

ORDINANCE NO. 513

AN ORDINANCE ADDING NEW CODE SECTION.

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

Section 1. The Stayton City Code is hereby amended by adding Zoning,
Section 8.1005 through 8.10835.

Chapter VIII - Zoning

URBAN GROWTH

8.600 Purpose
8.605 Policies
8.610 Boundary

PENALTIES

8.990 Specific Penalties

ZONING

8.1005 Short Title
8.1010 Purpose of Zoning Code
8.1040 Definitions
8.1200 Basic Provisions - Compliance with Code Required
8.1250 Classification of Zones
8.1255 - Reclassification of Prior Zone
8.1260 - Official Zoning Map
8.1265 - Zoning of Annexed or Vacated Land
8.1300 General Requirements - Minimum Requirements
8.1305 - Public Interest Factor
8.1310 - Minimum Street Width
8.1315 - Lots Abutting a Partial Street
8.1320 - Buildings to be Accessible to
Public Street
8.1405 Certificate of Occupancy - Application
8.1410 - Issuance
8.1415 - Records, Fees
8.1425 - Plats Required
8.2000 General Administrative - Changes and Amendments
8.2005 - Interpretations of Zoning Code
8.2010 - Interpretation of Zoning Boundaries
8.2015 - Uses Not Specifically Covered
8.2020 - Applications for Changes and Exceptions
8.2025 - Application Procedure
8.2030 - Staff Actions
8.2035 - Planning Commission Considerations
and Actions
8.2040 - Hearing Before Planning Commission
8.2045 - City Council Considerations
and Actions
8.2050 - Notice of Public Hearing
8.2055 - Appeals
8.3010 Zone Changes - Definitions
8.3015 - Initiation of Zone Change
8.3020 - Resolution of Intent to Rezone
8.3023 - Site Plan
8.3025 - When Intent to Rezone Become Binding
8.3030 - Final Action by the Council
8.3035 - Effective Date
8.3040 - Appeals

- 8.3205 Variances - Power to Grant
- 8.3210 - Conditions for Granting a Variance
- 8.3215 - Limiting Variances
- 8.3220 - Right Must be Exercised
- 8.3225 - Effective Date
- 8.3230 - Appeals
- 8.3405 Conditional Uses - Generally
- 8.3415 - Power to Decide
- 8.3420 - Concurrent with Variances
- 8.3425 - Conditions
- 8.3430 - Effective Date
- 8.3435 - Appeal
- 8.4005 LD Zone - Purpose
- 8.4010 - Allowed Uses
- 8.4015 - Conditional Uses
- 8.4020 - Height
- 8.4025 - Yard Area
- 8.4030 - Lot Area and Width
- 8.5005 MD Zone - Purpose
- 8.5010 - Allowed Uses
- 8.5015 - Conditional Uses
- 8.5020 - Height
- 8.5025 - Yard Area
- 8.5030 - Lot Area and Width
- 8.5035 - Parking
- 8.6005 HD Zone - Purpose
- 8.6010 - Allowed Uses
- 8.6015 - Conditional Uses
- 8.6020 - Height
- 8.6025 - Yard Area
- 8.6030 - Lot Area and Width
- 8.6035 - Frontage
- 8.6040 - Landscaping
- 8.6045 - Parking
- 8.7005 CR Zone - Purpose
- 8.7010 - Allowed Uses
- 8.7015 - Conditional Uses
- 8.7020 - Height
- 8.7025 - Yard Area
- 8.7030 - Lot Area and Width
- 8.7035 - Frontage
- 8.7040 - Parking
- 8.7045 - Landscaping
- 8.7105 CG Zone - Purpose
- 8.7110 - Allowed Uses
- 8.7115 - Conditional Uses
- 8.7118 - Height
- 8.7120 - Yard Area
- 8.7125 - Lot Area and Width
- 8.7130 - Frontage
- 8.7135 - Parking
- 8.7140 - Landscaping
- 8.8005 IC Zone - Purpose
- 8.8010 - Allowed Uses
- 8.8015 - Conditional Uses
- 8.8020 - Height
- 8.8025 - Yard Area
- 8.8030 - Lot Area and Width
- 8.8035 - Frontage
- 8.8040 - Parking
- 8.8045 - Landscaping
- 8.8050 - Open Storage Areas
- 8.8055 - Industrial Performance Standards

8.8060	IC Zone	- Vehicle Access
8.8105	IL Zone	- Purpose
8.8110		- Allowed Uses
8.8115		- Conditional Uses
8.8120		- Height
8.8125		- Yard Area
8.8130		- Lot Area and Width
8.8135		- Frontage
8.8140		- Parking
8.8145		- Performance Standards
8.8150		- Landscaping
8.8155		- Vehicle Access
8.8160		- Open Storage Areas
8.8205	IA Zone	- Purpose
8.8210		- Allowed Uses
8.8215		- Conditional Uses
8.8220		- Height
8.8225		- Yard Area
8.8230		- Lot Area and Width
8.8235		- Frontage
8.9005	P Zone	- Purpose
8.9010		- Allowed Uses
8.9015		- Conditional Uses
8.9020		- Yard Area
8.9025		- Lot Area and Width
8.9030		- Height
8.9035		- Frontage
8.9105	FP Zone	- Purpose
8.9110		- Regulations
8.9115		- Floodway
8.9120		- Flood Fringe
8.9205	H Zone	- Purpose
8.9210		- Regulations
8.9215		- Uses
8.10100	Dimension Restrictions	-Location of Buildings
8.10110		- Yards Apply Only to One Building
8.10120		- Parking
8.10130		- Average Yard Setback Adjacent to a Street In a Residential District
8.10140		- Front Yard Projections
8.10150		- Side Yard Projections
8.10160		- Rear Yard Projections
8.10200	Accessory Structures	- Application of Regulations
8.10210		- Height
8.10220		- Front Yards and Yards Adjacent to Streets
8.10230		- Side Yards, Interior
8.10240		- Rear Yards
8.10250		- Accessory Structures Attached to the Main Building
8.10260		- Fences, Location, Height and Density
8.10270		- Fences--Use of Hazardous Materials
8.10300	Offstreet Parking and Loading	- New and Existing Facilities
8.10310		- Reduction of Required Areas Prohibited
8.10320		- Location
8.10330		- Joint Use
8.10340		- Requirements for Automobile Parking
8.10350		- Offstreet Loading Requirements

8.10360 Offstreet Parking and Loading - Development Requirements
8.10400 Nonconforming Buildings and Uses - Nonconforming Use of a
Building
8.10410 - Cessation
8.10420 - Repair
8.10430 - Enlargement, Extension or
Expansion
- Conditional Uses
8.10440
8.10600 Special Street Setbacks
8.10700 Specific Conditional Uses - Duplex on a Corner Lot
8.10710 - Home Occupations
8.10720 - Boat, Camper and Trailer Storage
8.10800 Mobile Home Parks - Purpose
8.10805 - Definitions
8.10810 Permitted Locations
8.10815 Prohibited Occupancy of Recreational Vehicles
8.10820 General Provisions
8.10825 Basic Provisions and Regulations for Mobile Home Parks
8.10830 Penalty
8.10835 Interpretation
8.10950 Enforcement, Violations

ZONING

- 8.1005 Short Title. The provisions of Section 8.1005 to 8.10950 shall be known as the Stayton Zoning Code. (420)
- 8.1010 Purpose of Zoning Code. This zoning code is adopted for the purpose of promoting the health, safety, peace, comfort, convenience, economic well-being, and general welfare of the city, and not limited to, but specifically to achieve the following designated objectives:
- (1) To protect the character and values of land and buildings and economic stability of sound residential, business and industrial districts and to enhance the quality of the desired environment in them by:
 - (a) preventing the intrusion of inharmonious uses;
 - (b) preventing the encroachment on desirable open space appurtenant to each district;
 - (c) providing for the safe and efficient movement of existing and prospective traffic;
 - (d) assuring the provision of necessary off-street parking space for vehicles.
 - (2) To provide for additional growth and development in a manner appropriate to the character of the city and which will contribute to the economic stability of the city and strengthen the basis of its private and governmental economy.
 - (3) To assure that future development occurs in an orderly manner and is relatively compact to provide for economy and efficiency in public services and utilities and to protect the city from costs which may be incurred when unsuitable, scattered, or premature development occurs.
 - (4) To assure satisfactory physical relationships between districts of different use characteristics and among uses of various types and to minimize conflicts among land uses.
 - (5) To minimize traffic hazard, traffic congestion, and the conflict between land uses and the movement of traffic.
 - (6) To preserve the various city area right to be attractive and pleasing in appearance and to aid in the development of the city by assuring that development in areas of higher density or of commercial or industrial use and along appropriate routes of travel is neat, orderly and attractive.
 - (7) To control density and intensity of land use to assure lack of congestion; adequate light, air and privacy; convenience of access to property; and to assure that the economic benefits incidental to zoning will be derived from a broader base, areawide, thereby enlarging the opportunity for private investment.

8.1040 Definitions. For the purpose of this ordinance, words used in the present tense include the future, the singular number includes the plural, and the word "shall" is mandatory and not directory, the word "building" includes structure. For the purposes of Sections 8.1005 to 8.10950, the following words and phrases mean:

- (1) Terminology. The word "building" includes the word "structure". The term "building site" includes the word "lot" and the word "plot". The word "used" also includes "designed", intended or arranged to be used". The word "erected" also includes "constructed, reconstructed, altered, placed, or moved". The term "land use" also includes "building use" and "use of building".
- (2) Accessory Structure. A detached, subordinate building or portion of a main building, except a private garage, the use of which is incidental to that of the main building or to the use of the land, not to exceed 50% of the floor area of the main structure.
- (3) Accessory Use. A use incidental, appropriate, and subordinate to the main use of a lot or building.
- (4) Affected Area. Unless otherwise specified, this shall include all property within 250 feet of the proposed project location.
- (5) Alley. A public space or thoroughfare not more than 20 feet but not less than 10 feet in width which has been dedicated or deeded to the public for public use, providing a secondary means of access to property.
- (6) Alteration, Structural. Any change or repair which should affect or materially change a supporting member of a building, such as a bearing wall, column, beam, or girder.
- (7) Apartment. A dwelling unit or units as defined in this Zoning Code.
- (8) Applicant. The owner of record or contract purchaser.
- (9) Applicant Representative. A person or persons written legal authorization to speak and act on behalf of the owner.
- (10) Automobile or Trailer Sales Area. A lot used for display, sale, or rental of new or used automobiles or trailers, where no repair work is done except minor, incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises. (420)
- (11) Automobile Wrecking Yard. A premises used for the storage or sale of used automobile or truck parts or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof.

- (12) Basement. That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. If such portion of a building is not a basement, then it shall be considered a story.
- (13) Boarding House. A building or portion thereof used to provide means or meals and lodging for pay or compensation of any kind to persons other than members of the family occupying such dwelling.
- (14) Building. A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. (420)
- (15) Building, community. A building for civic, social, educational, cultural and recreational activities of a neighborhood or community group or association and not operated primarily for gain.
- (16) Building, existing. Any building upon which construction was lawfully begun prior to Feb. 19, 1979 or the effective date of amendments to this Zoning Code may be completed, and thereafter shall be considered an existing building as of February 19, 1979.
- (17) Building Height. The vertical distance measured between the average level of the finished ground surface adjacent to the building and the uppermost point of the building excluding only those features which may exceed the district height limits.
- (18) Building, main. A building in which is conducted a principal or main use of the building site on which it is situated.
- (19) Building Site. A parcel of land occupied or to be occupied by a principal use and accessory uses and/or a building or group of buildings, which parcel complies with all the requirements of this ordinance relating to building sites.
- (20) Building Site, average width. That figure obtained by dividing the total area of the parcel of land by the maximum depth of such parcel measured in the general direction of side lines.
- (21) Camp Grounds. A premises under one ownership where persons camp or live in any manner other than in a permanent building constructed entirely of wood or more lasting materials, excepting mobile home parks and trailer parks.
- (22) Car Port. A stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.
- (23) Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with and within the boundary of such cemetery.

- (24) Club. An organization, group, or association supported by the members thereof, the purpose of which is to render a service primarily for members and their guests, but shall not include any organization, group, or association the chief activity of which is to render a service customarily carried on as a business. (420)
- (25) Commercial amusement establishment. Any place where entertainment or amusement is provided, where the public on a commercial basis may observe or join in the activities.
- (26) Comprehensive Plan. The long-range plan, maps and elements of the plan, adopted by the city council, intended for guidance in the development of the community.
- (27) Conforming. In compliance with the regulations of the pertinent district.
- (28) Construction, beginning of. The actual placing of construction materials in their permanent position, fastened in a permanent manner.
- (29) Day Nursery (Kindergarten). An institution, establishment, or place, not a part of the public school system, in which are commonly received at one time three or more children, not of common parentage, under the age of 14 years, for a period not exceeding 12 hours per day for the purpose of receiving board, care, or training, apart from their parents or guardians, for compensation or reward. (420)
- (30) Drive-in. An establishment dispensing food and/or drink and catering to customers who remain, or leave and return to, their automobile for consumption of said food or drink on the premises; and further including any business designed for serving customers at a drive-up window or while they are in their car.
- (31) Dwelling. Any building or any portion thereof, which is not an "apartment house" or a "hotel" as defined in this Zoning Code, which contains one or more "apartments" or "guest rooms", used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which is occupied for living purposes, but excluding hotels, motels, boarding or rooming houses, mobile homes, travel trailers and campers.
- (32) Dwelling Unit. One or more habitable rooms which are occupied or intended to be occupied by one family with facilities for living, sleeping, cooking and eating.
- (33) Dwelling, Single-Family. A detached building designed exclusively for occupancy by one family.
- (34) Dwelling, Two-Family (Duplex). A building designed exclusively for occupancy by two families living independently of each other.
- (35) Dwelling, Multiple-Family. A building or portion thereof, designed for occupancy by three or more families, living independently of each other. (420)

- (36) Dwelling, Mobile. A structure or vehicle containing one or more dwelling units designed so as to be transportable either by being carried or towed or under its own power, whether or not the wheels, skids or other devices for transportability are actually in place. This term shall include what are commonly known as trailer houses and/or mobile homes.
- (37) Family. An individual or two or more persons related by blood, marriage, legal adoption, or legal guardianship, or a group of not more than five persons (excluding servants) not so related, living together in a dwelling unit as one housekeeping unit. (420)
- (38) Farming. The use of land for raising and harvesting crops or for feeding, breeding and managing livestock or for dairying or for any other agricultural or horticultural use, or for a combination thereof, excluding feedlots. It includes the disposal, by marketing or otherwise, of products raised on the premises. It further includes the construction and use of dwellings and other buildings customarily provided in conjunction with a farm use.
- (39) Fence. An unroofed barrier or an unroofed, enclosing structure such as masonry, ornamental iron, woven wire, wood pickets or solid wood or any other material used as an unroofed barrier to light, sight, air, or passage.
- (40) Fraternity, Sorority, Student Home. A residential building in which living accommodations are furnished to students.
- (41) Garage, Private. A detached accessory building or portion of a main building for the parking or temporary storage of automobiles in which no business, occupation, or service is provided for or is in any way conducted.
- (42) Garage, Public. A building, other than private garage, used for the care, repair, or equipping of motor vehicles, or where such vehicles are parked or stored for compensation, hire, or sale.
- (43) Group Care Home. A home or private institution maintained and operated for the care, boarding and training of one or more physically handicapped persons, or one or more mentally retarded persons who because of well established retarded intellectual development require special care by a person who is not the parent or guardian of, and who is not related by blood or marriage to such persons, but does not include foster homes, correctional homes, or detention facilities. (420)
- (44) Guest House. A detached accessory building used as sleeping quarters for guests of the occupants of the main dwelling on a non-commercial basis and having no cooking facilities.
- (45) Height of Building. The vertical distance from the "grade" to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

- (46) Home Occupation. An occupation carried on solely by the resident of a dwelling house as a secondary use, in connection with which no assistants are employed, no commodities are sold other than services, no sounds are heard beyond the premises, and there is no display, advertisement, or sign board except such signs as by this Zoning Code may be permitted in the zone where the home or occupation is situated. This section shall include such occupations as dressmaking, lawyer, notary public, public accountant, artist, writer, teacher, musician, home office of a physician, dentist or other practitioner of any of the healing arts, or practices of any art or craft of a nature to be conveniently, unobtrusively, and inoffensively pursued in a family dwelling, provided no structural alterations are made to accommodate such occupations and the residential character of the building remains unchanged, and not more than one-half of the floor area of one story is devoted to such use. (420)
- (47) Hospital. An institution in which patients or injured persons are given medical or surgical care. (Unless otherwise specified, this means for humans only).
- (48) Hotel. Any building containing guest rooms intended to be used, rented, or hired out for sleeping purposes by guests. (420)
- (49) Junkyard. Primary or accessory use of more than 200 square feet of land for the storage, dismantling or selling of cast-off or salvage material of any sort in other than the original form in which it was manufactured and/or assembled and not including reconditioned secondhand furniture or fixtures sold from within a walled building.
- (50) Kenel. A lot or building in which four or more dogs or cats, at least four months of age, are kept commercially for board, propagation, training or sale. (420)
- (51) Kindergarten. See Day Nursery.
- (52) Loading Space. An off-street space or berth on the same lot with a building, or continuous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.
- (53) Lot. A parcel or tract of land occupied, or to be occupied, by a building or unit group of buildings, and its accessory buildings, together with such yards or open spaces as are required by this Zoning Code, and having a frontage upon a street.
- (54) Lot Area. The total area measured on a horizontal plane within the lines of a lot.
- (55) Lot Depth. The horizontal distance between the front lot line and the rear lot line measured at a point halfway between the side lot lines.
- (56) Lot, Interior. A lot other than a corner lot.

- (57) Lot Line. The lines bounding a lot as defined herein.
- (58) Lot Line, Front. In the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the lot from the street on which the improvement or contemplated improvement will face. (420)
- (59) Lot Line, Rear. A lot line which is opposite and most distant from the front lot line. In the case of a triangular shaped lot, the rear lot line for building purposes, shall be assumed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.
- (60) Lot Line, Side. Any lot line which is not a front or rear lot line.
- (61) Lot of Record. A lot which is part of a subdivision or a lot or parcel described by metes and bounds, which has been recorded in the office of the County Recorder.
- (62) Lot Width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- (63) Mobile Home. A single-family dwelling or structure, transportable in one or more sections, which is 8 body feet or more in width, and which is thirty-two (32) body feet in length, and which is built on a permanent chassis to which running gear is attached, and which is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.
- (64) Mobile Home Park. A privately owned place where two or more mobile homes are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership and used for human occupancy. (420)
- (65) Non-conforming Structure or Use. A lawful existing structure or use on Feb. 19, 1979 or when an amendment to the Zoning Code becomes effective, which does not conform to the requirements of the zone in which it is located.
- (66) Nursing Home. Any home, place or institution which operates and maintains facilities providing convalescent or nursing care, or both, for a period exceeding 24 hours for two or more ill or infirm patients not related to the nursing home administrator, or owner, by blood or marriage. Convalescent care may include, but need not be limited to, the procedures commonly employed in nursing and caring for the sick. A nursing home includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, or a chiropractic facility licensed under ORS. (420)

- (67) Owner. The owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel of property under written contract.
- (68) Parking Area, Private. An open area, building or structure, other than a street or alley, used for the parking of the automobiles of residents and guests of a building.
- (69) Parking Area, Public. An open area, building or structure, other than a private parking area, street, or alley used for the parking of automobiles and other motor vehicles, but not to include trucks, and available for use by the public or by persons patronizing a particular building or establishment. (420)
- (70) Planned Unit Development. A development of single or multi-family living units, or a combination thereof, clustered together for the purpose of providing common open spaces and areas.
- (71) School, Trade or Commercial. A building where instruction is given to pupils for a fee in money or otherwise which fee is the principal reason for the existence of the school.
- (72) School, Elementary, Junior High or High. An institution, public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education. (420)
- (73) Semi-Public Use. A structure or use intended or used for a semi-public purpose by a church, lodge, club or any other non-profit organization.
- (74) Service Station. Any lot used in the normal course of business primarily for the retail sales of motor vehicle fuel and lubricants for delivery on the premises.
- (75) Sign. Any device as viewed from outdoors that is used for the purpose of visually printing the subject to which it is appurtenant to the attention of the public.
- (76) Sign Area. The total area of the smallest rectangle that will contain the entire sign or sign structure.
- (77) Sign Structure. Any structure located outdoors primarily as a support or a surface for sign display.
- (78) Staff. Appropriate department heads and those other city employees they may deem necessary.
- (79) Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than 6 feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar or unused underfloor space shall be considered as a story

- (80) Half-Story. A story under a gable, hip or gambrel roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2 feet above the floor of such story.
- (81) Street. A way of travel more than 20 feet wide which has been dedicated or deeded to the public for public use.
- (82) Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, regardless of whether it is wholly or partly above or below grade.
- (83) Trailer (Travel or Vacation). A vehicle or structure equipped with wheels for highway use that is intended for human occupancy, which is not being used for residential purposes and is being used for vacation and recreational purposes.
- (84) Urban Growth Boundary. An adopted boundary around the city which defines the area in which the city expects to grow, where public facilities will be extended and where joint planning responsibilities are exercised with Marion County.
- (85) Wrecking Yard. See Junk Yard.
- (86) Yard. A space other than a court on the same lot with a building open from the ground upward except as otherwise provided herein.
- (87) Yard, Front. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the foundation of the main building. (420)
- (88) Yard, Landscaped. An open area or areas devoted primarily to the planting and maintaining of trees, grass, shrubs, and plants together with sufficient permanent irrigation installation to properly maintain all vegetation. As complementary features, such as fountains, pools, screens, decorative lighting, sculpture and outdoor furnishings may be placed within said area.
- (89) Yard, Rear. A yard extending across the full width of the lot between the most rear main building and the rear lot line, but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line.
- (90) Yard, Side. A yard, between the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard; the width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of the main building.

8.1200 Basic Provisions - Compliance with Code Required. A lot may be used and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this Zoning Code permits, and then only after applying for and securing all permits and licenses required by all laws. (420)

8.1250 Basic Provisions - Classification of Zones. In order to designate and regulate the size and use of structures and lands within the city, the city is hereby divided into eleven (11) zones as follows:

- (1) LD: Low Density Residential
- (2) MD: Medium Density Residential
- (3) HD: High Density Residential
- (4) CR: Commercial Retail
- (5) CG: Commercial General
- (6) IC: Industrial Commercial
- (7) IL: Light Industrial
- (8) IA: Industrial/Agricultural
- (9) P: Public/Semi-Public
- (10) FP: Flood Plain Overlay
- (11) H: Historical Overlay

8.1255 Basic Provisions - Reclassification of Prior Zones. Unless otherwise noted on the official zoning map, the areas designated and zoned under ordinances prior to Feb. 19, 1979 shall be changed as follows:

- (1) R1 became RS and shall be LD
- (2) -- -- MD
- (3) R2 became RM and shall be HD
- (4) C1 became RC CR
- (5) C2 became CG CG
- (6) C3 became IC and shall be IC
- (7) M1 became IP and shall be IL
- (8) -- -- IA
- (9) -- -- P
- (10) -- -- FP
- (11) -- -- H

8.1260 Basic Provisions - Official Zoning Map.

- (1) The zones and their boundaries as specified in this Zoning Code are shown upon a map, which is designated as the "Official Zoning Map" of the city and which is hereby adopted as part of this Zoning Code.
- (2) Such map shall constitute the official record of the zones within the city as of January 31, 1979 and thereafter, as the map may be modified in accordance with the provisions of this Zoning Code. (420)
- (3) The official zoning map or its subsequent amendments shall be dated with the effective date of the ordinance which adopts the map or map amendments.

- 8.1265 Basic Provisions - Zoning of Annexed or Vacated Land.
- (1) All lands which may hereafter be annexed to the city shall be considered as in the LD Zone until otherwise changed pursuant to this Zoning Code.
 - (2) Whenever any street, alley, or public way is vacated, the zone on each side of such street, alley or public way shall be automatically extended to the center of such vacated area. (420)
- 8.1300 General Requirements - Minimum Requirements. In interpreting and applying this Zoning Code, the provisions shall be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. (420)
- 8.1305 General Requirements - Public Interest Factor. When this Zoning Code imposes a greater restriction upon the use of specific buildings or premises, or upon the height of specific buildings, or requires in specific instances larger open spaces than appears to be necessary in the promotion of the public health, safety, morals and general welfare then the provisions of this Zoning Code pertaining to variances shall be applicable. (420).
- 8.1310 General Requirements - Minimum Street Width. All street rights-of-way shall conform to requirements in Section 8.461.
- 8.1315 General Requirements - Lots Abutting A Partial Street.
- (1) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion only of its required width and is located on that side which has not yet been dedicated or condemned, unless the yard provided on such lot includes both that portion of the lot lying within the required street and the required yards.
 - (2) This provision shall not be construed as being in lieu of or waiving any subdivision or partitioning requirement of this or any other section of this code. (420)
- 8.1320 General Regulations - Buildings to be Accessible to Public Street. Every dwelling (or other building) shall be situated on a lot having direct access by abutting upon a public street or a pre-existing private driveway of a width not less than 20 feet. A private drive shall not serve more than four dwelling units, except when approved under a planned development. (420)
- 8.1405 Certificate of Occupancy - Application.
- (1) Application for a certificate of occupancy for a new building or an enlargement or structural alteration of an existing building shall be made co-incident with application for a building permit.

- (2) Application for a certificate of occupancy for an existing building where change of use is involved and where no new building or enlargement of structural alteration of an existing building is involved, shall be made prior to occupation of said building for its new use. (420)

8.1410 Certificate of Occupancy - Issuance.

- (1) A certificate of occupancy will be issued following a written request to the Building Inspector after final inspection by him shall show that the new or altered structure has been completed in conformity with the requirements of this Zoning Code, or if no construction or alteration is involved, that the building complies with the requirements of this Zoning Code and of the City Building Code applicable to such changed use.
- (2) Pending the issuance of a regular certificate of occupancy, a temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding six months, for a building found safe for occupancy, permitting its completion or alteration within such time. Such temporary certificate shall in no manner be construed to alter the full requirements of this Zoning Code. (420)

8.1415 Certificate of Occupancy - Records, Fees.

- (1) A record of each certificate of occupancy shall be kept in the office of the City Recorder and copies may be furnished on request to the owners or tenant of the land or building.
- (2) A fee of \$2.00 shall be charged for each original certificate of occupancy at the time application is made for the same, and 50 cents for each copy thereof as each copy is issued. (420)

8.1425 Plats Required.

- (1) Each application for a building permit, or a certificate of occupancy of a building, or a change in the use of a building shall be accompanied by a drawing or plat in duplicate, drawn to scale, showing the lot or tract plan, the location of the building or structure on the lot or tract, and accurate dimensions of the lot or tract, the building or structure and other information necessary to show compliance with this Zoning Code.
- (2) This plat shall be made from a plat of record or from an accurate survey after the lot has been staked by a competent surveyor.
- (3) A copy and record of this plat shall be kept in the office of the Building Inspector and a duplicate copy shall be kept at the building at all times during construction. (420)

8.2000 General Administrative - Changes and Amendments

- (1) Any amendment of this Zoning Code which amends, supplements or changes only the text hereof, (may) be initiated by the governing body or by the Planning Commission by resolution. Whenever an amendment is initiated by the governing body, the resolution shall be referred to the Planning Commission for its recommendation.
- (2) Any amendment to this Zoning Code which changes any zone or any portion of the zoning map shall be by ordinance. (420)

8.2005 General Administrative - Interpretations of Zoning Code.

- (1) When, in the administration of this Zoning Code, there is doubt regarding the intent of the Code, the City Recorder shall request an interpretation of the provision by the Planning Commission, who may issue an interpretation of the question if they have determined that such interpretation is within their power and is not a legislative act.
- (2) Any interpretation of the Zoning Code shall be based on the following:
 - (a) The purpose and intent of the Zoning Code as applied to the particular section and question; and
 - (b) The opinion of the City Attorney, when requested by the Planning Commission. (420)

8.2010 General Administrative - Interpretation of Zoning Boundaries. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the Official Zoning Map, the following rules shall apply:

- (1) The district boundaries are either streets or alleys, unless otherwise shown, and where the districts designated on the zoning map are bounded approximately by street or alley lines, said street or alley shall be construed to be the boundary of such district.
- (2) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the districts designated on the zoning map are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map.
- (3) In unsubdivided property, the district boundary lines on the zoning map shall be determined by use of the scale contained on such map. (420)

- 8.2015 General Administrative - Uses Not Specifically Covered. The City Recorder, subject to direction from the Planning Commission and Council, may permit in a zone any use not described in this Zoning Code, if he finds that the proposed use is in general keeping with the uses authorized in such zone or district, (and if its effect on adjacent properties is substantially the same as the similar, permitted uses). (420)
- 8.2020 General Administrative - Applications for Changes and Exceptions. All applications for zone changes, variances, and conditional uses are subject to the conditions set out in Sections 8.2025 to 8.2045.
- 8.2025 General Administrative - Application Procedure. Any application for zone change, variance, conditional use, or annexation, shall be filed in the following manner:
- (1) The application shall be in writing on forms provided by the City Administrator.
 - (2) The application shall be filed with the City Administrator at least 30 days prior to a public hearing.
 - (3) The application shall be accompanied by a filing fee of \$35.00. (498)
- 8.2030 General Administrative - Staff Actions
- (1) Upon receiving the application, the Planning Staff shall schedule a public hearing before the Planning Commission and give notice of such hearing as provided in Section 8.2040.
 - (2) Staff of the City of Stayton will review the application within ten (10) working days after its initial submission by the applicant. If the information contained in the application is not sufficient for complete staff review or if there is technical problems associated with the proposed action, the staff will return the application to the applicant or attempt to resolve problems in a meeting with the applicant. If applicable, a written agreement between the applicant and the City regarding how the technical problems will be resolved, will be prepared.
 - (3) Planning staff will prepare a written report on the proposed action within fifteen (15) working days after the final, complete application is received.
 - (4) After Planning Commission hearing, the planning staff will prepare written findings based on the material contained in the application, the items set forth in Section 8.2031 and 8.2032 herein, any agreements between the applicant and the City and all pertinent discussions.

8.2035 Planning Commission Considerations and Actions.

- (1) In judging whether or not a proposed use shall be approved or denied, the Planning Commission shall weigh the proposal appropriateness and desirability, the public convenience and the necessity to be served against any adverse conditions that would result from authorizing the particular action at the location proposed. In order to grant a proposed action, the applicant shall provide evidence which allows the City to make findings that the following specific criteria have been satisfied.
- (2) Conditional Use:
 - (a) The proposed use is compatible with other uses in the surrounding area. The compatibility of activity may be resolved by placing special conditions on the operation or by modifying the intended use.
 - (b) There will be no adverse affects on the normal flow or movement of traffic in the immediate area.
 - (c) There are adjacent urban services to the property.
 - (d) There is a need for the proposed action.
- (3) Zone Change:
 - (a) The proposed zone change and intended use is compatible with the surrounding area.
 - (b) Other properly zoned land is not available in sufficient quantity within the city to satisfy current and projected needs.
 - (c) There is a public need for the intended use.
 - (d) Reasonable use cannot be made of the property as it is currently zoned.
 - (e) There are adequate urban services to serve the possible use under the zone proposed.
- (4) Variances:
 - (a) There are hardships or difficulties which can be relieved only by modifying their requirements of this ordinance.
 - (b) There are exceptional or extraordinary circumstances or conditions that apply to this land or buildings that do not generally apply to the land, uses or structures in the vicinity.

- (c) Granting the application will not be detrimental to the public welfare or property values in the affected area.
- (5) Partitioning and Subdividing:
- (a) The proposed partitioning or subdivision is compatible with the surrounding area.
 - (b) There are adequate urban services available to the property.
 - (c) The proposed parcels, lots, or roads are compatible with the existing pattern of development in the area and Section 8.450 through 8.512 inclusive.
- (6) Annexations:
- (a) A need exists in the community for the use proposed to be made of the site.
 - (b) The site is or is capable of being served by adequate public services.
 - (c) The proposed annexation is compatible with the surrounding area.
 - (d) The annexation is compatible with the urban growth policies as defined in the Comprehensive Plan of the City of Stayton.

8.2040 Hearing Before Planning Commission.

- (1) The Planning Commission at a public hearing will first take testimony from all parties favoring the proposal. Then testimony pertaining to the facts will be taken from all who oppose the proposal.
- (2) Planning Commission will also consider:
 - (a) Consistency of the proposed action with the Comprehensive Plan and the objectives of the zoning section of this Code, and other applicable ordinances and policies of the City.
 - (b) Personal knowledge the Commission may have on facts relating to the proposal or of the area in question.
 - (c) Staff comments.
 - (d) All other factors established by State Law and land use court cases. The applicant has the burden of proof as required by state and court law.

- (3) The Planning Commission shall thereafter make its findings.
 - (a) The Commission shall either approve the application as submitted, approval with certain stipulated conditions or deny to the City Council.
 - (b) If additional research is required, it shall be completed within one week, if possible, and brought before a special meeting of the Planning Commission.

8.2045 City Council Considerations and Actions.

- (1) The City Council will consider all recommendations of the Planning Commission and on its own motion or as described as Section 2. consider the matter based on the record provided under Section 8.
- (2) Action of the City Council can include:
 - (a) Adopting the recommendation and findings of the Planning Commission indicating concurrence with the findings of the Planning Commission.
 - (b) Adopting the Planning Commission's recommendation and findings with modifications of the conditions. If any conditions imposed by the Planning Commission are eliminated, added to or modified in any way, factual reasons for the change or changes must be given and stated in writing within the minutes of the meeting. The applicant may appeal the change and request the reconsideration by the Council.
 - (c) Not accept the recommendation of the Planning Commission. In rejecting the recommendation, the Council must indicate errors or omissions in the written findings made by the Commission and state what the actual facts are and how they affect the proposed use of the land. All facts found by the Council shall be contained in the written minutes of the meeting.
 - (d) Upon decision being rendered by the City Council, the City Administrator shall then mail a notice of decision to the petitioner at the address set forth in the application.

8.2050 General Administrative - Notice of Public Hearing

- (1) Public Notice of any public hearing before the Planning Commission or City Council shall include the time and place of the hearing, the nature of the request, and a brief description of the property involved.
- (2) Notices of public hearing shall be mailed to each property owner within the affected area not later than ten (10) days prior to the public hearing and published in a newspaper of general circulation. Failure to receive such notice shall not affect the validity of the proceedings.

8.2055 Appeals

- (1) Following the decision of the Planning Commission, any person aggrieved by the decision of the Commission, has the right to file, within ten (10) days of the decision, and appeal in writing stating the grounds for the appeal to the City Council, appealing the decision of the Planning Commission. The Council will consider the appeal and either accept the appeal and set a date for public hearing, or deny the appeal.
- (2) Appeal of any action taken by the City Council, may be filed by any aggrieved person. Appeals may only be filed to the Council in those cases where the City Council has not already held a public hearing. The appeal must be filed in writing to the City Administrator within ten (10) days from the date of Council action.
 - (a) If a public hearing is called on its own motion, or by an aggrieved person, the Council will hold such meeting at the next regularly scheduled City Council meeting. At that meeting, the Council will have at its disposal, a complete record of the Planning Commission. As in the Planning Commission hearing, the applicant and those favoring the proposal will be given testimony first. Testimony need not be confined to the record. Those opposing the proposal will be given an opportunity to testify.

8.3010 Zone Changes - Definition. A zone change is a reclassification of area from one zone or district to another, after the proposed change has been reviewed and a recommendation made by the Planning Commission. Such change shall be by an ordinance passed by the Council, after proceedings have been conducted in accordance with Sections 8.3015 to 8.3040. (420)

8.3015 Zone Changes - Initiation of Zone Change. A zone change may be initiated in any one of the following ways:

- (1) By resolution of the Council.
- (2) By resolution of the Planning Commission, followed by a public hearing before the Commission and submission of a recommendation to the Council, or
- (3) By petition of property owners or persons purchasing property under contract, in accordance with procedures outlined in Sections 8.2020-8.2045. (420)

8.3020 Zone Changes - Resolution of Intent to Rezone.

- (1) If, from the facts presented and findings of the Planning Commission, the City Council determines that the public health, safety, welfare, convenience, environmental amenities will be best served by a proposed reclassification or any portion thereof, the Council may indicate its general approval in principle of the reclassification by the adoption of a "Resolution of Intent to Rezone" said property.

- (2) This resolution, outlined in (1), shall include any conditions, stipulations or limitations which the Council may feel necessary to require in the public interest as a prerequisite to final action. (420)

8.3023 Zone Changes - Site Plan.

- (1) If the resolution of intent to rezone requires a site plan approved by the Planning Commission, then such site plan shall be binding upon the property. Upon reclassification of such property, the property shall be plainly marked as "subject to approved site plan" on the official zoning map.
- (2) An official copy of the approved site plan including all conditions and stipulations shall be filed with the City Recorder and the Marion County Building Official, and shall be the basis on which any building permits are issued.
- (3) Any approved site plan may be amended or a variance therefrom obtained, or it may be released from the restrictions of such site plan by resolution of the Council on recommendation from the Planning Commission. No other departures from the approved site plan shall be made except by amendment or variance, unless the property has been released from the site plan.
- (4) Where a site plan is required it shall include:
 - (a) Location of proposed buildings and structures, accesses, parking and loading facilities, and landscaping.
 - (b) Elevations of the proposed buildings. (420)

8.3025 Zone Changes - When Intent to Rezone Becomes Binding.

- (1) The fulfillment of all conditions, stipulations and limitations contained in the resolution of intent to rezone by the applicant shall make this resolution a binding commitment on the Council.
- (2) The failure of the applicant to substantially meet any or all of the conditions, stipulations or limitations contained in a resolution of intent to rezone, including the time limit placed in the resolution, shall render said resolution null and void, unless an extension is granted by the Council, upon recommendation of the Planning Commission.

8.3030 Zone Changes - Final Action by the Council.

- (1) Upon completion of compliance action by the applicant, the Council shall effect the proposed reclassification of property.
- (2) Any zone change or reclassification of property shall be by ordinance of the Council.
- (3) Any denial of a proposed zone change may be by motion.

(4) Whenever any premises are reclassified as to zone or a new zone established, or boundary lines of a zone changed, the official zoning map shall be changed.

8.3035 Zone Changes - Effective Date. The zone change shall be effective upon the passage of the ordinance changing the zone.

8.3040 Zone Changes - Appeals. Any appeals of Council action concerning zone changes shall be conducted in accordance with Section 8.2045 (420)

8.3205 Variances - Power to Grant.

(1) Subject to the restrictions and provisions contained in this Zoning Code, the Planning Commission shall have the power to vary or modify the strict application of any of the regulations or provisions of this Zoning Code in any case where such strict application would result in practical difficulties or unnecessary hardships with reference to requirements governing:

- (a) lot area
- (b) lot width
- (c) percentage of lot coverage and number of dwelling units or structures permitted on a lot
- (d) height of structures
- (e) location
- (f) yards
- (g) signs
- (h) parking and loading space
- (i) vision clearance

(2) The power of the Planning Commission to grant variances from the strict application of the provisions of this zoning Code shall be used sparingly, within the time limits granted the Planning Commission, within the spirit and intent of this Zoning Code, and applied reasonably to maintain and not abolish the distinctive classifications created by this Zoning Code. (420)

8.3210 Variances - Conditions for Granting a Variance. The Planning Commission may permit and authorize a variance when it appears from the application and the facts presented at the public hearing and by investigation that:

- (1) There are unnecessary, unreasonable hardships or practical difficulties which can be relieved only by modifying the literal requirements of the Zoning Code.
- (2) There are exceptional or extraordinary circumstances or conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, or uses in the same zone; however, non-conforming land uses or structures in the vicinity shall not in themselves constitute such circumstances or conditions. (420)
- (3) Granting the application will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises.

- (4) Such variance is necessary for the preservation and enjoyment of the substantial property rights of the petitioner.
- (5) The granting of the application will not, under the circumstances of the particular case, adversely affect the health or safety of persons working or residing in the neighborhood of the property of the applicant.
- (6) Granting the application will be in general harmony with the intent and purpose of this Zoning Code and will not adversely affect any officially adopted comprehensive plan.
- (7) The circumstances or conditions applicable to the specific property involved or to the intended use or development of the specific property does not require the property to be rezoned. (420)

8.3215 Variances - Limiting Variances.

- (1) The Planning Commission may impose such limitations, conditions and safeguards as it may deem appropriate so that the spirit of this Zoning Code will be observed, public safety and welfare secured, and substantial justice be done.
- (2) The Planning Commission may limit the time or duration of a variance.
- (3) If the variance is granted, the applicant shall exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the Planning Commission's approval.
- (4) A violation of any such condition or limitation shall constitute a violation of this Zoning Code. (420)

8.3220 Variances - Right Must be Exercised.

- (1) Variances granted under this Zoning Code shall be effective only when the exercise of the right granted therein is commenced within six months of the effective date of that variance, unless a longer period be specified or thereafter allowed by the Planning Commission.
- (2) In case such right has not been exercised, or extension obtained, the variance shall be void.
- (3) A written request for an extension of time filed with the City Recorder at least 30 days prior to the expiration date of the variance shall extend the running of the six month period until the Planning Commission has taken action on the request.

8.3225 Variances - Effective Date. If no public hearing is held by the Council, the variance shall be effective ten days after the mailing of the notice of decision; however, if a public hearing is held by the Council, the variance shall be effective following final action by the Council. (420)

- 8.3230 Variances - Appeals. Any appeals of Council action concerning variances shall be conducted in accordance with Section 8.2045. (420)
- 8.3405 Conditional Uses - Generally. A conditional use is an activity which is basically associated with other uses permitted in the zone, but due to some of the characteristics of the activity which are not entirely compatible with the zone, such use could not otherwise be permitted in the zone. A public hearing and review of the proposed conditional use by the Planning Commission will insure that the use will be in consonance with the purpose and intent of the zone. (420)
- 8.3410 Conditional Uses - Power to Decide.
- (1) The Planning Commission shall hear and decide only those applications for conditional uses, their expansion or alteration, which are set out specifically in this Zoning Code.
 - (2) The Planning Commission shall decide whether or not the conditional use may be placed in the zone and may impose the conditions listed in Section 8.3420, subject to the restrictions and provisions of this Zoning Code. (420)
- 8.3415 Conditional Uses - Concurrent with Variances. Variances may be processed concurrently and in conjunction with a conditional use application, and when so processed will not require an additional public hearing or additional filing fee. (420).
- 8.3420 Conditional Uses - Conditions.
- (1) The Planning Commission may prescribe restrictions or limitations for the proposed conditional use as it deems necessary to fulfill the purpose and intent of this Zoning Code.
 - (2) The Planning Commission shall impose conditions only after it has determined that such restrictions are necessary for the public health, safety, or general welfare, or to protect persons working or residing in the area.
 - (3) Any reduction or change of the requirements of the Zoning Code must be considered as varying the Zoning Code, and must be requested and viewed as such. (420).
- 8.3425 Conditional Uses - Effective Date. If not public hearing is held by the Council, the conditional use shall be effective 10 days after the mailing of the notice of decision; however, if a public hearing is held by the Council, the conditional use shall be effective following the final action of the Council.
- 8.3430 Conditional Uses - Appeal. Any appeal of Council action concerning conditional uses shall be conducted in accordance with Section 8.2045. (420)
- 8.4005 LD Zone - Purpose. To provide for single-family dwelling units and their accessory uses, and with approval, other uses compatible with single-family dwelling units. Density 1-6 units per acre.

8.4010 Allowed Uses.

- (1) Single-family dwelling.
- (2) Accessory Structures.
- (3) Home Occupations.
- (4) Public Utility Services.

8.4015 Conditional Uses. Any use not specifically allowed in the use section may be considered under Section 8.3405 through 8.3430.

8.4020 Height. 35' or two and one-half stories.

8.4025 Yard Area. Minimum depth shall be:

- (1) Front: 20'
- (2) Side: 5'
- (3) Rear: 20'

8.4030 Lot area and width.

- (1) Corner lot: 7,000 square feet, 70' frontage.
- (2) Interior lot: 6,000 square feet, 60' frontage.
- (3) Duplex on a Corner Lot: 8,000 square feet, 70' frontage.
- (4) Cul-de-sac: 40' frontage and 60' at the building line.
- (5) This restriction shall apply to contiguous parcels of land under one ownership, whether or not previously platted, which contiguous parcels shall be considered as a single unit of ownership.

8.5005 MD Zone - Purpose. To provide for single-family, duplex tri-plex and mobile home dwelling units and their accessory structures, and other compatible uses, with approval. Density 7-12 units per acre.

8.5010 Allowed Uses.

- (1) Single-family dwelling unit.
- (2) Duplex.
- (3) Tri-plex.
- (4) Townhouse.
- (5) Mobile Home Park.
- (6) Home occupations.
- (7) Accessory structures.

(8) Planned Unit Development (PUD)

8.5015 Conditional Uses. (See Sections 8.3405 through 8.3430)

8.5020 Height. 35' or two and one-half stories.

8.5025 Yard Area. Minimum depth shall be:

(1) Front: 20'

(2) Side: 5'

(3) Rear: 15'

8.5030 Lot Area and Width.

(1) Single-family corner lot: 6,000 square feet, 60' frontage.

(2) Duplex corner lot: 8,000 square feet, 70' frontage.

(3) Single-family interior lot: 5,000 square feet, 50' frontage.

(4) Duplex, interior lot: 7,000 square feet, 60' frontage.

(5) Tri-plex, interior lot: 10,500 square feet, 70' frontage.

(6) Mobile home park, 3 acres minimum: 3,500 square feet per unit, 30' frontage.

(7) Planned Unit Development: average 3,500 square feet per unit, 50' frontage.

8.5035 Parking. (See Section 8.10300)

8.6005 HD Zone- Purpose. To provide for multi-family residential units and other compatible living units and their accessory structures, and with approval, other compatible uses. Density 13 or more units per acre.

8.6010 Allowed Uses.

(1) All uses allowed in the LD and MD District.

(2) Multi-family units.

(3) Townhouses

8.6015 Conditional Uses. (See Sections 8.3405 through 8.3430)

8.6020 Height. 45' or three stories.

8.6025 Yard Area. Minimum depth shall be:

(1) Front: 10' plus 1' for each story.

(2) Side: 5' plus 1' for each story.

(3) Rear: 10' plus 1' for each story.

8.6030 Lot Area and width.

- (1) Single-family: 3,600 square feet.
- (2) Multi-family: 5,000 square feet for the first two units, plus 1,000 square feet for each additional unit.
- (3) Tri-plex, 7,000 square feet.
- (4) Duplex: 5,000 square feet.

8.6035 Frontage. 50' minimum

8.6040 Landscaping. To be submitted with the site plan.

8.6045 Parking. (See Section 8.10300)

8.7005 CR Zone - Purpose. To provide for retail, service and office commercial activities and their accessory uses, and with approval, other uses that are compatible. Not intended for exclusive residential uses.

8.7010 Allowed Uses.

- (1) Retail Sales outlet (hobby shop, appliance store, office supplies, department store, grocery store, tavern or bar, etc.)
- (2) Service businesses (beauty salon, gas station, shoe repair, clinic).
- (3) Offices
- (4) Commercial/Residential uses. The main or ground floor shall be devoted exclusively to commercial activities; residential units may be located above the ground floor, not to exceed the density allowed in the high density residential district.

8.7015 Conditional Uses. (See Sections 8.3405 through 8.3430)

8.7020 Height. 60' or 4 stories.

8.7025 Yard area. No minimum except where adjacent to a residential district.

- (1) Rear: 20'
- (2) Side: 5'

8.7030 Lot Area and Width. No minimum.

8.7035 Frontage. No minimum.

8.7040 Parking. (See Section 8.10300)

8.7045 Landscaping.

- (1) In a CR Zone where the building, or portion thereof, to be erected is to be used for purposes enumerated, then the requirements set forth in Section 8.5070 shall govern.

- 8.7105 CG Zone - Purpose. To provide for heavier commercial activities and their accessory structures, and other compatible uses with the approval of the Planning Commission and Council.
- 8.7110 Allowed Uses.
- (1) Any use allowed in the CR District.
 - (2) All commercial uses (retail, service, office, wholesale, storage, repair, etc.)
- 8.7115 Conditional Uses. (See Sections 8.3405 through 8.3430).
- 8.7118 Height. 60' or 4 stories.
- 8.7120 Yard area. No minimum
- 8.7125 Lot Area and Width. No minimum
- 8.7130 Frontage. No minimum
- 8.7135 Parking. (See Section 8.10300)
- 8.7140 Landscaping. To be submitted with the site plan.
- 8.8005 IC Zone - Purpose. To provide for a mixing of light industrial activities and service related commercial activities in a specific area to reduce conflicts between residential and general commercial uses.
- 8.8010 Allowed Uses.
- (1) Any use allowed in the light industrial district.
 - (2) Service commercial uses.
 - (3) Heavy commercial uses.
 - (4) Combination of industrial and commercial businesses.
- 8.8015 Conditional Uses. (See Section 8.3405 through 8.3430).
- 8.8020 Height. 45' or 3 stories.
- 8.8025 Yard Area. 5,000 - 7,000 square feet adjacent to a residential district.
- 8.8030 Lot Area and Width.
- (1) Front: 20'
 - (2) Side: 5' (10' plus 1' for each story over one when adjacent to a residential district.)
 - (3) Rear: 20'

8.8035 Frontage. 50' minimum

8.8040 Parking. (See Section 8.10300)

8.8045 Landscaping. To be submitted with site plan.

8.8050 Open Storage Areas.

- (1) All yard areas, exclusive of those required to be landscaped, may be used for materials and equipment storage yards or areas and may be used for the purposes permitted in the IL Zone, provided such yard area is enclosed with an ornamental, sight-obscuring fence or wall placed at a height of six feet, or a compact evergreen hedge planted at three feet and capable of obtaining a minimum height of six feet. Any fence, wall, or hedge shall be located on the property at the required setback line in the same manner as if said fence or wall were a building.
- (2) If any material or equipment projects above the six foot screen, then a screen plan will be submitted to the Planning Commission for approval.
- (3) The surface of such area shall be maintained at all times in a dust-free condition, except, that all driveways and loading areas shall be paved, as provided in Section 8.10300 to 8.10360.
- (4) Any lighting maintained in conjunction with material and equipment storage areas shall be so oriented as to not shine on or reflect into abutting properties or streets (420)

8.8055 Industrial Performance Standards. The discharge into the air of solids liquids or gases in such quantities as to be detrimental to the public health, safety and welfare, causing injury to human, plant, or animal life or to property, is prohibited in this zone. In an IL Zone, no land or structure shall be used unless there is continuing compliance with the following standards.

- (1) Heat, glare and light:
 - (a) Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building and shall be discernible at or beyond the property line.
 - (b) Exterior lighting shall be directed away from and shall not reflect on adjacent properties.
- (2) Noise:
 - (a) Noise shall be muffled and shall not be objectionable due to intermittence, beat frequency, or shrillness and shall not exceed the following intensity in relation to sound frequency, as adjusted below, when applicable.

OCTAVE BAND

MAXIMUM PERMITTED
SOUND LEVEL DECIBELS

Frequency in Cycles Per Second	Hours	
	10 PM to 7 AM	7 AM to 10 PM
0 to 74	69	74
75 to 149	54	59
150 to 299	47	52
300 to 599	41	46
600 to 1,199	37	42
1,200 to 2,399	34	39
2,400 to 4,799	31	36
4,800 and above	28	33

- (b) If the noise is not smooth and continuous, the following corrections in decibels shall be added to or subtracted from the above items:
1. When in each one hour period, the noise source operates less than a total of (use only one factor):

12 minutes	add 5
3 minutes	add 10
20 seconds	add 15
 2. Noise of an impulsive character (such as hammering, etc.) less 5.
 3. Noise of periodic character (such as humming, screech, etc.) less 5.
- (c) Noise made by devices which are maintained and utilized solely to serve as warning devices is excluded from these regulations.
- (d) Noise created by highway vehicles, trains, watercraft and aircraft is excluded from these regulations.
- (e) Measurements:
1. Sound levels shall be measured with a sound level meter and octave band analyzer based on specifications of the American Standards Association.
 2. Measurements shall be made from at least three points along the property line or along an "R", "C", or "P" zone boundary when such boundary is closer to the source than the property line.
 3. Measurements for alleged violations shall be made on at least three non-consecutive days.
- (3) Sewage:
- (a) Adequate provisions shall be provided for the disposal of sewage and waste materials and such provisions shall meet the requirements of Section 5.480.

(4) Vibration:

- (a) No vibration, other than that caused by highway vehicles and trains, shall be permitted which shall endanger the health, welfare or safety of the public or so as to constitute a public nuisance. (420).

8.8060 Vehicle Access.

- (1) Access points to a property from a street shall be located to minimize traffic congestion, and maximum effort shall be made to avoid directing traffic into residential areas.
- (2) Before a street, other than an arterial, which is a boundary between a residential zone and an IC Zone, or a street which is within a residential zone, is used for any vehicular access to an IC Zone, such use of those streets must first have been approved by the Planning Commission as a conditional use.
- (3) Access roads and access points will be used to the maximum extent possible to serve the greatest number of uses. All access roads and driveways shall be surfaced with asphaltic concrete or comparable permanent surfacing. (420).

8.8105 IL Zone - Purpose. To provide for light manufacturing, assembly or storage areas that will not conflict with less intensive uses.

8.8110 Allowed Uses.

- (1) Any use permitted in an IC Zone, except as provided in Section 8.8010 (1).
- (2) Dwelling for a caretaker or watchman.
- (3) Manufacturing of metal products.
- (4) Metal stampings.
- (5) Sawmill.
- (6) Manufacturing of prefabricated wood and metal products.
- (7) Prefabrication of modular housing components and products.
- (8) Mineral manufacturing and processing.
- (9) Machinery manufacturing and processing.
- (10) Cement, glass, clay and stone products manufacturing.
- (11) Industrial machinery service.
- (12) Paper and allied products manufacture.
- (13) Pulp mill.
- (14) Petroleum, petroleum by-products manufacturing and storage

- (15) Transportation equipment manufacturing.
- (16) Auction yard.
- (17) Machinery service and repair.
- (18) Wood fuel dealer.
- (19) Construction and mining equipment.
- (20) Primary metal manufacturing.
- (21) Electrical equipment and components.
- (22) Warehouse.
- (23) Wholesale distributing firm.
- (24) Business form manufacturing.
- (25) Cannery, canning, freezing, drying, food processing and preserving.
- (26) Heliport.
- (27) Airport (420)

8.8115 Conditional Uses. (See Section 8.3405 through 8.3430).

8.8120 Height. 45' or 3 stories.

8.8125 Yard Area. Minimum depth shall be:

(1) Front: 10'

(2) Side: 5' (10' adjacent to a residential district)

(3) Rear: 10'

8.8130 Lot Area and Width. Minimum of 5,000 square feet.

8.8135 Frontage. 50' minimum

8.8140 Parking. (See Section 8.10300)

8.8145 Performance Standards. (See Section 8.8055)

8.8150 Landscaping. To be submitted with site plans.

8.8155 Vehicle Access. (See Section 8.8060)

8.8160 Open Storage Areas. (See Section 8.8050)

- 8.8205 IA Zone - Purpose. To provide for the retention of agricultural activities where such activities are compatible or desirable within the urban environment.
- 8.8210 Allowed Uses.
- (1) Cannery spary irrigation, by permit.
 - (2) Single-family dwelling.
 - (3) Recreation facilities.
 - (4) Agricultural activities.
- 8.8215 Conditional Uses. (See Sections 8.3405 through 8.3430).
- 8.8220 Height. 35' or two and one-half stores.
- 8.8225 Yard Area. Minimum depth shall be:
- (1) Front: 25'
 - (2) Side: 10'
 - (3) Rear: 25'
- 8.8230 Lot Area and Width. Minimum 20,000 square feet.
- 8.8235 Frontage. 50'
- 8.9005 P Zone - Purpose. To allow for the location of public buildings and facilities in a manner that will not disrupt or alter areas of the community.
- 8.9010 Allowed Uses.
- (1) All publically owned buildings and facilities (city hall, library, school, fire station, parks, etc.)
 - (2) Semi-public facilities (churches, lodges, cemetery, public golf courses, etc.)
- 8.9015 Conditional Uses.
- (1) Any structure not normally located in the area in which it is proposed.
 - (2) Structures exceeding the height limit for the surrounding district.
- 8.9020 Yard Area. No minimum
- 8.9025 Lot Area and Width. No minimum
- 8.9030 Height. Same as adjacent district.
- 8.9035 Frontage. No minimum.

- 8.9105 FP Zone - Purpose. To protect lives and property from the periodic inundation of flood waters.
- 8.9110 Regulations. As provided in Section 8.550 through 8.582 of the National Flood Insurance Program.
- 8.9115 Floodway. No development is allowed in the floodway, as defined on the HUD Flood Maps developed for the city.
- 8.9120 Flood Fringe. Development must conform to the building code, zoning district and the flood protection regulations of the Flood Insurance Program. All structures must have the ground floor elevated 1 foot above the 100-year flood elevation.
- 8.9205 H Zone - Purpose. To protect from loss all sites and structures designated as historical in the comprehensive plan.
- 8.9210 Regulations. No structure or site designated as historical in the comprehensive plan may be altered in such a manner as to destroy its historical significance. The destruction, except by natural causes, of any structure designated historical in the comprehensive plan is prohibited.
- 8.9215 Uses. Historical structures or sites may be used for the uses described in the district in which it is located, provided the character of the structure is not changed so as to destroy its historical significance.

- 8.10100 Dimension Restrictions - Location of Buildings. Every building erected shall be located on a lot as herein defined. (420)
- 8.10110 Dimension Restrictions - Yards Apply Only to One Building. No required yard or other open space or required driveway provided around or for any building to comply with this Zoning Code shall be considered as providing a yard or open space for any other building, nor shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected. (420)
- 8.10120 Dimension Restrictions - Parking.
- (1) No parking shall be allowed exclusive of driveways within the required front yard area. The side yard and rear yard areas may be used for parking of vehicles unless otherwise prohibited by this Zoning Code.
 - (2) The yard areas and driveways adjacent to a street shall not be used for the permanent storage of utility trailers, house or vacation trailers, boats or other similar vehicles. (420)
- 8.10130 Dimension Restrictions - Average Yard Setback Adjacent to a Street in A Residential District.
- (1) Every building shall set vack from the front lot line at least 20 feet, except in the instance where the average depth of the other buildings on the same side of the street are between 20 and 10 feet, then the average depth may be used.
 - (2) The average depth is the average of the distance from the closest part of the foundation of the existing buildings to the front property line, where the existing buildings are within 200 feet of the center of the proposed building, on the same side of the street, within the same block.
 - (3) If existing buildings are within 10 feet of the property line, then no less than 10 feet shall be used in figuring the average, or if existing buildings are more than 20 feet from the property line, then the minimum requirement of 20 feet shall be used in figuring the average. (420).
- 8.10140 Dimension Restrictions - Front Yard Projections. Planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels and other ornamental features of not more than 24 inches, from main buildings uncovered proches, covered by unenclosed porches when not more than one story high and which do not extend more than 10 feet beyond the front walls of the building, but in no case shall such projection come closer than 10 feet from the property line and the floors of which are not more than four feet above grade, are exempt from the front yard setback provisions and need not be included when determining the average setback. (420)

8.10150 Dimension Restrictions - Side Yard Projections.

- (1) Cornices, eaves, gutters and fire escapes, when not prohibited by any other code or ordinance, may project into a required side yard not more than one-third of the width of the side yard, nor more than three feet in any case.
- (2) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and other ornamental features may project not more than one and one half feet into a required side yard, provided, however, that chimneys and flues shall not exceed six feet in width.
- (3) Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the side yard property line when they are three feet or less in height from ground level. (420)

8.10160 Dimension Restrictions - Rear Yard Projections.

- (1) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters and other ornamental features may project not more than one and one half feet into a required rear yard, provided, however, chimneys and flues shall not exceed six feet in width.
- (2) A fire escape, balcony, outside stairway, cornice or other un-enclosed, unroofed projections may project not more than five feet into a required rear yard and set back at least six feet from any property line.
- (3) Planter boxes, steps, uncovered porches, covered but unenclosed porches including covered patios when not more than one story high and the floors, which are not more than four feet above grade and which shall not come closer than 14 feet from the rear lot line, are exempt from the minimum rear yard depth requirement.
- (4) No permitted projection into a required rear yard shall extend within 10 feet of the centerline of an alley, or of a rear lot line if no alley exists, or within six feet of an accessory building.
- (5) Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the rear yard property line when they are three feet or less in height from ground level. (420)

8.10200 Accessory Structures - Application of Regulations. The regulations set forth in Sections 8.10200 to 8.10270 shall apply to all residential zones and to structures in any other zone used in connection with residential purposes. (420)

8.10210 Accessory Structures - Height.

- (1) The maximum height of any accessory structure shall be eight feet at the lot line. Such maximum height may be increased by one foot for each one foot of distance from the lot line to a maximum height of 15 feet.

(2) Roof drainage shall be accommodated within the confines of the property. (420)

8.10220 Accessory Structures - Front Yards and Yards Adjacent to Streets. Any accessory structure, except fences, which has any portion extending above grade shall observe the same yard requirements as the main building. (420)

8.10230 Accessory Structures - Side Yards, Interior. Accessory structures not attached to the main building located in an interior side yard shall be set back at least five feet from any lot line. (420)

8.10240 Accessory Structures - Rear Yards. Within interior rear yards and portions of rear yards not abutting a street, an accessory structure may be placed on the property line except along an alley; all structures except fences shall be at least one foot from the alley. (420)

8.10250 Accessory Structures - Accessory Structures Attached to the Main Building.

(1) Covered or enclosed accessory buildings which are attached to the main building shall be considered as a portion of the main building and shall observe the same requirements as the main building, except for certain projections as provided in Sections 8.10140, 8.10150 and 8.10160.

(2) Accessory structures shall be considered as being attached to the main building when any portion of the accessory structure is located within four feet of the main building. (420)

8.10260 Accessory Structures - Fences, Location, Height and Density. In any yard adjacent to a street and within 10 feet of the property line adjacent to such street, fences, walls and hedges may be up to 48 inches in height, when that portion of the fence above 24 inches is at least 50 percent open. Fences located in a yard area other than that described above may be up to seven feet in height. (420)

8.10270 Accessory Structures - Fences - Use of Hazardous Materials. Fences shall not be constructed of or contain any material which will do bodily harm such as barbed wire, electric wires (other than stock fences), broken glass, spikes, and any other hazardous or dangerous material. (420)

8.10300 Offstreet Parking and Loading - New and Existing Facilities. Offstreet automobile parking areas and offstreet loading areas as set forth below shall be provided and maintained:

(1) For any new building erected.

(2) For additional seating capacity, floor area, guest rooms, or dwelling units added to any existing building.

(3) When the use of any existing building in Section 8.10340 is changed, which changed use would require additional parking areas and offstreet loading areas under the provisions of this Zoning Code. (420)

- 8.10310 Offstreet Parking and Loading - Reduction of Required Areas Prohibited. Offstreet parking and loading areas which existed on the effective date of this Zoning Code shall not be reduced below the required minimum as set forth in this Zoning Code. (420)
- 8.10320 Offstreet Parking and Loading - Location. Offstreet parking and loading areas shall be provided on the same lot with the main building or use except that:
- (1) In an "R" zone, automobile parking areas for dwellings and other uses permitted in a residential zone may be located on another lot if such lot is within 200 feet of the lot containing the main building, structure or use.
 - (2) In any commercial zone, the parking area may be located off the site of the main building, structure or use if it is within 500 feet of such site. (420)
- 8.10330 Offstreet Parking and Loading - Joint Use. A parking area may be used for a loading area during those times when the parking area is not needed or used for its intended purpose. (420)
- 8.10340 Offstreet Parking and Loading - Requirements for Automobile Parking. Offstreet automobile parking shall be provided as required by Section 8.10360 and approved by the Director of Public Works in the amount not less than those listed below:

<u>Use</u>	<u>Parking Required</u>
(1) One, two and three family dwellings.	One space per dwelling unit.
(2) Multi-family dwellings, four or more units located on the same lot.	One and a half spaces per dwelling unit.
(3) Hotel, motel and boarding houses.	One space per guest room plus one space for the owner or manager.
(4) Club, lodge	Spaces sufficient to meet the combined minimum requirements of the heaviest uses being conducted, such as hotel restaurant, auditorium, etc.
(5) Hospital, nursing home.	One space per two beds plus one space per two employees.
(6) Churches, auditorium, stadium, theater.	One space per four seats or every eight feet of bench length.
(7) Elementary or junior high School	Two spaces per classroom plus offstreet loading and unloading facility.

- (8) High school One space per classroom plus one space per employee, plus one space for each ten students, plus offstreet student loading and unloading facilities.
- (9) Bowling alley, skating rink, community center One space per 100 square foot of gross floor area, plus one space per two employees.
- (10) Retail store, except as provided in subsection (11) One space per 400 square feet of gross floor area plus one space per two employees.
- (11) Service or repair shop, retail store handling exclusively bulky merchandise such as automobile and furniture. One space per 600 square feet of gross floor area plus one space per two employees.
- (12) Bank, office buildings (except medical and dental) One space per 600 square feet of gross floor area, plus one space per two employees.
- (13) Medical and dental clinic One space per 300 square feet of gross floor area, plus one space per two employees.
- (14) Eating or drinking establishments One space per four seats or every eight feet of bench length.
- (15) Storage warehouse; manufacturing
- 0-49,999 square feet for floor area:
One space per 5,000 square feet or one space per employee, whichever is greater.
- 50,000-99,000 square feet of floor area: One space per 10,000 square feet or one space per employee, whichever is greater.
- 100,000 square feet and over of floor area: One space per 15,000 square feet or one space per employee, whichever is greater
- (16) Wholesale establishment One space per employee or 1,000 square feet of gross floor area whichever is greater, plus one space per 700 square feet of patron-serving area.
- (17) Municipal and governmental buildings One space per 600 square feet of gross floor area, plus one space per two employees.

When a parking requirement is stated in terms of employees, it means the maximum number of employees who will be at the site at one time, either on a single shift or an overlap of shifts. (420)

8.10350 Offstreet Parking and Loading - Offstreet Loading Requirements. Offstreet loading space shall be provided as listed below, except in those cases that the Planning Commission may waive such requirements as provided for in Sections 8.3205-8.3230.

- (1) Commercial office buildings shall require a minimum loading space size of 12 feet wide, 20 feet long, and 14 feet high in the following amounts:
 - (a) for buildings containing up to 2,000 square feet gross floor area: one space (1)
 - (b) for each additional 40,000 square feet of gross floor area, or any portion thereof: one space (1)
- (2) All other commercial or industrial buildings shall require a minimum loading space of 12 feet wide, 30 feet long, and 14 feet high in the following amounts:
 - (a) for buildings containing up to 2,000 square feet of gross floor area: one space (1)
 - (b) for each additional 40,000 square feet of gross floor area, or any portion thereof: one space (1) (420)

8.10360 Offstreet Parking and Loading - Development Requirements. All parking and loading areas except those for single family dwellings shall be developed and maintained as follows:

- (1) Location: The required yard areas adjacent to a street shall not be used for parking or loading areas. The side and rear yards, other than those adjacent to a street, may be used for parking and loading areas when such yard areas have been developed as required by this ordinance.
- (2) Surfacing: All driveways, parking and loading areas shall be paved with asphalt or concrete surfacing and shall be adequately designed, graded and drained as required by the Public Works Superintendent.
- (3) Size of parking spaces and driveways: The following standards shall apply to all parking areas and driveways:
 - (a) One-way drives shall have a minimum improved width of at least 12 feet, exclusive of parking spaces.
 - (b) Two-way drives shall have a minimum improved width of at least 20 feet, exclusive of parking spaces.
 - (c) The minimum width of any parking space shall be nine feet, exclusive of driveways.
 - (d) The minimum length of any parking space shall be 20 feet, exclusive of driveways.

(4) Screening: When any parking or loading area is within or adjacent to an "R" zone such parking or loading area shall be screened from all residential properties with an ornamental fence, wall or hedge at least four feet high but not more than seven feet high, except along an alley.

(5) Lighting: Any light used to illuminate a parking or loading area shall be so arranged as to be directed entirely onto the loading or parking area, shall be deflected away from any residential moving vehicles on public right-of-way. (420)

8.10400 Nonconforming Buildings and Uses - Nonconforming Use of a Building. The lawful use of a building or land existing on June 5, 1972 may be continued although such does not conform to the regulations specified for the zone in which the land or building is located. (420)

8.10410 Nonconforming Buildings and Uses - Cessation. If the actual operation of a nonconforming use of a building or land ceases for a period of six months, such building and/or land shall be subject to all the regulations specified by this Zoning Code for the zone in which such building or land is located. (420)

8.10420 Nonconforming Buildings and Uses - Repair. A nonconforming structure may be repaired and maintained so long as any such repair or maintenance does not in any way increase its nonconformity and it remains otherwise lawful. (420)

8.10430 Nonconforming Buildings and Uses - Enlargement, Extension, or Expansion.

(1) A nonconforming building may be enlarged, extended, or expanded provided such change conforms in all respects to the regulations specified by this ordinance for the zone in which the building is located.

(2) Before the enlargement, extension, or expansion of the use of a nonconforming building is permitted which does not conform to regulations of the zone in which the use is located, the approval of the Planning Commission is required as set forth in Sections 8.3205-8.3230 for variances. (420)

8.10440 Nonconforming Buildings and Uses - Conditional Uses. Any use which is permitted as a conditional use as provided in this ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use, qualified which such conditions as the Planning Commission has required.

8.10600 Special Street Setbacks. On the following named streets there shall be a minimum setback of 50 feet, measured at right angles from the center of the street:

(1) Ida Street, extending from N. Fourth Avenue to the west city limits.

(2) First Avenue, from south city limits to north city limits.

(3) Washington Street, extending from N. Sixth Avenue to the west city limits.

- (4) N. Sixth Avenue to E. Jefferson Street.
- (5) E. Jefferson Street to N. Tenth Avenue.
- (6) Mehama Road from N. Tenth Avenue to the east city limits on Mehama Road. (420)

8.10700 Specific Conditional Uses - Duplex on a Corner Lot. Duplexes may be erected on corner lots, provided:

- (1) That the lot shall have at least 8,000 square feet.
- (2) That only one dwelling unit of a duplex on a corner lot shall be permitted to face upon any one street, and that the second unit shall face upon the intersecting street.
- (3) That the yards adjacent to any public right-of-way shall be 20 feet in depth; and
- (4) That the rear yard may be 14 feet in depth for a one story duplex and 20 feet in depth for a two story duplex, which yard may be provided adjacent to either interior lot line. (420)

8.10710 Specific Conditional Uses - Home Occupations. Conditional home occupations may be permitted provided:

- (1) The occupation or activity be carried on solely by the resident of a dwelling as a secondary use, in connection with which no assistants are employed.
- (2) No structural alterations are made to accommodate such occupations, the residential character of the buildings and property remains unchanged, and traffic attracted to the premises be kept at a minimum.
- (3) The business or activity shall be conducted wholly within the home or within a small (not greater than one-half the floor area of the house) accessory building, residential in appearance.
- (4) No noise, dust or any other offensive action or material be emitted from the premises.
- (5) No storage of materials, products, or supplies be conducted outside of the building.
- (6) There be sufficient room to load and unload materials, supplies, and products on the premises. (420)

8.10720 Specific Conditional Uses - Boat, Camper and Trailer Storage. A boat camper and trailer storage area or lot may be permitted provided:

- (1) That no sales are, retail business, or service may be operated in connection therewith, nor shall any substantial maintenance or repair of any vehicle or equipment stored thereon be conducted on the

premises, whether by the owner or otherwise, unless such work be performed wholly within a building.

- (2) That the front yard and any other yard adjacent to a street shall be landscaped with an evergreen ground cover; further, that this landscaping shall be adequately and permanently maintained.
- (3) That an ornamental sight-obscuring fence, or wall, at least six feet high, or a compact evergreen hedge not less than three feet high when planted and capable of reaching at least six feet within three years be placed at the front yard setback line and at the setback line of any other yard adjacent to a street, and along all other property lines; provided, however, that the Planning Commission may require additional screening and landscaping where topography or other special conditions indicate such to be necessary to adequately screen the area.
- (4) That the lot be paved in conformity with Section 8.10360 with an oiled mat or gravelled and maintained in a manner so that dust shall be reasonably controlled.
- (5) That lighting shall be so oriented to not shine or reflect upon abutting properties not into the travelling lanes of any street in such a manner so as to constitute a nuisance.
- (6) That any building used in conjunction with the storage lot shall conform to all yard setbacks as for the main buildings in an LD zone, and said building shall be architecturally designed and constructed of materials compatible with the residential development of the subdivision or neighborhood.

8.10800 Mobile Home Parks - Purpose. The regulations contained herein are intended to provide a suitable living environment for the residents of mobile home parks within the City of Stayton and set forth standards of development that will be compatible with adjacent land uses and in general promote the public health, safety and general welfare of the community.

8.10805 Definitions. For the purpose of this ordinance, certain words and terms are defined as follows:

- (1) Accessory. An accessory is defined as any structural addition to a mobile home, including awnings, carports, cabanas, porches, ramadas and similar structures.
- (2) Awning. Means any stationary structure permanent or demountable, used in conjunction with a mobile home, other than window awnings, for the purpose of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.
- (3) Arterial Street. A street used primarily for through traffic.

- (4) Building Line. A line on a plat indicating the limit which buildings or structures may not be erected.
- (5) Cabana. Means a stationary, lightweight structure which may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a mobile home to provide additional living space meant to be moved with the mobile home.
- (6) Carport. Means a stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.
- (7) Collector Street. A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas, used to some extent for through traffic and to some extent for access to abutting properties.
- (8) Common Area. Any area or space designed for joint use of tenants occupying mobile home parks. Not to include off-street parking areas.
- (9) Corner Lot. A lot with two adjacent sides of which abutt streets, other than alleys, providing the angle of intersection of the adjacent street does not exceed 135 degrees.
- (10) Cul-de-sac or Dead-end Street. A minor street which is designed with only one outlet.
- (11) Curb Line. The line dividing the roadway from the planting strip or footway.
- (12) Density. The number of mobile homes or mobile home spaces per gross acre.
- (13) Design. The design of any street or alley alignments, grade or width, alignment of width easements and rights-of-way for drainage or irrigation purposes and sanitary facilities, and lot area, width and layout.
- (14) Double Frontage Lot. A lot having frontage on two parallel or approximately parallel streets.
- (15) Driveway. A minor private way used by vehicles and pedestrians on a mobile home lot or for common access to a small group of lots or common facilities.
- (16) Easement. A grant of the right of use a strip of land for specific purposes.
- (17) Expando. An expando is defined as a room or rooms that folds, collapses or telescopes into a mobile home during the transport and which can be expanded at the site to provide additional living space.
- (18) License. A certificate for the operation of a mobile home park issued by State pursuant to this ordinance.

- (19) Local Street. A street primarily for access of abutting properties.
- (20) Lot Area. The total area reserved for exclusive use of the occupants of a mobile home space.
- (21) Lot Line. A line bounding the lot as shown on the acceptable plot plan.
- (22) Mobile Home. Means a single-family dwelling or structure, transportable in one or more sections, which is eight (8) body feet or more in width, and which is thirty-two (32) body feet or more in length, and which is built on a permanent chassis to which running gear is attached, and which is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. Such definition does not include any travel trailer, recreational vehicle, or any self-propelled vehicle designed as a temporary dwelling for travel, vacation or recreation.
- (23) Mobile Home Park. A place where four (4) or more mobile homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership.
- (24) Occupied Area. That area of an individual mobile home lot which has been covered by a mobile home and its accessory structures.
- (25) Official Map. The map or maps upon which the zone locations in the City of Stayton are indicated in detail and with exactness, so as to furnish the basis for property acquisition or building restrictions.
- (26) Owner. The individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest in the land sought to be developed to commence and maintain proceedings to develop the same under these regulations.
- (27) Pad. A minimum foundation treatment for a permanent mobile home installation, the construction of which is to be in conformance with the State of Oregon, Department of Commerce guidelines, extending the length and width of the mobile home unit or units.
- (28) Porch. A porch is an outside walking area, the floor of which is elevated more than eight (8) inches from the ground.
- (29) Pedestrian Way. A right-of-way for pedestrian traffic.
- (30) Person. Any individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including trustees, receivers, assigns, or other similar representative thereof.
- (31) Ramada. Means a stationary structure having a roof extending over a mobile home, which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from the sun and rain.
- (32) Right-of-Way. The area between boundary lines of a street or other easement.

(33) Space. An area, or lot, reserved exclusively for the use of a mobile home occupant.

(34) Travel Trailer. A recreational vehicle that is not used as a permanent residence and is designed solely as a temporary dwelling for travel, vacation and recreation.

8.10810 Permitted Locations. Unless otherwise provided herein, upon compliance with applicable regulations and processes, mobile home parks shall be permitted only in the following zones: MD and HD.

8.10815 Prohibited Occupancy of Recreational Vehicles.

- (1) No owner or person in charge of a mobile home park shall occupy or allow the occupancy of a recreational vehicle upon the premises as permanent living quarters.
- (2) Nothing contained herein shall prevent the parking of an unoccupied recreational vehicle not in daily use on the owners property in duly designated storage areas.

8.10820 General Provisions.

- (1) Compliance Required. No land shall be developed for the use as a mobile home park and no plan for such park shall be filed or recorded until submitted to the Planning Commission.
- (2) Minimum Standards. The requirements and standards set forth in this ordinance are the minimum standards to which a mobile home park must conform before approval of the Planning Commission.
- (3) Conformity to the Comprehensive Plan. The mobile home park development shall conform to and be in harmony with the Stayton Comprehensive Plan of that portion of the community within which the development is located.
- (4) Design Standards. The following standards and requirements shall govern the application of a mobile home park development in an area which it is permitted:
 - (a) A mobile home park shall not be less than three acres.
 - (b) Lots or spaces within the park shall contain a minimum of 3500 square feet, with a width of no less than 30 feet.
 - (c) Only one (1) mobile home dwelling shall be permitted on a lot or space.
 - (d) Each mobile home shall have a minimum of 400 square feet
 - (e) No building, structure or land within the boundaries of a mobile home park shall be used for any purpose, except for the uses permitted as follows:

1. Mobile homes for residential uses only, together with the normal accessory uses such as cabana, patio slab, ramada, carport or garage, and storage and washroom building.
 2. Private and public utilities and services by permission of the Planning Commission.
 3. Community recreation facilities, including swimming pool, for the residents of the park and guests only.
 4. One residence for the use of a manager or a caretaker responsible for maintaining or operating the property.
- (f) All mobile homes shall be located at least twenty (20) feet from the property boundary line abutting upon a public street or highway, 100 feet from the center line of a state highway and at least ten (10) feet from other boundary lines, except that when a sound deadening fireproof barrier, as an earthen berm or brick wall is provided, the Planning Commission may allow ten (10) foot setback to be reduced to five (5) feet, but not the twenty (20) foot setback or the 100 foot setback.
- (g) Mobile homes shall not be located closer than fifteen (15) feet from any other mobile home or permanent building within the mobile home park, nor closer than ten (10) feet to any park or roadway. Mobile home accessory buildings, when not attached to the mobile home, shall be closer than three (3) feet from any mobile home or structure.
- (h) Ramadas, cabanas, awnings, carports and other attached structures shall be considered part of the mobile home for setback purposes.
- (i) All mobile homes shall be provided with a foundation stand, which shall be improved to provide adequate support for the placement of the mobile home. The stand shall be all-weather surfaced with asphalt, concrete or crushed rock, and must be at least as large as the mobile home placed upon it. The stand shall be constructed so that it will not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure.
- (j) All mobile homes shall be required to provide minimum exterior finishing and construction of accessories as follows:
1. All mobile homes shall have compatible skirting of moisture resistant, non-combustible material or fire retardant wood, which must be maintained.
 2. Pedestals, or blocking supports, shall be installed to insure adequate support and be in compliance with State of Oregon, Department of Commerce setup procedures.
 3. All awnings, carports, cabanas, etc., constructed shall be of material, size, color and pattern so as to be compatible with the mobile home and shall comply with the applicable codes.

- (k) A mobile home park shall not be established on a site that does not provide at least a thirty-six (36) foot wide access to a main street.
- (l) All mobile home parks over ten (10) acres in size shall be located so as to have access on a street designated as a collector street.
- (m) Two (2) offstreet parking spaces shall be provided at each mobile home space. Also, additional parking space shall be provided in parking areas distributed around the park (not part of the common area) not to be less than one (1) parking space per ten (10) units, nor more than one (1) space per unit. All offstreet parking spaces are to be all-weather surfaces.
- (n) Adequate street lighting shall be provided within the park.
- (o) All utilities shall be installed underground, unless otherwise approved by the Planning Commission.
- (p) Individual roof top or outdoor television or radio antennas shall not be permitted in a mobile housing park. If a master television cable is installed, the owner of the park shall see that a coordinated plan is prepared and executed to provide service to all lots and a guarantee is obtained from the cable company to insure its proper functioning.
- (q) Buffering or screening, if required by the Planning Commission shall be sight obscuring fence, wall, evergreen or other suitable planting, at least six (6) feet high.
- (r) Fences or windbreaks exceeding forty-two (42) inches high shall be no closer than three (3) feet to any structure or manufactured house. Maximum height of all fences, except swimming pool fences and perimeter barriers, shall be six (6) feet.
- (s) Swimming pools shall be set back at least 50 feet from the nearest residential area and will have a fence surrounding it 8' high which does not obscure vision into the pool area. The swimming pool shall be operated and maintained pursuant to the standards and requirements of the Oregon State Board of Health regulations.
- (t) There shall be landscaping within the front and side areas of setback, and in all open areas of the mobile home park not otherwise used for park purposes. The method of landscaping shall be submitted for approval by the Planning Commission. The maintenance of the open spaces shall be necessary to continue renewals of the park license.

- (u) In the mobile home park, all refuse shall be stored in insect proof, animal proof, water tight containers which should be provided in sufficient numbers and capacity to accomodate all refuse in the park. Refuse containers shall be enclosed by sight obscuring fence or screening and situated on a concrete pad. Refuse shall be collected and disposed of on a regular basis.
- (v) If storage yards for recreational vehicles, boats or trailers is provided, it should be provided at the rate of up to 100 square feet per mobile home space depending on the clientele served. An eight (8) foot high sigh-obscuring fence with a lockable gate should be erected around the perimeter of the storage yard.
- (w) Adequate and properly equipped laundry room facilities shall be made available to the residents of the mobile home park. Laundry lines shall not be permitted on the mobile home space.
- (x) Signs identifying the mobile home park shall conform with the requirements of the zoning ordinance for the particular zone in which the mobile home park is located.
- (y) Pedestrian walkways shall be separated from vehicular traffic ways and maintained to provide safe and convenient movement to all parts of the park and connect to ways leading to destinations outside the park. Sidwalks should be at least three (3) feet wide and be composed of concrete at least three (3) inches thick.
- (z) Although it will not be necessary for vehicular ways to be improved and maintained to "city standards", all vehicular ways shall be based, graded and paved with asphalt or concrete.

Minimum park street improvement width for unobstructed streets shall be:

	<u>Minor Street</u>	<u>Collectors</u>	<u>Arterials</u>
One Way:	14'	20'	28'
Two Way:	20'	28'	36'

(5) Park Administration.

- (a) It shall be the responsibility of the park owners(s) and manager to see that the provisions of this ordinance are observed and maintained within their park, and for failure to do so the owner and manager shall be subject to the penalties provided for violation of this ordinance.
- (b) Mobile home park spaces shall be rented or leased only.
- (c) A minimum of fifteen (15) spaces must be available for occupancy before first occupancy is permitted.

(6) Site and Development Plan.

- (a) All applications submitted for approval of a mobile home park development shall consist of 6 copies of a development plan. Such plan shall be submitted 20 days before the meeting at which they will be reviewed and shall contain, but not be limited to, the following information:
1. Name of person who prepared the plan.
 2. Name(s) of person owning and/or controlling the land proposed for the park.
 3. Name of the mobile home park and address.
 4. Scale and north point of the plan.
 5. Boundaries and dimensions of the mobile home park.
 6. Vacility map showing relationship of mobile home park to adjacent properties and surrounding zoning.
 7. Location and dimensions of each mobile home site, with each site designated by number, letter or name.
 8. Location and dimensions of each existing or proposed building.
 9. Location and width of mobile home park streets and pedestrian ways.
 10. Location of each lighting fixture for lighting the park.
 11. Location of recreational areas and buildings and common area.
 12. Location and type of landscaping, fences, walls or combination of nay of these, or other screening material.
 13. Extent, location, arrangement and improvements of all off-street parking and loading facilities.
 14. Location of available fire hydrants.
 15. Enlarged plot plan of a typical mobile home space showing location of stand, storage space, parking, and sidewalk, utility connections and landscaping.
 16. The plan shall indicate positions of the mobile home on their stands, so that the Planning Commission may determine entrances, setbacks, etc.

17. The plan shall show the topography of the park site with contour intervals of not more than 10 feet.
18. A drainage plan.
 - (b) At the time of application to construct a new mobile home park, the applicant shall submit, in addition to the above and as part of the development plan, two copies of the following plans:
 1. A survey plat of the property.
 2. New structures.
 3. Public water systems approved by the appropriate governmental agency.
 4. Methods of sewage disposal approved by the Department of Environmental Quality, State of Oregon.
 5. Method of garbage disposal.
- (7) Conditions of Approval. If it appears to the staff, Planning Commission or City Council that, for the protection of public health, safety and welfare, or the proper utilization of land resources, it is necessary or prudent to deny approval of a development plan for a mobile home park, such denial shall be made until specified conditions are met by the developer or by the landowner involved in the development.
- (8) Decision Upon Development Plan.
 - (a) Reject the plan, providing the developer with a list of their reasons for taking such action.
 - (b) Deny or withhold approval subject to specified conditions providing the developer with a list thereof.
 - (c) Accept and approve the development by signing a statement of approval on the finished plan, for acceptance and approval by the mayor.
 - (d) Approval will expire in one (1) year unless the plan is substantially implemented.
- (9) Appeal to the City Council. Any landowner or developer or any interested person may appeal a decision of the Planning Commission to the City Council. An appeal must be filed with the Planning Director within 10 days of mailing the decision of the Planning Commission.
- (10) Mobile Home Park License
 - (a) No license for occupying of any mobile home park, or building or facility shall be issued by the City Recorder until such time as the development has been completed according to the

finished plan approved by the Planning Commission. Deviations from the approved plan must be submitted to the Planning Commission for approval as revisions of the park plan.

- (b) No use or occupancy of any mobile home park, or building or facilities covered hereunder will be allowed until the license is issued.
- (c) Licenses hereunder shall be valid for a period of one (1) year, and renewable thereafter, unless a shorter or longer time is noted by the Planning Commission and the Building Inspector on the signed approved copies of the development plan.

8.10825 Basic Provisions and Regulations for Mobile Home Parks.

- (1) Alterations and Additions. The management shall be held responsible for all alterations and additions to a mobile home park, and shall make certain that all permits and inspections are obtained from the proper authorities.
- (2) Electrical Connections. All electrical connections shall comply with the State of Oregon electrical code and be duly inspected.
- (3) Fire Extinguishers. Portable fire extinguishers rated for classes A, B, and C shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and be maintained in good operating conditions.
- (4) Fire Hazards. The owner of the park shall be responsible to maintain the park free of any brush, leaves and weeds which might communicate fires between mobile homes and other buildings in the park. The owner shall also be responsible to insure that no combustible materials are stowed in, around or under any mobile home occupying a mobile home space.
- (5) Fire Hydrants. Approved fire hydrants shall be installed so that all mobile homes, recreational vehicles and other structures are within 300 feet down the center line of a street of an approved fire hydrant.
- (6) Insigne of Compliance. All mobile homes installed in mobile home parks after the effective date of this ordinance shall have affixed to the mobile home a State of Oregon Insigne of Compliance or a HUD Insigne of Compliance.
- (7) Inspections. The Building Inspector shall check each park a minimum of once a year and submit to the park owner and manager a written report stating whether or not the park is in compliance. If not in compliance, the owner must make repairs as are required before a license or license renewal for the park will be issued. An extension of time to make repairs may be made by the Planning Commission, if it can be shown that risk to public health, safety or welfare will not be created by this extension, for a period not to exceed one (1) year, by the granting of a temporary emergency license.

- (8) Mail boxes. The owner or operator of a mobile home park shall provide individual mail boxes or distribution facilities for incoming mail, and shall provide at least one (1) collection box for outgoing mail which shall be dispatched in coordination with the post office.
- (9) Management Responsibilities. Either the owner, an operator or resident manager or similar supervisor or representative of the owner shall be available and responsible for direct management of the mobile home park while it is in use.
- (10) Refuse Burning. Burning of refuse will not be permitted except in an approved device at a designated site as directed by the Stayton fire department.
- (11) Refuse and Debris Control. All mobile home parks shall be maintained free of accumulations of refuse or debris which may provide rodent harborage or breeding places for flies, mosquitoes or other pests. All units shall have an adequate garbage container, as determined by the Marion County Health Officer.
- (12) Storage of Materials. Storage of decomposing combustible or other unhealthy or unsafe materials inside or beneath any mobile home is not permitted, but may be allowed in an outside accessory building if such installation is approved.
- (13) Telephone. At least one (1) public telephone for the use of the park residents shall be provided and available for use at all times.
- (14) Water and Sewer Connections. All mobile homes, service buildings, etc., shall be connected to an approved water and sewer systems in a manner that provides these services to the same degree as other residents of the city.


8.10830 Penalty. Any person, firm or corporation who violates any provision of this ordinance shall be punished upon conviction by a fine of not less than \$ 100.00 , nor more than \$ 50.00 . Each day that the violation persists shall be deemed a separate offense.

8.10835 Interpretation. The provisions of this ordinance shall be liberally construed to effect the purpose of the ordinance. These provisions are declared to be the minimum requirements necessary to accomplish these purposes, and where conditions herein imposed are less restrictive than comparative restrictions imposed by any other provision of this ordinance, by provision of any other city or state ordinance, resolution or regulation, than the more restrictive shall govern.

Section 2. Emergency. It is hereby adjudged and declared that existing conditions are such that this ordinance is necessary for the immediate preservation of the public peace, health and safety; and, owing to the urgent necessity of maintaining the public peace, an emergency is declared to exist and this ordinance shall take effect and be in full force from and after its passage by the Common Council of the City of Stayton.

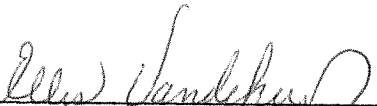
PASSED BY THE COMMON COUNCIL THIS 19th DAY OF February, 1979.

APPROVED BY THE MAYOR THIS 20th DAY OF February, 1979.



Henry A. Porter, Mayor

ATTEST:



Ellis Vandehey, City Administrator