generally limited to those uses or combination of uses which, because of their uniqueness, are not specifically identified as permitted uses or special exception uses within any zoning district in the Code.

b) Application Procedure

Written application shall be made to the City for a conditional use in accordance with the procedures established in this chapter of the Code. In addition, the applicant shall provide the following information:

- 1) A conceptual plan showing buildings, parking and access locations, utility service points, proposed screening or buffering and any other information pertinent to the specific requested use of the site; and
- 2) A written statement specifically addressing the general requirements of Paragraph (d)(2) below.

c) Hearing Procedure

The procedure for review and approval of conditional use request shall be in accordance with the rezoning procedure established in Chapter 3 of this Code.

d) General Requirements and Conditions

- 1) Conditions and Safeguards. In granting any conditional use, the Planning and Zoning Board may recommend, and the City Council may prescribe appropriate conditions and safeguards to ensure compliance with the requirements of this Chapter and Code in general. Such conditions may include time limits for the initiation and duration of the conditional use, specific minimum or maximum limits to regular Code requirements, or any other conditions reasonably related to the requirements and criteria of this Chapter.
- 2) Review Criteria. When reviewing an application for a conditional use, the Planning Commission and City Council shall consider the following requirements and criteria:

- A) Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety;
- B) Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district;
- C) Required yards, screening or buffering and landscaping shall be consistent with the district in general and the specific needs of abutting land uses;
- D) Size, location and number of conditional uses in an area shall be limited so as to maintain the overall character of the district as intended by this Code.

e) Transfer or Abandonment of a Conditional Use

Conditional uses run with the property and the ownership of a conditional use may be transferred along with the property.

A conditional use that is not initiated within one (1) year of being granted shall not be established without a new application and public hearing in accordance with the rezoning procedures described in Chapter 3 of this Code. A conditional use that is abandoned for a period of six (6) months or more shall not be reestablished without a new application and public hearing in accordance with the procedures for such described in Chapter 3 of this Code.

SECTION 2: SPECIAL EXCEPTIONS

a) In General

A special exception is a use that would not be appropriate without restriction, but which, if controlled as to number, area, location or relation to the surrounding area, would promote the public health, safety and general welfare. Such use may be permitted in a zoning district as a special exception only if identified as such in this Code.

b) Application Procedure

Written application shall be made to the City for a special exception in accordance with the procedures established in Chapter 3 of this Code. In addition, the applicant shall provide the following information:

- 1) A conceptual site plan showing buildings, parking and access locations, utility service points, proposed screening or buffering, supplemental details necessary to address the review and criteria and satisfy any specific

requirement for such use described in this Chapter, and any other information pertinent to the specific required use of the site.

A) The City Clerk may exempt an applicant from the requirements of a conceptual plan, if deemed warranted.

2) A written statement specifically addressing the general requirements of Paragraph (d)(2) below and any special requirements for the specific use in Section 3 of this Chapter.

c) Hearing Procedure

The procedure for review and approval of special exception request shall be in accordance with the rezoning procedure established in Chapter 3 of this Code.

d) Special Requirements and Conditions

1) Conditions and Safeguards. In granting any special exception, the Planning and Zoning Board may recommend and the City Council may prescribe appropriate conditions and safeguards to ensure compliance with the requirements of this Chapter and the Code in general. Such conditions may include time limits for the initiation of the special exception use, specific minimum or maximum limits to regular Code requirements, or any other conditions reasonably related to the requirements and criteria of this Chapter.

2) Review Criteria. When reviewing an application for a special exception, the Planning and Zoning Board and the City Council shall consider the following requirements and criteria:

A) Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety;

B) Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district;

C) Required yards, screening or buffering and landscaping shall be consistent with the district in general and the specific needs of the abutting land uses;

D) Architectural and signage treatments shall comply with the general provisions applicable to permitted uses in the district, to the greatest extent possible, and be sensitive to surrounding development; and

E) Size, location or number of special exception uses in the area shall be limited so as to maintain the overall character of the district,

avoid concentration of similar uses within the commercial corridor, as intended by this Code.

e) Transfer or Abandonment of Special Exceptions

Special exceptions run with the property and the ownership of a special exception use may be transferred to another party. A special exception use that is not initiated within one (1) year of being granted shall not be established without a new public hearing in accordance with requirements of this Chapter. A special exception use that is abandoned for a period of six (6) months or more shall not be reestablished without a new public hearing in accordance with the requirements of this Chapter.

f) Distance Between Special Exception Uses

Unless the method for measurement is specifically described herein, the distance between specific uses shall be measured by a straight line drawn from the nearest point of each lot, parcel or site to each other.

SECTION 3: SPECIAL REQUIREMENTS AND CONDITIONS FOR SPECIAL EXCEPTION USES

a) In General

For those special exception uses listed below, the following special requirements shall apply in addition to those described in Section 2(d) above. Buffering requirements within this Section shall be in conformance with Chapter 15 of this Code.

b) Special Requirements and Conditions

1) ADULT CONGREGATE LIVING FACILITIES. (R-5, MF-8, MF-12)

A special exception may be granted under the following conditions:

- A) The proposed site is a minimum of one (1) acre;
- B) The City shall decide if the proposed site shall front on an arterial collector, or local roadway; and
- C) Buffering shall be provided based on a Buffer Class “E” for service and loading areas, and Class “D” for the remainder of the use.

2) ATHLETIC/SPORTS FACILITIES. (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
 - B) A proposed corner site shall not abut a residential lot unless access is prohibited to the street upon which both lots front; and
 - C) Buffering shall be provided based on a Buffer Class “E” for parking, loading and service areas which abut any residential zone.
- 3) ARTISAN/CRAFTSMAN SHOP (C-1)
- A Special Exception may be granted under the following conditions:
- A) The proposed site shall not abut a residentially zoned lot; and
 - B) The proposed activity takes places in an enclosed structure.
- 4) AUCTION HOUSES (C-2)
- A Special Exception may be granted under the following conditions:
- A) The proposed site is two thousand (2,000) feet from any other such use.
- 5) BANKS (RP) (C-1)
- A special exception may be granted under the following conditions:
- A) The proposed site shall front on an arterial or collector roadway;
 - B) The proposed site shall be directly adjacent to a commercial land use;
 - C) Special buffering and screening shall be provided where drive-thru lanes are adjacent to residential uses;
- 6) BARS, LOUNGES AND NIGHTCLUBS (C-1)
- A special exception may be granted under the following conditions:
- A) The proposed site shall be at least seven hundred fifty (750) feet from the nearest house of worship, school or child care center;
 - B) The proposed site shall front on an arterial or collector roadway;
 - C) Buffering shall be provided based on a Buffer Class “E”;
 - D) The proposed site shall be at least one thousand (1,000) feet from any other such use;
 - E) The proposed site shall be at least five hundred (500) feet from a residential zone measured along right-of-way centerlines.
- 7) BED AND BREAKFAST INN. (UR- 5) (R-5)
- A special exception may be granted under the following conditions:

- A) The facility must be owner occupied and managed;
- B) Off street parking shall be provided at a ratio of one (1) space per rental room;
- C) All parking areas shall be located in the rear of the facility. If unusual circumstances exist that prohibit the use of the rear for parking then adequate provisions must be made to assure compatibility with the character of the residential neighborhood;
- D) The number of rental rooms shall be limited to five (5).

8) BOAT SALES (C-2) (CBD)

A Special Exception may be granted under the following conditions:

- A) The proposed site is two thousand (2,000) feet from any other such use;
- B) The proposed site is a minimum of one (1) acre;
- C) The proposed boat sales display area shall be stabilized and maintained; and
- D) The City shall decide if the proposed site shall front on an arterial, collector, or local roadway.

9) BUSINESS SERVICES/OFFICES FOR PROFESSIONAL SERVICES/FINANCIAL SERVICES/PERSONAL SERVICES (MF-12)

A special exception may be granted under the following conditions:

- A) The City shall decide if the proposed site shall front on an arterial, collector, or local roadway, as appropriate, and
- B) A minimum lot area of one-half (1/2) acre.

10) COMMERCIAL STABLES (AR-1)

A special exception may be granted under the following conditions:

- A) A minimum site area of (10) acres; and
- B) Structures housing the animals shall be at least two hundred (200) feet from the nearest right-of-way line of any public street, county road, state or federal highway or the adjacent boundary of property owned by others.

11) DAY CARE CENTERS (MF-12) (R-5) (RP) (MF-8)

A special exception may be granted under the following conditions:

- A) The proposed site shall be a minimum of fifteen thousand (15,000) square feet with a minimum lot width of one hundred (100) feet;
- B) A minimum of four thousand (4,000) square feet of outside play area shall be provided for the first twenty (20) children or less, and one hundred (100) square feet of play area per child for the next one hundred (100) children;
- C) The play area shall be completely enclosed with a minimum six (6) foot high opaque wall or fence to be constructed as part of the required bufferyard; and
- D) Buffering shall be provided based on a Buffer Class “D”.

12) (LICENSED) COMMUNITY RESIDENTIAL HOMES, GROUP HOMES AND FOSTER CARE FACILITIES WITH MORE THAN SIX (6) RESIDENTS (R-3) (UR-5) (R-5)

A special exception may be granted under the following conditions:

- A) The proposed facility shall be compatible with the neighborhood in its physical size;
- B) The proposed facility is not within one thousand two hundred (1,200) feet of an existing facility;
- C) The proposed structure would not alter the character of the neighborhood;
- D) Adequate parking and infrastructure facilities are provided; and
- E) Buffering shall be provided based on a Buffer Class “D”.

13) CONVENIENCE STORES WITH FUEL OPERATIONS (C-1) (C-2)(CBD)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) The proposed site is 30,000 square feet in size.
- C) Minimum lot width of 100 feet along roadways;
- D) Architectural details of canopies and canopy supports shall be consistent with the principle building and building façade;
- E) If located at intersection, meet or exceed access separation distances of jurisdiction having control of roadway; and
- F) Maximize shared ingress and egress and provide cross access between all adjoining parcels.

14) FARMERS/FLEA MARKETS (AR-1) (C-2)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;

- B) The proposed site shall be a minimum of five (5) acres with a minimum of two hundred (200) feet of frontage;
- C) A maximum of twenty (20) percent of the site shall be devoted to sales area;
- D) Operation shall be restricted to daylight hours on Fridays, Saturdays and Sundays only and legal holidays which fall on a Monday;
- E) Required parking shall be provided at a ratio of two (2) spaces for every one hundred (100) square feet of sales area;
- F) Buffering shall be provided based on a Buffer Class “E” with a six (6) foot high opaque fence or wall required along property lines which abut any residential zone;
- G) All merchandise and refuse shall be removed from the site at the end of each day; and
- H) Sales area must be covered and secured by a wall or fence.

15) GAME/RECREATION FACILITIES (RP) (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) The proposed site shall be at least three hundred (300) feet from the nearest house of worship, school or day care center;
- C) The proposed site shall be at least one thousand (1,000) feet from any other such use;
- D) Buffering shall be provided based on a Buffer Class “D”; and
- E) The proposed site shall be at least three hundred (300) feet from a residential zone measured along right-of-way centerlines.

16) GUN AND ARCHERY RANGE (C-2)

A special exception may be granted under the following conditions:

- A) Proposed gun range shall be located indoors;
- B) Proposed archery range shall be located on a site of at least one (1) acre; and
- C) Proposed archery range shall be completely enclosed within a six (6) or eight (8) foot fence or wall.

17) HEALTH/EXERCISE CLUBS (RP) (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) A proposed corner site shall not abut a residential lot unless access is prohibited to the street upon which both lots front; and

- C) Additional buffering and special design shall be provided to effectively prevent illumination of adjoining residential land due to outdoor lighting of courts, fields, pools, or parking areas associated with the club or center.

18) MINI-WAREHOUSES (C-1) (C-2)

A special exception may be granted under the following conditions:

- A) Warehouse buildings shall be screened from any public rights-of-way by a six (6) foot high opaque fence or wall with a bufferyard planted along the street side of the fence or wall;
- B) The proposed site shall be a minimum of two (2) acres;
- C) The proposed site shall front on an arterial or collector roadway;
- D) Outside storage of boats or vehicles may be approved with site plan; and
- E) The mini-warehouses are to be used solely for the purposes of storage; wholesale, manufacturing or other commercial uses are expressly prohibited.

19) MOBILE HOME SALES (C-2)

A Special Exception may be granted under the following conditions:

- A) The proposed site is two thousand (2,000) feet from any other such use;
- B) The proposed site shall be a minimum of one (1) acre;
- C) The proposed mobile home sales display area shall be stabilized and maintained; and
- D) The proposed site shall front on an arterial roadway.

20) MOTOR VEHICLE AND BOAT STORAGE FACILITIES (C-2) (CDB)

A Special Exception may be granted under the following conditions:

- A) The proposed site is two thousand (2,000) feet from any other such use;
- B) The proposed motor vehicle and boat storage area shall be stabilized and maintained;
- C) The proposed site shall front on an arterial or collector roadway; and
- D) The proposed storage area shall be completely enclosed by a six (6) foot high opaque fence or wall.

21) MOTOR VEHICLE SALES (C-2) (CBD)

A Special Exception may be granted under the following conditions:

- A) The proposed site is two thousand (2,000) feet from any other such use;
- B) The proposed site is a minimum of one (1) acre;
- C) The proposed automobile display area shall be stabilized and maintained; and
- D) The proposed site shall front on an arterial or collector roadway.

22) MOTOR VEHICLE SERVICE AND REPAIR FACILITY (C-2) (CBD)

A Special Exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) All service areas shall be enclosed in such a manner that no service areas are visible from the right of way; and
- C) Demonstrate that noise, odor and fumes shall not create a nuisance for abutting property owners.

23) MULTI-FAMILY DWELLING UNITS (C-1)

A Special Exception may be granted under the following conditions:

- A) The proposed units must be compatible with the existing neighborhood; and
- B) Must meet minimum requirements of the MF-12 District.

24) NURSING HOMES (MF-12) (MF-8)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) Buffering shall be provided based on a Class “E” for service and loading areas, and Buffer Class “D” for the remainder of the site; and
- C) Proof of licensing by the appropriate jurisdictional agency will be required prior to final development approval.

25) OFFICE/WAREHOUSE FACILITIES (RP)

A special exception may be granted under the following conditions:

- A) General retail sales and services shall not be permitted;
- B) Warehouse space shall be shall be used for storage purposes only. No manufacturing or fabrication of any kind shall be permitted;
- C) No commercial vehicles larger than one (1) ton capacity shall be regularly parked on the site; and
- D) Buffering shall be provided based on a Buffer Class “E” for access drives and other areas specifically designed to service the warehouse facilities, and Buffer Class “D” for the remainder of the site.

26) ONE (1) SINGLE FAMILY DWELLING UNIT FOR OWNERS/CARETAKERS RESIDENCE (C-2)

A Special Exception may be granted under the following conditions:

- A) Must be located on the property in which the commercial use is located; and
- B) Must meet minimum requirements of the MF-12 District.

27) PAWN SHOPS (C-2)

A Special Exception may be granted under the following conditions:

- A) The proposed site shall be at least two thousand (2,000) feet from any other such use.

28) RETAIL NURSERIES AND GARDEN SUPPLIES (AR-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway; and
- B) The proposed site shall be a minimum of two (2) acres.

29) SINGLE FAMILY RESIDENTIAL DWELLING UNIT (LM)

A special exception may be granted under the following conditions:

- A) The dwelling unit cannot be a mobile home; and
- B) The dwelling unit is to be used exclusively by the owner or caretaker.

30) TATOO PARLOR (C-2)

A Special Exception may be granted under the following conditions:

- A) The proposed site shall be at least two thousand (2,000) feet from any other such use.

31) TRANSPORTATION SERVICE (C-2)

A Special Exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
and
- B) The proposed site shall not abut a residentially zoned lot.

32) TRUCKING TERMINAL (C-2)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial roadway; and
- B) The proposed site shall contain at least one (1) acre.

33) RESTAURANT (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) The maximum number of seats shall not exceed fifty (50); and
- C) No drive thru service shall be permitted.

34) USED MOTOR VEHICLE PARTS YARD (LM)

A special exception may be granted under the following conditions:

- A) The proposed site shall be a minimum of one (1) acre;
- B) Storage of used motor vehicle parts shall be within an enclosed building or within a six (6) to eight (8) foot high wall or fence;
- C) The proposed site shall front on an arterial or collector roadway;
and
- D) Buffering and landscaping shall be provided based on a Buffer Class "E".

35) VETERINARY OFFICES AND/OR KENNELS (AR-1) (RP) (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) The proposed site shall be a minimum of one (1) acre;

- C) The proposed site shall be devoted to the sole purpose of the use and shall not be part of any multi-tenant complex or multi-use property;
- D) All animal and confinement areas shall be in an air-conditioned and sound attenuated building; and
- E) Facilities for housing ~~on~~ not less than five (5) animals shall be maintained on the premises.

36) WHOLESALE AND DISTRIBUTORS (C-2)

A Special Exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway,
- B) No manufacturing, processing or craftsman of any kind shall be permitted; and
- C) The proposed site shall not abut a residentially zoned lot.

37) XEROGRAPHIC AND OFFSET PRINTING (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway; and
- B) The proposed facility shall contain less than one thousand five hundred (1,500) square feet of service and storage area.

38) AIRCRAFT ENGINE AND ACCESSORY MAINTENANCE REPAIR, AUTOMOBILE LEASING ESTABLISHMENTS, COMMERCIAL OFF-STREET PARKING LOTS AND GARAGES, MOTELS OR HOTELS, MUSEUMS, RESTAURANTS INCLUDING THOSE WITH OUTDOOR DINING, VOCATIONAL, TECHNICAL, TRADE, AND INDUSTRIAL SCHOOLS (AZ)

- A) Special exceptions may be granted for the uses above, as determined by the City Council, and in accordance with Chapter 6, Section 2(q) of the City Land Development Regulations, after having been reviewed on an individual basis.
- B) All uses shall conform to the City of Umatilla Municipal Airport Master Plan as well as any State or Federal Laws that govern airports and areas near airports.
(rev. Ord 2011-U 12/06/2011)
(Ord 2017-E 09/01/2017)

39) RESTAURANT OR COFFEE/DONUT SHOP WITH DRIVE THROUGH FACILITIES (C-1) (C-2) (CBD)

A special exception may be granted under the following conditions:

- A) The proposed use shall front on an arterial or collector roadway;
- B) The proposed site is 30,000 square feet in size.
- C) Minimum lot width of 150 feet along roadways;
- D) Drive thru lanes shall not be located along the roadway frontage;
- E) Architectural details of drive-thru canopies and canopy supports shall be consistent with the principle building and building façade;
- F) If located at intersection, meet or exceed access separation distances of jurisdiction having control of roadway; and
- G) Maximize shared ingress and egress and provide cross access between all adjoining parcels.

40) PHARMACY/DRUG STORE WITH DRIVE THROUGH FACILITIES (C-1) (C-2) (CBD)

A special exception may be granted under the following conditions:

- A) The proposed use shall front on an arterial or collector roadway;
- B) Minimum lot width of 100 feet along roadways;
- C) Drive thru lanes shall not be located along the roadway frontage;
- D) Architectural details of drive-thru canopies and canopy supports shall be consistent with the principle building and building façade;
- E) If located at intersection, meet or exceed access separation distances of jurisdiction having control of roadway; and
- F) Maximize shared ingress and egress and provide cross access between all adjoining parcels.