

ORDINANCE NO. 264

AN ORDINANCE DIVIDING THE TOWN OF STAYTON, OREGON, INTO ZONES, PRESCRIBING THE USES TO WHICH PROPERTY IN SUCH ZONES MAY BE PUT OR USED, AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF STAYTON.

SECTION 1. Map to be part of ordinance. The map of the City of Stayton, Oregon in the custody of the City Recorder, on which the property of said city is divided into zones, designed by colors, the limitation of which and the regulations for which are hereinafter set forth, is hereby declared to be adopted by reference and made a part of this ordinance. The zones designated on the said map and the boundaries thereof are hereby declared to be established for the purposes of this ordinance. One copy of said map shall be filed with the city recorder, and one copy shall be kept in the council chambers. The city recorder shall note all zone changes upon both of said maps.

SECTION 2. Division of the City into Zones. For the purpose of regulating the location of all buildings, whether dwellings, barns, businesses, industrial etc., erected or altered for specific uses, the City of Stayton, Oregon, is hereby divided into "Use Zones", designed as follows:

- Class 1. Business District. Shown on the zoning map by green color.
- Class 2. Residential District. Shown on the zoning map by pink color.
- Class 3. Unrestricted District. Shown on the zoning map by the uncolored portion.

SECTION 3. Class 1 - Business District. Class 1 which is the Business district is fully regulated by Ordinance No. 193 as amended by Ordinance No. 240, passed June 2, 1941, classification number 9-101 and herein referred to and made a part of this ordinance.

SECTION 4. Class 2 - Residential District.

- (a) Allowed Uses. In a Class 2 residential district there may be altered and maintained single family dwellings, flats, apartment houses, boarding houses, multiple dwellings, parks, play grounds, truck gardens, business buildings of approved type and in connection with any residential buildings there will be permitted suitable out buildings, such as private garage, a pergola, summer house and/or green house or hot house for private use. The occupants of the dwellings may be engaged in such a profession as are ordinarily carried on in the home, including the home office of a physician, surgeon or dentist.
- (b) Prohibited Uses. There is prohibited in a Class 2 residential district all uses not allowed in paragraph (a), except existing non-conforming uses which may continue.

SECTION 5. Boundaries of a district. It is the intention to have the boundaries of the districts either to follow streets and alleys or to follow lot lines. Where uncertainty exists regarding boundaries of a district shown on any map, it is understood that the boundary is to occur either at a street or alley, or along a lot line as shown on the recorded plat. Where the property traversed by a district line has not been subdivided into lots and blocks, the boundary line shall be understood to be parallel to street lines and at a designated distance therefrom unless said line is otherwise definitely located.

SECTION 6. Existing building and non conforming uses. When a property or an existing building at the time of the passage of this ordinance has a use which is legal prior to the passage of this ordinance, such use may continue even though same be not in conformity to the zoning regulations. If, however, the use of the building or premises is changed, it shall be changed to a use conforming to the zoning regulations, and after such

change it will not be permissible to change back again to the original non conforming use. When a building having a conforming use is damaged by fire, or any other cause, so that the total deterioration exceeds 80% of the cost of replacing the building, using new materials, then such building shall not be rebuilt unless such building in its construction and uses conforms fully to the requirements of this ordinance and other ordinances of the city as applied to new buildings and uses in the district in which it is located.

SECTION 7. No person shall build or commence to build any building or structure of any kind in a Class 1 or Class 2 district prescribed by this ordinance unless he shall first obtain a permit so to do as herein provided. 1. All applications for permits shall be in writing stating the work proposed to be done and in what manner and the estimated cost thereof. Where permits are to be granted by the recorder, the application and the copy of the permit shall be filed in the office of the recorder. If the application be denied by the recorder, he shall endorse the application to that effect and likewise file same in the office of the recorder. No new building shall be erected within Class 1 and Class 2 zones except on a permit issued by the recorder on recommendation of the Council or fire committee. Said permit when issued shall cost 50 cents and which amount shall go to the general fund of the Town of Stayton.

SECTION 8. It shall be within the option of a majority vote of the Town Council to make reasonable allowances under this ordinance, if at any time in their discretion they may deem it advisable.

SECTION 9. A petition may be presented by property owners and if it is signed by at least 60% of the property owners in the area affected by the petition, a change may be made under these zones and if a petition is so filed, it shall be set for a hearing and notice sent by registered letter to the affected property owners filing the petition of the time of hearing and said hearing shall be at least ten days after the sending of the notice.

SECTION 10. Any person or persons who shall violate any of the provisions of this ordinance upon conviction before the recorder shall be punished by a fine of not more than \$500.00 and in default of the payment of said fine, shall be imprisoned in the town jail not to exceed 250 days and each day of continuing such violation of any of the provisions of this ordinance, shall be deemed a new offense and punished accordingly. Upon conviction of any person or persons under this ordinance or any of its provisions, the council shall direct the marshal to forthwith tear down or remove any building, repairs, alterations or structure made by such person or persons contrary to the provisions thereof and the expense and cost of so doing shall be paid in the first instance by the town but the same shall be charged against and recovered from such person or persons and proper proceedings may be instituted in any court of the state in the name of the Town of Stayton.

SECTION 11. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED BY THE COMMON COUNCIL Oct. 8, 1945.

SIGNED AND APPROVED BY THE MAYOR Oct. 8, 1945.

/s/ O. E. Gardner
Mayor

ATTEST:
/s/ W.A. Inglis
Recorder