

ORDINANCE NO. 420

*Adopted June 5,  
1972*

AN ORDINANCE DIVIDING THE CITY INTO ZONES; REGULATING THE SIZE AND USE OF STRUCTURES AND PARCELS OF LAND WITHIN SAID ZONES; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; AND REPEALING CONFLICTING ORDINANCES.

THE CITY OF STAYTON DO ORDAIN AS FOLLOWS:

In order to designate and regulate the size and use of structures and lands within the City of Stayton, the city is hereby divided into six zones as follows:

RS (Residential Single Family)  
RM (Residential Multi-Family)  
RC (Residential Commercial)  
CG (Commercial General)  
IC (Industrial Commercial)  
IP (Industrial Park)

These zones and their boundaries are shown upon a map made a part of this ordinance, which map is designated as the official ZONING MAP of the city, such map shall constitute the official record of the zones within the city as of the effective date of this ordinance and thereafter, as the same may be modified in accordance with this ordinance.

Unless otherwise noted on said map, the areas designated and zoned under ordinance No. 311 of the city, as amended, shall become as follows:

<u>Zone-Ord. No. 311</u>	<u>New Zone</u>
R1 (Residential Single Family)	RS
R2 (Residential Multi-Family)	RM
C1 (Residential Commercial)	RC
C2 (Commercial General)	CG
C3 (Industrial Commercial)	IC
M1 (Industrial Park)	IP

All lands which may hereafter be annexed to the city shall be considered as in the RS zone until otherwise changed pursuant to

this ordinance.

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.

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SECTION 1

RS SINGLE FAMILY RESIDENTIAL ZONE

Purpose: It is the purpose of the RS zone to permit single-family residential uses and their accessory structures and to permit, with planning commission approval, certain other uses which are necessary and compatible to single-family residential living.

- 1.1 Use
- 1.2 Transitional Uses
- 1.3 Conditional Uses
- 1.4 Height
- 1.5 Rear Yards
- 1.6 Side Yards
- 1.7 Front Yards
- 1.8 Lot Area and Width

1.1 USE. Within an RS Single Family Residential zone no building, structure, or premises shall be used, arranged or designed to be used, erected, structurally altered, or enlarged except for 1 or more of the following uses:

- (1) Single-family dwelling;
- (2) Playgrounds, parks;
- (3) Public buildings and structures, such as libraries, fire stations;
- (4) Gardens, orchards and crop cultivation, provided no stable or barn, cattle or other livestock, or poultry is maintained in connection therewith, and provided no sales area or retail business is operated in connection therewith, and provided further, that all other applicable ordinances are complied with;
- (5) Right-of-way for:
  - (a) Electric service lines
  - (b) Gas mains;
  - (c) Communications lines;
  - (d) Water lines; and
  - (e) Sewer lines.
- (6) Public utility structures and buildings such as pump stations and reservoirs, electric substations, when they comply with all yard and setback requirements;
- (7) Accessory uses and structures:
  - (a) Customary residential accessory buildings for private use, such as a pergola, greenhouse, hot house, hobby shop, or hobby house, summer house, patio, enclosed or covered patio, woodshed, quarters for domestic animals maintained as pets of the residents;
  - (b) Fallout shelters;
  - (c) Fences;
  - (d) A private garage for not more than 3 motor vehicles for each single-family dwelling on the same lot with or within the dwelling to which it is accessory and in which no garage business or industry is conducted;
  - (e) Storage for a commercial vehicle with a maximum of 1 commercial vehicle per dwelling;
  - (f) Sleeping quarters in a garage for domestic employees of the resident of the main building to which the garage is accessory;
  - (g) Guest houses and guest quarters not in the main building provided such houses and quarters are and remain dependent upon the main building for either or both the kitchen and bathroom facilities and the guest facilities are not used for residential purposes;
  - (h) Swimming pools for private use (requires a building permit);

(8) Home occupations, as defined in Section 7.28.

(9) The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed 2 in any single-family dwelling, nor more than 4 in any legally established 2-family dwelling.

(10) Subdivision or planned development temporary sales office or development office.

1.2 TRANSITIONAL USES. Transitional uses shall be permitted in an RS zone where the side of a lot abuts upon any business zone or industrial district, provided that such transitional use does not extend across a street or alley and in no case more than 165' from the boundary of the less restricted zone which it adjoins, as follows:

(1) Two-family dwelling (duplexes) on a lot of 8,000 square feet or more;

(2) Public and semi-public use buildings and structures:

(a) Churches;

(b) Community or neighborhood club buildings, including swimming pools and other allied facilities, when erected by a non-profit community club for the improvement of the zone or social recreation of the members;

(3) Other main uses:

(a) Public automobile parking areas when located and developed as prescribed in Section 11

(b) Outdoor plant nursery;

(c) Privately-operated kindergartens or day nurseries, provided the residential character of the building is unchanged.

1.3 CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in an RS zone:

(1) Public and semi-public use buildings and structures:

(a) Churches;

(b) Community or neighborhood club buildings, swimming pools and other allied facilities, when erected by a non-profit community club for the improvement of the zone or social recreation of the members;

(c) Radio and TV transmitters and antennae;

(d) Schools (elementary, junior high, and high school);

(2) Dwellings:

(a) Two-family dwellings (duplexes) on a corner lot of 8,000 square feet or more (see Specific Conditional Uses, Section 17.1)

(3) Miscellaneous uses:

- (a) Privately-operated kindergartens or day nurseries, provided the residential character of the building is unchanged;
- (b) Beauty shop, where no assistants are employed;
- (c) Use of an accessory building for conducting a home occupation;

(4) Planned Development:

(5) Mobile Home Parks (see specific Conditional Uses

(6) Golf Course;

(7) Conditional Home Occupation (Other than those home occupations listed in Section 7.28. (See specific Conditional Uses, Section 17.2).

(8) Fire Station

(9) Boat, camper and trailer storage area on lot (see Section 17.3).

1.4 HEIGHT. In any RS zone, no building or structure shall exceed 35' or 2½ stories in height, except churches and public and semi-public buildings, where permitted, may, when approved by the planning commission, be built to a height of 70' or 6 stories, provided any such building sets back from every street and lot line 1' for each foot of height of the building in excess of 35', in addition to other yard and setback requirements herein specified.

1.5 REAR YARD. There shall be a rear yard on every lot in an RS zone, which rear yard shall have a minimum depth of 24' for a 1-story building, 30' for a 2-story building and 36' for a 2½ story building. In the case of a corner lot, the minimum depth shall be 14' for a 1-story building, 20' for a 2-story building and 26' for a 2½ story building, and the rear yard may be provided adjacent to either interior lot line; provided, however, any rear yard provided adjacent to a street shall conform to the setback set forth in Section 9.4

1.6 SIDE YARDS. There shall be a side yard on each side of the main building on every lot in an RS zone in width not less than 5' for a 1-story building, nor less than 6' for a 2 or 2½ story building; provided, however, any side yard provided adjacent to a street shall conform to the setback set forth in Section 9.4

1.7 FRONT YARD. Every building erected, constructed, or altered in an RS zone shall conform to the front yard setback set forth in Section 9.4. When by this ordinance or any other ordinance a greater setback or a front yard of greater depth is required than specified in this section, then such greater setback line or front yard depth shall apply.

1.8 LOT AREA AND WIDTH. In an RS zone, the minimum requirements for lot area shall be 7,000 square feet for each dwelling, and 8,000 square feet for each legally-established 2-family dwelling, and

every lot shall have a minimum width of 70' at the front building line. 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. No dwelling or main building, other than a dwelling, shall occupy more than 30 per cent of the lot area, except where an accessory building is attached to or made a part of the dwelling, or main building, in which case 35 per cent of the lot area may be occupied by such dwelling or main building.



## SECTION 2

### RM RESIDENTIAL MULTI-FAMILY ZONE

Purpose: The purpose of the RM zone is to permit the integration of multi-family dwellings and other residentially-oriented uses within and adjacent to single-family residential areas by limiting the height of such structures to one story, except in those instances where two-story structures are determined to be appropriate.

Further, it is the intent of the RM zone to permit certain types of land use which can buffer single-family residential uses from other types of conflicting land uses, such as commercial or industrial developments.

- 2.1 Use
- 2.2 Conditional Uses
- 2.3 Height
- 2.4 Side and Rear Yards
- 2.5 Front Yard
- 2.6 Landscaped Yards
- 2.7 Lot Area and Width

2.1 USE. Within any RM Multi-Family Residential zone, no building, structure, or premises shall be used, arranged or designed to be used, erected, structurally altered, or enlarged, except for one or more of the following uses:

- (1) Any use permitted in an RS zone;
- (2) One-story buildings:
  - (a) Duplexes
  - (b) Multi-family dwellings
  - (c) Apartments
- (3) Dormitories;
- (4) Sorority and fraternity houses;
- (5) Student homes;
- (6) Boarding houses (also, see accessory uses);
- (7) Rooming houses;
- (8) Churches;
- (9) Community or neighborhood clubs;
- (10) Kindergartens or day nurseries;

2.2 CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in an RM zone:

- (1) Two-story dwellings:
  - (a) Duplexes
  - (b) Multi-family dwellings
  - (c) Apartments
- (2) Schools (elementary, junior high and high school);
- (3) Golf Course;
- (4) Planned Development;
- (5) Homes for the aged;
- (6) Retirement homes;
- (7) Rest homes;
- (8) Mobile home parks;
- (9) Nursing homes;
- (10) Sanitariums;
- (11) Boat, camper and trailer storage area or lot (see Specific Conditional Uses, Section 17.3).

(12) Conditional Home Occupation (Other than those home occupations listed in Section 7.28, See Specific Conditional Uses, Section 17.2).

(13) Group Care Home

(14) Fire Station

(15) Hospitals

(16) Library

(17) Public Parking Area (see Section 11).

2.3 HEIGHT. In an RM zone, no building or structure except a single-family dwelling on a separate deeded lot, shall exceed 1 story or 20' in height. Single-family dwellings shall not exceed 35' or 2½ stories. When approved by the planning commission, as a conditional use, two-story residential structures may be permitted as provided in Section 16. Churches and public and semi-public buildings, where permitted, may be built to a height not to exceed 70' or 6 stories, provided any such building sets back from every street and lot line 1' for each foot of height of the building in excess of 35', in addition to other yard and setback requirements herein specified.

#### 2.4 SIDE AND REAR YARD.

(a) There shall be a side yard and a rear yard on every lot in an RM zone, which yards shall have a minimum depth as follows:

(1) One (1) story - 6'

(2) Two (2) story - 7'

(3) Two and one-half story (2½) - 7'

Provided there shall be added to the side yard and rear yard minimum requirements aforesaid, 1' for each multiple of 15' or portion thereof, that the length of that side of the building measures over 30'. Notwithstanding Section 7.62 the rear yard in an RM zone shall be measured from the property line.

(b) In lieu of subsection (a) of this section, side and rear yards may be provided which will allow placement of portions of a main building with offsets and jogs at varying yard depths, provided the said yards shall conform to the following conditions:

(1) The minimum yard depth for any continuous wall between offsets and jogs shall be computed and provided as in subsection (a) of this section for that portion of the wall between offsets and jogs, provided the total yard area equals that which would have been otherwise provided in said subsection (a) which area shall be determined by multiplying the length of the yard times the depth of the yard.

(2) The minimum yard depth for any portion of a building shall be 6' for a 1 story, 7' for 2 story and 8' for a 2½ story building.

(c) Notwithstanding the provisions of subsections (a) and (b) any side or rear yard adjacent to a street shall have a minimum yard depth of 20'. No parking shall be allowed within 10' of the street property line; provided, however, in no case, shall parking be allowed in a required rear yard abutting the parallel or approximately parallel street of a through lot. For the purposes of this subsection through lot shall be defined as a lot having frontage on 2 parallel or approximately parallel streets.

(d) The yard depth between 2 or more main buildings on the same lot shall be equal to that side yard depth measured to an assumed property line drawn between the buildings. The yard depth between the assumed property line and the building shall be not less than as provided in subsection (a) of this section.

2.5 FRONT YARDS. In an RM zone, there shall be a minimum front yard of 20'. No parking shall be allowed in the required minimum front yard exclusive of driveways.

#### 2.6 LANDSCAPED YARDS.

(a) In an RM zone, the following landscaped yard shall be provided for residential uses other than single and 2 family dwellings:

- (1) For each dwelling unit with 1 or less bedrooms - 300 square feet;
- (2) For each dwelling unit with 2 bedrooms - 400 square feet;
- (3) For each dwelling unit with 3 bedrooms - 500 square feet;
- (4) For each dwelling unit with more than 3 bedrooms - 500 square feet, plus 100 square feet for each additional bedroom in each unit.

(b) In an RM zone, all required yards adjacent to a street shall be landscaped, save that portion devoted to offstreet parking. Such landscaping may be counted in fulfilling the requirements of subsection (a).

2.7 LOT AREA AND WIDTH. In an RM zone, the minimum requirements for lot area shall be 6,000 square feet. The minimum lot area requirements for additional residential uses shall be computed as follows:

- (1) 6,000 square feet shall be the minimum lot area requirement for a two-family dwelling; each additional dwelling unit shall require 1,500 square feet of lot area. (See Table on next page).
- (2) No main building or group of main buildings shall occupy more than 40% of the lot area, and no detached accessory structure may occupy more than 25% of any side or rear yard.

Every lot in an RM zone shall have a minimum width of 60 feet at the front building line.

RM ZONE

LOT AREA REQUIREMENTS

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<u>No. of Dwelling Units</u>	<u>Lot Area Sq. Ft.</u>
1	6,000
2	6,000
3	7,500
4	9,000
5	10,500
6	12,000
7	13,500
8	15,000
9	16,500
10	18,000
15	25,500
20	33,000
25	40,500
30	48,000
35	55,500
40	63,000

## SECTION 3

### RC RESIDENTIAL COMMERCIAL ZONE

Purpose: It is the purpose of the RC zone to provide for the development of multi-family dwellings and other types of uses associated with residential living.

Further, it is the intent of the RC zone to provide a means by which certain compatible commercial developments may be permitted within and adjacent to multi-family developments when they are determined to be appropriate and reasonable to the permitted residential uses of this zone.

- 3.1 Use
- 3.2 Conditional Uses
- 3.3 Height
- 3.4 Rear Yard
- 3.5 Side Yard
- 3.6 Front Yard
- 3.7 Landscaped Yards
- 3.8 Lot Area and Width

3.1 USE. Within any RC Residential Commercial zone no building, structure, or premises shall be used, arranged or designed to be used, erected, structurally altered, or enlarged, except for one or more of the following uses:

- (1) Any use permitted in an RM zone;
- (2) Duplexes;
- (3) Multi-family dwellings;
- (4) Apartments;
- (5) Schools (elementary, junior high and high schools);
- (6) Homes for the aged;
- (7) Retirement homes;
- (8) Rest homes;
- (9) Group Care Home;
- (10) Nursing Homes;
- (11) Sanitariums.

3.2 CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in an RC zone:

- (1) Planned development;
- (2) Mobile home park (see Specific Conditional Use);
- (3) Fraternal or lodge building;
- (4) Beauty or barber shop;
- (5) Medical and dental offices;
- (6) Public parking area (See Section 11);
- (7) Banks;
- (8) Professional business office (no retail):
  - (a) Architect
  - (b) Engineer
  - (c) Title Company
  - (d) Lawyers
  - (e) Certified Public Accountant
  - (f) Insurance Office
  - (g) Real Estate Office
- (9) Boat, Camper and Trailer storage area on lot (see Sec. 17.3)
- (10) Mortuary;
- (11) Hospital;
- (12) Fire Station;

(13) Greenhouse (plant nursery);

(14) Florist Shop;

(15) Gift Shop.

(16) Conditional Home Occupation (other than those home occupations listed in Section 7.28. (See Specific Conditional Uses, Section 17.2).

3.3 HEIGHT. In an RC zone, no building or structure shall exceed 35' or 2½ stories in height, except churches and public and semi-public buildings, where permitted, may be built to a height not to exceed 70' or 6 stories, provided any such building sets back from every street and lot line 1' for each foot of height of the building in excess of 35' in addition to other yard and setback requirements herein specified.

#### 3.4 REAR YARD.

(a) Where the structure or building or portion thereof to be erected, altered or enlarged is to be used for residential purposes, then the restrictions for rear yards in an RM zone shall govern. For buildings and structures erected, altered, or enlarged for other than RM zone purposes, there shall be a rear yard provided on every lot of a minimum of 10' for 1 story buildings and 14' for 2 story buildings. In case the rear yard provided for is adjacent to a street, the minimum depth shall be 20' and no parking shall be allowed within 10' of said street. When a lot is used for other than residential purposes, and the rear yard abuts upon or is adjacent to premises used for residential purposes, then the rear yard shall be enclosed with an ornamental fence or wall not less than 6' in height or an ornamental compact evergreen hedge not less than 3' and capable of attaining a height of 6', but this provision shall not apply to a lot bordered upon an alley.

3.5 SIDE YARDS. Where the structure or building or portion thereof to be erected, altered or enlarged is to be used for residential purposes, then the restrictions for side yards in an RM zone shall govern. For buildings and structures erected, altered or enlarged for other than RM zone purposes, side yards shall be provided as follows:

(a) Main building:

(1) One (1) story - 5'

(2) Two (2) story - 10'

(b) Between main building on 1 lot:

(1) One (1) story - 10'

(2) Two (2) story - 15'

provided, however, any side yard provided adjacent to a street shall have a minimum width of 20', and no parking shall be within 10' of said street.



3.6 FRONT YARDS. In a RC zone there shall be a minimum front yard of 20', and no parking shall be allowed exclusive of driveways.

3.7 LANDSCAPED YARDS. Where the building or structure or portion thereof to be erected, altered or enlarged is to be used for purposes enumerated in an RM zone, then the requirements set forth in Section 2.6 shall govern.

3.8 LOT AREA AND WIDTH. Where the structure or building to be erected, altered or enlarged is to be used for residential purposes, then the restrictions for lot area and width in an RM zone shall govern. All other types of main buildings or accessory buildings shall occupy no more than 60% of the lot area.

## SECTION 4

### CG COMMERCIAL GENERAL ZONE

Purpose: It is the purpose of the CG zone to provide for the development of commercially oriented retail and service activities which are primarily dependent on vehicle and pedestrian patronage.

- 4.1 Use
- 4.2 Conditional Uses
- 4.3 Height
- 4.4 Side and Rear Yards
- 4.5 Front Yards
- 4.6 Landscaped Yards
- 4.7 Lot Area and Width
- 4.8 CG zone abuts residential zone

4.1 USE. Within any CG Commercial General Zone no building, structure, or premises shall be used, or arranged, except for one or more of the following uses:

- (1) Any use permitted in an RC zone;
- (2) Pre-schools, nurseries and kindergartens;
- (3) Non-profit membership organizations:
  - (a) Business association offices
  - (b) Labor unions and similar labor organization offices and facilities;
  - (c) Political organization offices and headquarters
  - (d) Fraternal or lodge building (office and facilities)
- (4) Parking lots when developed as prescribed in Section 11.
- (5) Office Uses:
  - (a) Contracting business office
  - (b) Bonding Company
  - (c) Detective agency
  - (d) Drafting service
  - (e) Mailing, mailing list, addressing service
  - (f) News syndicates
  - (g) Notary public
  - (h) Stenographic service
  - (i) Telephone answering service
  - (j) Insurance office
  - (k) Real Estate
  - (l) Credit agencies
  - (m) Brokers
  - (n) Loan Company
  - (o) Investment Company
  - (p) Title Company
  - (q) Medical and dental
- (6) Professional Business Offices:
  - (a) Architect
  - (b) Engineer
  - (c) Lawyers
  - (d) Certified Public Accountant

- (7) Banks;
- (8) Hotel or motel;
- (9) Mortuary;

(10) Greenhouse;

(11) Retail uses:

- (a) Antique shop
- (b) Artist supply shop
- (c) Bakery
- (d) Book store
- (e) Photographic store
- (f) Dairy products
- (g) Department store
- (h) Dine, drink & dance establishment
- (i) Drive-in, eating & snack facilities
- (j) Drug store
- (k) Fish and seafood market
- (l) Florist shop
- (m) Fruit & vegetable market
- (n) Furniture store
- (o) Garden supply shop
- (p) Gift shop
- (q) Grocery store
- (r) Household appliance store
- (s) Jewelry store
- (t) Liquor store
- (u) Pet store
- (v) Restaurant
- (w) Sporting Goods store
- (x) Tailor, dressmaker
- (y) Tavern
- (z) Trading stamp redemption center

(12) Retail & Service:

- (a) Appliances
- (b) Bicycle shop
- (c) Electrical and lighting shop

- (d) Floor covering
- (e) Gunsmith
- (f) Hardware
- (g) Paint, wallpaper
- (h) Plumbing shop (conducted wholly within a building)
- (i) Rental of tools & equipment (conducted wholly within a building)
- (j) Upholstery shop
- (k) TV and Radio sales and services

(13) Services:

- (a) Advertising agency
- (b) Barber shop
- (c) Beauty shop
- (d) Business sign, sales & service
- (e) Dry cleaning
- (f) Laundry, self-service
- (g) Shoe shop, sales & repair
- (h) Commercial printing
- (i) Fire station
- (j) Municipal office buildings
- (k) Hospital

(14) Amusement and recreation:

- (a) Auditorium
- (b) Bowling alley
- (c) Minature golf course
- (d) Motion picture theater
- (e) Pool hall
- (f) Community Center

(15) Miscellaneous:

The following businesses shall be permitted, provided that: the lot is paved with a concrete or asphaltic surface; the lot is screened from any adjoining residential zone by a sight-obscuring fence, wall or hedge at least 5 feet in height; and provided all storage of merchandise and supplies shall be conducted wholly within a building:

- (a) Automobile service station
- (b) Automobile, truck & trailer sales
- (c) Boat & marine accessories

- (d) Motorcycles
- (e) Retail tire shop, sales, service & repair (conducted wholly within a building)
- (f) Towing service
- (g) Vehicle washing & polishing facilities
- (h) Automobile parts & accessories

4.2 CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in a CG zone:

- (1) Paint and body shop;
- (2) Warehouse (short-term storage)
- (3) Lumber yard;
- (4) Special trade contracting facilities, such as: floor laying, building equipment, masonry and stone, plumbing, electrical, metal work, painting;
- (5) Tire recapping (conducted wholly within a building);
- (6) Welding, and Blacksmith Shop;
- (7) Public swimming pool;
- (8) Cabinet shop (conducted wholly within a building);
- (9) Travel trailer park;
- (10) Contracting supplies, lumber, stone, masonry, metal (sales only);
- (11) Garage & repair shop;
- (12) Tent and awning shop;
- (13) Marina;
- (14) Stadium;
- (15) Newspaper, periodical, publishing & printing;
- (16) Tractor and farm equipment, sales and service;
- (17) Veterinary Clinic;
- (18) Kennel;
- (19) Mobile Home Park.

4.3 HEIGHT. Where the building or structure, or portion thereof to be erected, altered, or enlarged, is to be used for residential purposes in a CG zone, the restrictions for height in an RM zone shall govern. Buildings and structures erected, altered or enlarged for other than residential purposes shall not exceed 3 stories or 45' in height.

4.4 SIDE AND REAR YARDS. In a CG zone, no side or rear yard is required except as herein provided, but if one is provided, it shall be not less than 3' in depth, exclusive of any alley. A side or rear yard shall be provided in a CG zone when:

(a) The lot abuts or is adjacent to a premises zoned for residential purposes. The yard shall be not less than 5' in depth.

(b) The buildings or structures or portions thereof on a lot are used for residential purposes in which circumstances side and rear yard restrictions in RM zones shall apply. In the case of subsection (a) of this section, the side and rear yard shall be contained by a wall or fence or ornamental, compact evergreen hedge not less than 3' high and capable of attaining a height of 6'.

4.5 FRONT YARD. None shall be required except that buildings or structures or any portion thereof used for residential purposes shall provide the front yard and landscaped yard as set forth for an RM zone.

4.6 LANDSCAPED YARDS. All yards shall be landscaped exclusive of through direct driveways, adjacent to every street, on every lot upon which a new non-residential structure is erected, or a graveled or unimproved lot is paved or a lot is newly developed for the outdoor sale or display of merchandise, goods or services.

4.7 LOT AREA AND WIDTH. Buildings or structures hereafter erected, altered, or enlarged and used wholly or partly for residential purposes in a CG zone shall comply with the lot area and width requirements of an RM zone, otherwise no other lot area requirements exist.

4.8 CONDITIONS IMPOSED WHERE ZONE CHANGE TO CG ZONE ABUTS RESIDENTIAL ZONE. In any zone change or reclassification of property to a CG zone where the territory proposed to be changed abuts upon a residential zone, or abuts upon a street or alley which would be the boundary line between the proposed CG zone and the residential zone, conditions to preserve neighborhood qualities may be imposed by the governing body relating to:

- (a) Size and location of signs;
- (b) Size, type and location of outdoor lighting;
- (c) Landscaped areas;
- (d) Screening;
- (e) Building setbacks;
- (f) Ingress and egress for commercial uses.

If any of the above conditions are imposed, they shall be placed in the deed records of the County.

## SECTION 5

### IC INDUSTRIAL COMMERCIAL ZONE

Purpose: It is the purpose of the IC zone to provide for the development of special commercial uses and light industrial uses which are associated with those commercial activities.

Further, it is the intent of the IC zone to provide for a transition of land uses from the Commercial General zone to the Industrial Park zone.

- 5.1 Uses
- 5.2 Conditional Uses
- 5.3 Height
- 5.4 Rear Yards
- 5.5 Side Yards
- 5.6 Front Yards
- 5.7 Landscaped Yards
- 5.8 Lot Area and Width



5.1 USE. Within any IC industrial Commercial zone, no building, structure, or premises shall be used, enlarged, or designed to be used, erected, structurally altered, or enlarged except for one or more of the following uses:

- (1) Any use permitted in the RC or CG zone;
- (2) Commercial uses:
  - (a) Lumber yard and building materials
  - (b) Furniture repair and sales
  - (c) Electric motor repair
  - (d) Cabinet and carpenter shop
  - (e) Rental equipment
  - (f) Roofing establishment
  - (g) Heating and air conditioning
  - (h) Sheet metal shop
  - (i) Paint and body shop
  - (j) Special trade contracting facility
  - (k) Tire recapping (conducted wholly within a building)
  - (l) Welding and blacksmith shop
  - (m) Loading docks
  - (n) Warehouse
  - (o) Aircraft maintenance and storage facilities
  - (p) Railroad terminals
  - (q) Truck maintenance facilities
  - (r) Travel trailer park
  - (s) Garage and repair shop
  - (t) Tent and awning shop, sales, repair, prefabrication
  - (u) Marina
  - (v) Stadium
  - (w) Newspaper, periodical, publishing and printing
  - (x) Tractor and farm equipment, sales and service
  - (y) Wholesale distributing firms
- (3) Industrial Uses:
  - (a) Petroleum products (storage and distribution)
  - (b) Battery manufacture
  - (c) Leather products manufacture
  - (d) Wrecking, demolition
  - (e) Building contractors (general)
  - (f) Beverage bottling firm

- (g) Feed and seed products;
- (h) Grain elevators, storage;
- (i) Transfer and storage company;
- (j) Recycling firm;
- (k) Textile fabricated products;
- (l) Dairy Products (butter, creamery, cheese, milk, etc.)
- (m) Metal plating operation;
- (n) Cold storage locker;
- (o) Transportation, equipment storage and service.

5.2 CONDITIONAL USES. When authorized under the procedure provided for conditional uses in this ordinance, the following uses will be permitted in an IC zone:

- (1) Chemicals, fertilizers, insecticides, paint products, manufacturing;
- (2) Manufacturing of prefabricated wood and metal products;
- (3) Machine shop, sales, service and repair;
- (4) Saw Mill;
- (5) Auction Yard;
- (6) Machine service and repair;
- (7) Paper and allied products manufacture;
- (8) Cement, glass, clay and stone products manufacturing;
- (9) Wood fuel dealer;
- (10) Dwelling for a caretaker;
- (11) Cannery, canning, freezing, drying, food processing and preserving;
- (12) Heliport;
- (13) Airport.

5.3 HEIGHT. The regulations for height in an IC zone shall be the same as in a CG zone (See Section 4.3).

5.4 REAR YARD. The regulations for rear yard requirements in an IC zone shall be the same as in a CG zone. (See Section 4.4).

5.5 SIDE YARDS. The regulations for side yard requirements in an IC zone shall be the same as in a CG zone. (See Section 4.4).

5.6 FRONT YARD. The regulations for front yard requirements in an IC zone shall be the same as in a CG zone. (See Section 4.5).

5.7 LANDSCAPED YARD. The regulations for landscaped yard requirements in an IC zone shall be the same as in a CG zone. (See Section 4.6).

5.8 LOT AREA AND WIDTH. The regulations for lot area and width in an IC zone shall be the same as in a CG zone. (See Section 4.7).

SECTION 6

IP INDUSTRIAL PARK ZONE

Purpose: It is the purpose of the IP zone to provide for the proper development of industrial activities by providing specific siting requirements and industrial performance standards.

- 6.1 Use
- 6.2 Height
- 6.3 Side and Rear Yards
- 6.4 Front Yards
- 6.5 Open Storage Yards
- 6.6 Landscaped Yards
- 6.7 Vehicle Access
- 6.8 Industrial Performance Standards

6.1 USE. Within any IP Industrial Park zone, no building, structure, or premises shall be used, enlarged, or designed to be used, erected, structurally altered, or enlarged except for one or more of the following uses:

- (1) Any use permitted in Section 5, except as provided in Section 5.1, subsection (1);
- (2) Dwelling for a caretaker or watchmen;
- (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;
- (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.

6.2 HEIGHT. In an IP zone, no building or structure shall exceed 45'.

6.3 REAR AND SIDE YARDS. There shall be a rear and side yard on every lot in an IP zone which rear and side yard shall have a minimum depth of 10'. The minimum depth shall be increased 1 foot for each additional foot of building height above 10', except a rear or side yard is not required adjacent to a railroad right-of-way, siding or spur track; provided, however, any rear or side yard provided adjacent to a street shall have a minimum depth of 20'.

6.4 FRONT YARD. There shall be a front yard on every lot in an IP zone, which front yard shall have a minimum depth of 20'. Any front yard provided adjacent to a street shall not be used for offstreet parking or loading areas, except ingress and egress lanes.

6.5 OPEN STORAGE YARDS.

(a) All yard areas, exclusive of those required to be landscaped as provided in Section 6.6 may be used for materials and equipment storage yards or areas and may be used for the purposes permitted in the IP zone, provided such yard area is enclosed with an ornamental, sight-obscuring fence or wall placed at a height of 6' or a compact evergreen hedge planted at 3' and capable of obtaining a minimum height of 6'. 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.

(b) If any material or equipment projects above the 6' screen, then a screen plan will be submitted to the Planning Commission for approval.

(c) 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 11.

(d) 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.

6.6 LANDSCAPED YARDS. All required yard areas and all other yards not used for open storage as provided in Section

6.5 or paved parking and loading areas, shall be landscaped.

6.7 VEHICLE ACCESS. Access points to property from a street shall be located to minimize traffic congestion, and maximum effort shall be made to avoid directing traffic into residential areas. Before a street, other than an arterial, which is a boundary between a residential zone and an IP zone, or a street which is within a residential zone, is used for any vehicular access to an IP zone, such use of those streets must first have been approved by the planning commission as a conditional use. 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.

6.8 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 industrial zone. In an IC zone, no land or structure shall be used or occupied unless there is continuing compliance with the following standards:

(a) Heat, glare and light:

(1) Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building and shall not be discernible at or beyond the property line.

(2) Exterior lighting shall be directed away from and shall not reflect on adjacent properties.

(b) Noise:

(1) 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 Frequency in Cycles per Second	MAXIMUM PERMITTED SOUND LEVEL DECIBLES	
	Hours 10 PM to 7AM	Hours 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

(2) If the noise is not smooth and continuous, the following corrections in decibels shall be added to or subtracted from the above items:

a. 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

b. Noise of an impulsive character (such as hammering, etc.) less 5.

c. Noise of periodic character (such as humming, screech, etc.) less 5.

(3) Noise made by devices which are maintained and utilized solely to serve as warning devices is excluded from these regulations.

(4) Noise created by highway vehicles, trains, watercraft and aircraft is excluded from these regulations.

(5) Measurements:

a. Sound levels shall be measured with a sound level meter and octave band analyzer based on specifications of the American Standards Association.

b. 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.

c. Measurements for alleged violations shall be made on at least 3 non-consecutive days.

(c) Sewage:

(1) Adequate provisions shall be provided for the disposal of sewage and waste materials and such provisions shall meet the requirements of the health department.

(d) Vibration:

(1) 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.



SECTION 7

DEFINITIONS

7.1 GENERAL DEFINITIONS. For the purpose of this ordinance, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory and not directory, the word "building" includes structure.

7.2 ACCESSORY STRUCTURE. A detached, subordinate building or portion of a main building, the use of which is incidental to that of the main building or to the use of the land.

7.3 ACCESSORY USE. A use incidental, appropriate, and subordinate to the main use of a lot or building.

7.4 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.

7.5 ALTERATION, STRUCTURAL. Any change or repair which would affect or materially change a supporting member of a building, such as a bearing wall, column, beam, or girder.

7.6 APARTMENT. An apartment shall mean a dwelling unit or units as defined in this ordinance.

7.7 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.

7.8 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.

7.9 BOARDING HOUSE. A building or portion thereof used for the purpose of providing means or meals and lodging for pay or compensation of any kind to persons other than members of the family occupying such dwelling.

7.10 BUILDING. A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

7.11 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.

7.12 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.

7.13 CEMETERY. Land use 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.

7.14 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.

7.15 DAY NURSERY (KINDERGARTEN). An institution, establishment, or place, not a part of the public school system, in which are commonly received at one time 3 or more children, not of common parentage, under the age of 14 years, for a period or periods not exceeding 12 hours per day for the purpose of being given board, care, or training, apart from their parents or guardians for compensation or reward.

7.16 DWELLING. Any building or any portion thereof, which is not an "apartment House" or a "hotel" as defined in this 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.

7.17 DWELLING UNIT. One or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.

7.18 DWELLING, SINGLE FAMILY. A detached building designed exclusively for occupancy by 1 family.

7.19 DWELLING, 2-FAMILY (DUPLEX). A building designed exclusively for occupancy by 2 families living independently of each other.

7.20 DWELLING, MULTIPLE FAMILY. A building or portion thereof designed for occupancy by 3 or more families, living independently of each other.

7.21 FAMILY. An individual or 2 or more persons related by blood or marriage, or a group of not more than 5 persons (excluding servants) not related by blood or marriage, living together in a dwelling unit.

7.22 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.

7.23 FRATERNITY, SORORITY, STUDENT HOME. A residential building in which living accommodations are furnished to students.

7.24 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.

7.25 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.

7.26 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.

7.27 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.

7.28 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 ordinance may be permitted in the zone where the home or occupation is situated, including 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 1 story is devoted to such use.

7.29 HOTEL. Any building containing guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

7.30 KINDERGARTEN. See Day Nursery.

7.31 KENNEL. Any lot or premises on which 4 or more dogs and/or cats over the age of 4 months are kept for sale, lease, boarding or racing.

7.32 LOADING SPACE. An off-street space or berth on the same lot with a building, or contiguous 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.

7.33 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 ordinance, and having a frontage upon a street.

7.34 LOT AREA. The total area measured on a horizontal plane within the lines of a lot.

7.35 LOT DEPTH. The horizontal distance between the front lot line and the rear lot line measured at a point half-way between the side lot lines.

7.36 LOT INTERIOR. A lot other than a corner lot.

7.37 LOT LINE. The lines bounding a lot as defined herein.

7.38 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.

7.39 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.

7.40 LOT LINE, SIDE. Any lot line which is not a front or rear lot line.

7.41 LOT, CORNER. A lot or portion thereof situated at the intersection of 2 or more streets.

7.42 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.

7.43 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.

7.44 MOBILE HOME. A vehicle or structure constructed with wheels for use on the public highways, that has sleeping, cooking and plumbing facilities. Such plumbing facilities include, but are not limited to, a shower or bathtub and toilet connected to approved sewage disposal facilities, and which mobile home is intended for human occupancy and is being used for residential purposes for a period of not less than 30 days.

7.45 MOBILE HOME PARK. A privately owned place where 2 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 are used for human occupancy.

7.46 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 2 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.

7.47 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.

7.48 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.

7.49 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.

7.50 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.

7.51 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.

7.52 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 per cent 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.

7.53 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.

7.54 STREET. A way of travel more than 20 feet wide which has been dedicated or deeded to the public for public use.

7.55 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.

7.56 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.

7.57 TRAVEL TRAILER PARKS. An area containing one or more spaces designed for the temporary parking and convenience of travel trailers and similar recreational vehicles.

7.58 WRECKING YARD: JUNK YARD. A premises used for the storage or sale of used automobile parts or for the storage, dismantling, or abandonment of junk, obsolete automobiles, trailers, trucks, machinery, or parts thereof.

7.59 YARD. A space other than a court on the same lot with a building open from the ground upward except as otherwise provided herein.

7.60 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.

7.61 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.

7.62 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; or, if the rear lot line adjoins an alley, then from the centerline of the alley, toward the nearest part of the foundation of the main building.

7.63 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.

## SECTION 8

### General Provisions

- 8.1 Minimum Requirements
- 8.2 Minimum Street Width
- 8.3 Lots abutting a partial street
- 8.4 Dwellings and all other buildings to be accessible to a public street
- 8.5 Conformance and Permits Required
- 8.6 Changes and Amendments
- 8.7 Interpretation of Ordinance
- 8.8 Interpretation of Zoning Boundaries
- 8.9 Certificate of Occupancy
- 8.10 Certificate of Occupancy for a building
- 8.11 Plats
- 8.12 General Requirements
- 8.13 Uses not specifically covered
- 8.14 Penalties for violation
- 8.15 Savings Clause
- 8.16 Repealing Conflicting Ordinances
- 8.17 Special Street setbacks

8.1 MINIMUM REQUIREMENTS. In interpreting and applying this ordinance, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

8.2 MINIMUM STREET WIDTH. All street rights-of-way shall be not less than as set forth below:

- (1) Arterials and collectors as set forth in Ordinance No. 337, as amended or superseded.
- (2) Through streets, 60 feet.
- (3) Culs-de-sac, 50 feet wide unless otherwise specified by the Planning Commission.

8.3 LOTS ABUTTING A PARTIAL STREET. 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 yards provided on such lot include both that portion of the lot lying within the required street and the required yards. This provision shall not be construed as being in lieu of or waiving any subdivision or partitioning requirement of this or any other ordinance.

8.4 DWELLINGS AND ALL OTHER BUILDINGS TO BE ACCESSIBLE TO PUBLIC STREET. Every dwelling 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 and a private drive shall not serve more than 4 dwelling units except when approved under a planned development.

NOTE: Driveway widths, grade and surfacing pertaining to parking lots access: refer to Parking Section.

8.5 CONFORMANCE AND PERMITS REQUIRED. No building structure, or premise shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, structurally altered, or enlarged unless in conformity with all the regulations herein specified for the zone in which it is located, and then only after applying for and securing all permits and licenses required by all laws and ordinances.

8.6 CHANGES AND AMENDMENTS. Any amendment of this ordinance which amends, supplements or changes only the text hereof, shall 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.



8.7 INTERPRETATION OF ORDINANCE. When, in the administration of this ordinance, there is doubt regarding the intent of the ordinance, 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. Any interpretation of the ordinance shall be based on the following:

- (1) The purpose and intent of the ordinance as applied to the particular section and question; and
- (2) The opinion of the City Attorney when requested by the planning commission.

8.8 INTERPRETATION OF ZONING BOUNDARIES. Where uncertainty exists with respect to the boundaries of the various districts, as shown on the map accompanying and made a part of this ordinance, the following rules shall apply:

(a) The district boundaries are either streets or alleys unless otherwise shown and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by street or alley lines, said street or alley shall be construed to be the boundary of such district.

(b) 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 map accompanying and made a part of this ordinance 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.

(c) In unsubdivided property, the district boundary lines on the map accompanying and made a part of this ordinance, shall be determined by use of the scale contained on such map.

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

8.10 CERTIFICATE OF OCCUPANCY FOR A BUILDING. 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. Application for a certificate of occupancy of an existing building, where change of use is involved and where no new building or enlargement or structural alteration of an existing building is involved, shall be

made prior to occupation of said building for its new use. 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 building or enlargement or alteration of existing building has been completed in conformity with the requirements of this ordinance or, if no new building enlargement or alteration of an existing building is involved, that the building complies with the requirements of this ordinance and of the building code of the city of Stayton applicable to such changed use. 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 (6) 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 ordinance.

8.11 PLATS. 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 these regulations. 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. 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.

8.12 GENERAL REQUIREMENTS. The provisions of this ordinance shall be construed to be the general requirements of the promotion of the public health, safety, morals and general welfare. When this ordinance 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 public interest as set forth in this ordinance, or required by other laws, ordinances, rules or regulations, the provisions of this ordinance pertaining to variances shall be applicable.

8.13 USES NOT SPECIFICALLY COVERED. The city recorder, subject to direction by the planning commission and council, may permit in a zone any use not described in this ordinance if he finds that the proposed use is in general keeping with the uses authorized in such zone or district.

8.14 PENALTIES FOR VIOLATION. The city recorder, chief of police, and the building inspector shall each have jurisdiction to enforce this ordinance.

Upon failure to comply with any of the provisions of this ordinance or with any of the restrictions or conditions imposed hereunder, the Council may withhold any further permits and may withhold or withdraw city utility services until correction is made. Notwithstanding any such action taken by the Council, any person, firm or corporation who violates, disobeys omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance shall be fined no less than five dollars (\$5.00) or more than two hundred fifty dollars (\$250.00) for each offense. Each day that violation is permitted to exist shall constitute a separate offense.

8.15 SAVINGS CLAUSE. If any section, paragraph, subdivisions, clause, sentence, or provisions of this ordinance shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this ordinance, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this ordinance notwithstanding the parts so declared unconstitutional and invalid; and should any section, paragraph, subdivision, clause, sentence, or provision of this ordinance be declared unreasonable or inapplicable to a particular use at any particular location, such declaration or judgment shall not affect, impair, invalidate, or nullify such section, paragraph, subdivision, clause, sentence, or provision as to any other premises or use.

8.16 REPEALING CONFLICTING ORDINANCES. The following ordinances passed by the governing body and all ordinances amendatory thereof, and all other ordinances and parts of ordinances in conflict herewith, hereby are repealed. Ordinance Nos. 311, 353 and 412.

8.17 SPECIAL STREET SETBACKS. On the following named streets there shall be a minimum setback of 50' measured at right angles from the center of the street:

Ida Street, extending from N. Fourth Avenue to the West city limits;

First Avenue, from South city limits to North city limits;

Washington Street, extending from N. Sixth Avenue to the West city limits;

North Sixth Avenue to E. Jefferson Street;

East Jefferson Street to N. Tenth Avenue; and

Mehama Road from N. Tenth Avenue to the East city limits on Mehama Road.

SECTION 9

LOT AREA, YARDS AND HEIGHT RESTRICTIONS

- 9.1 New Buildings to be on a Lot
- 9.2 Yards Apply Only to One Building
- 9.3 No Parking in Front Yard or Landscaped Areas
- 9.4 Front Yard Setback
- 9.5 Front Yard Projections
- 9.6 Side Yard Projections
- 9.7 Rear Yard Projections

9.1 NEW BUILDINGS TO BE ON A LOT. Every building erected shall be located on a lot as herein defined.

9.2 YARDS APPLY ONLY TO ONE BUILDING. No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this ordinance 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.

9.3 NO PARKING IN FRONT YARD, YARDS ADJACENT TO A STREET, OR LANDSCAPED AREAS. 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 ordinance.

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.

9.4 AVERAGE YARD SETBACK ADJACENT TO A STREET (FRONT AND EXTERIOR SIDE YARDS). Every building shall set back 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. 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.

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.

9.5 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 porches, covered but 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 4 feet above grade, are exempt from the front yard setback provisions and need not be included when determining the average setback.

9.6 SIDE YARD PROJECTIONS.

(a) 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 1/3 of the width of the side yard, nor more than 3 feet in any case.

(b) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and ornamental features may project not more than 1½ feet into a required side yard, provided, however, chimneys and flues shall not exceed 6 feet in width.

(c) 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 3 feet or less in height from ground level.

#### 9.7 REAR YARD PROJECTIONS.

(a) Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters and other ornamental features, may project not more than 1½ feet into a required rear yard, provided, however, chimneys and flues shall not exceed 6 feet in width.

(b) A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard and set back at least 6 feet from any property line.

(c) Planter boxes, steps, uncovered porches, covered but unenclosed porches including covered patios when not more than 1 story high and the floors, which are not more than 4 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 (See Accessory structures - Section 10 ).

(d) 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 6 feet of an accessory building.

(e) 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 3 feet or less in height from ground level.

SECTION 10

ACCESSORY STRUCTURES

- 10.1 Application of Regulations
- 10.2 Height
- 10.3 Front Yards and Yards Adjacent to Streets
- 10.4 Side Yards, Interior
- 10.5 Rear Yards
- 10.6 Accessory Structures Attached to the Main Building
- 10.7 Fences-Location Height and Density
- 10.8 Fences-Use of Hazardous Materials



10.1 APPLICATION OF REGULATIONS. The regulations herein set forth shall apply to all residential zones and to structures in any other zone used in connection with residential purposes.

10.2 HEIGHT. The maximum height of any accessory structure shall be 8 feet at the lot line. Such maximum height may be increased 1 foot for each 1 foot of distance from the lot line to a maximum height of 15 feet. Roof drainage shall be accommodated within the confines of the property.

10.3 FRONT YARDS AND YARDS ADJACENT TO STREETS. Any accessory structure, except fences, which has any portion extending above grade shall observe the yard requirements the same as the main building.

10.4 SIDE YARDS, INTERIOR. Accessory structures not attached to the main building located in an interior side yard shall be set back at least 5 feet from any lot line.

10.5 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 1 foot from the alley.

10.6 ACCESSORY STRUCTURES ATTACHED TO THE MAIN BUILDING. 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 9.5

9.6 , and 9.7 . Accessory structures shall be considered as being attached to the main building when any portion of the accessory structure is located within 4 feet of the main building.

10.7 FENCES-LOCATION HEIGHT AND DENSITY. In any yard adjacent to a street and within 10 feet from 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% open. Fences located in a yard area other than above described may be up to 7 feet in height.

10.8 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.

SECTION 11

OFFSTREET PARKING AND LOADING

- 11.1 New and Existing Facilities  
to Provide Parking and Loading
- 11.2 Reduction of Required Parking Area Prohibited
- 11.3 Location
- 11.4 Joint Use
- 11.5 Offstreet Automobile Parking Requirements
- 11.6 Offstreet Loading Requirements
- 11.7 Parking and Loading Area Development

11.1 NEW AND EXISTING FACILITIES TO PROVIDE PARKING AND LOADING. Offstreet automobile parking areas and offstreet loading areas as hereinafter set forth shall be provided and maintained.

(a) For any new building or structure erected.

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

(c) When the use of the building or structure as set forth in Section 11.5 is changed, which changed use would require additional parking areas and offstreet loading areas under the provisions of this ordinance.

11.2 REDUCTION OF REQUIRED PARKING AREA PROHIBITED. Offstreet parking and loading areas which existed on the effective date of this ordinance shall not be reduced below the required minimum as set forth in this ordinance.

11.3 LOCATION. Offstreet parking and loading areas shall be provided on the same lot with the main building or structure or use except that:

(a) 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;

(b) 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

11.4 JOINT USE. A parking area may be used for a loading area during those times when the parking area is not needed or used.

11.5 OFFSTREET AUTOMOBILE PARKING REQUIREMENTS. Offstreet automobile parking shall be provided as required by Section 11.7 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.) 1, 2 and 3 family dwellings	1 space per dwelling unit
(2.) Multi-family dwellings, 4 or more units located on the same lot.	1½ spaces per dwelling unit
(3.) Hotel, motel, and boarding houses	1 space per guest room plus 1 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	1 space per 2 beds plus 1 space per 2 employees
(6.) Churches, auditorium, stadium, theater	1 space per 4 seats or every 8 feet of bench length

- (7.) Elementary or junior high school 2 spaces per classroom plus offstreet loading and unloading facility
- (8.) High school 1 space per classroom, plus 1 space per employee, plus 1 space for each 10 students, plus offstreet student loading and unloading facility
- (9.) Bowling alley, skating rink, community center 1 space per 100 sq. ft. of gross floor area, plus 1 space per 2 employees
- (10.) Retail store, except as provided in Paragraph 11 1 space per 400 sq. ft. of gross floor area plus one space per 2 employees
- (11.) Service or repair shop, retail store handling exclusively bulky merchandise such as automobile and furniture 1 space per 600 sq. ft. of gross floor area plus one space per 2 employees
- (12.) Bank; office buildings (except medical and dental) 1 space per 600 sq. ft. of gross floor area, plus 1 space per 2 employees
- (13.) Medical and dental clinic 1 space per 300 sq. ft. of gross floor area, plus 1 space per 2 employees
- (14.) Eating or drinking establishment 1 space per 4 seats or every 8' of bench length
- (15.) Storage Warehouse; manufacturing establishment;
- 0-49,999 sq. ft. of floor area:  
1 space per 5,000 sq. ft. or 1 space per employee, whichever is greater.
- 50,000-99,999 sq. ft. of floor area  
1 space per 10,000 sq. ft. or 1 space per employee, whichever is greater.
- 100,000 sq. ft. and over of floor area  
1 space per 15,000 sq. ft. or 1 space per employee, whichever is greater.

(16.) Wholesale establishment

1 space per employee or 1,000 sq. ft. of gross floor area whichever is greater, plus 1 space per 700 sq. ft. of patron-serving area.

(17.) Municipal and Governmental Buildings

1 space per 600 sq. ft. of gross floor area, plus 1 space per 2 employees

Note: 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.

11.6 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 Section 15.

(a) 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:

(1) For buildings containing up to 2,000 square feet gross floor area, 1 space; for each additional 40,000 square feet of gross floor area, or any portion thereof, 1 space.

(b) 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:

(1) For buildings containing up to 2,000 square feet of gross floor area, 1 space; for each additional 40,000 square feet of gross floor area, or any portion thereof, 1 space.

11.7 PARKING AND LOADING AREA DEVELOPMENT REQUIREMENTS. All parking and loading areas except those for single family dwellings shall be developed and maintained as follows:

(a) 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.

(b) 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.

(c) Size of parking spaces and driveways: The following standards shall apply to all parking areas and driveways:

(1) One-way drives shall have a minimum improved width of at least 12 feet, exclusive of parking spaces;

(2) Two-way drives shall have a minimum improved width of at least 20 feet, exclusive of parking spaces.

(3) The minimum width of any parking space shall be 9 feet, exclusive of driveways;

(4) The minimum length of any parking space shall be 20 feet, exclusive of driveways.

(d) 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 of at least 4 feet in height but not more than 7 feet in height, except along an alley.

(e) 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 use and shall not cast a glare or reflection onto moving vehicles on public right-of-way.

SECTION 12

NONCONFORMING BUILDINGS  
AND USES

- 12.1 Nonconforming Use of a Building
- 12.2 Cessation of Nonconforming Use
- 12.3 Repair to Nonconforming Structures
- 12.4 Destruction of Nonconforming Structures
- 12.5 Enlargement, Extension or Expansion of Nonconforming  
Buildings
- 12.6 Conditional Uses are not Nonconforming Uses

12.1 NONCONFORMING USE OF BUILDINGS AND LAND. The lawful use of a building or land existing on the effective date of this ordinance may be continued although such does not conform to the regulations specified for the zone in which the land or building is located.

12.2 CESSATION OF NONCONFORMING USE OF BUILDING AND LAND. If the actual operation of a nonconforming use of a building or land ceases for a period of 6 months, such building and/or land shall be subject to all the regulations specified by this ordinance for the zone in which such building or land is located.

12.3 REPAIR TO NONCONFORMING STRUCTURES. 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.

12.4 DESTRUCTION OF NONCONFORMING BUILDINGS. In case any lawful nonconforming building is damaged or destroyed by fire, explosion, an act of God, or an act of a public enemy or by any other cause, to the extent that the total deterioration exceeds 60% of the cost of replacement of the building, using new materials, the land and building shall be subject to all the regulations specified by this ordinance for the zone in which such land and building are located.

12.5 ENLARGEMENT, EXTENSION, OR EXPANSION OF NONCONFORMING BUILDINGS. 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.

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 Stayton Planning Commission is required as set forth in Section 15 for variances.

12.6 CONDITIONAL USES ARE NOT NONCONFORMING 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 with such conditions as the planning commission has required.



SECTION 13

ADMINISTRATIVE PROCEDURES

- 13.1 Application
- 13.2 Hearings Before the Planning Commission
- 13.3 Hearings Before the City Council
- 13.4 Notice of Public Hearing
- 13.5 Appeals

All application for zone changes, variances, and conditional uses shall be subject to the following conditions:

13.1 APPLICATION. Any application for a zone change, variance, or conditional use shall be filed in the following manner:

- a. The application shall be in writing on forms provided by the city recorder.
- b. The application shall be filed with the city recorder at least 30 days prior to the public hearing.
- c. The application shall be accompanied with a filing fee of \$25.00.

13.2 HEARINGS BEFORE THE PLANNING COMMISSION. Upon receiving the application, the city recorder shall schedule a public hearing before the planning commission and give notice of such public hearing as set forth in Section 13.4.

The planning commission shall render its decision on an application after the conclusion of a hearing. The commission's decision shall then be forwarded to the city council in the form of a recommendation.

13.3 HEARINGS BEFORE THE CITY COUNCIL. At such time as the city council receives the planning commission's recommendations, the city council if it desires, may hold a public hearing before making a final decision, or upon its own motion may render a final decision upon the request without the holding of a public hearing. The city recorder shall then mail a notice of the decision to the petitioner at the address set forth in the application.

13.4 NOTICE OF PUBLIC HEARING. Upon the fixing of the time of public hearing on all matters before the planning commission or city council, the notice shall set forth the time and place of the hearing, the nature of the request, and a brief description of the property involved.

Notices of public hearing shall be mailed to each property owner within the affected area at least 10 days prior to the date of the hearing. Failure to receive such notice shall not affect the validity of the proceedings.

13.5 APPEALS. Appeal of any action taken by the city council may be filed by any person, firm, corporation, or political subdivision of the State of Oregon. Appeals may only be filed in those cases where the city council has not already held a public hearing.

An appeal must be filed with the city recorder within 10 days from the date of mailing the notice of decision.

SECTION 14

ZONE CHANGE PROCEDURE

- 14.1 Zone Change
- 14.2 Initiation of Zone Change
- 14.3 Final Action By The City Council
- 14.4 Effective Date of Zone Change
- 14.5 Appeals

14.1 ZONE CHANGE. A zone change is a reclassification of any 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 a resolution passed by the city council, after proceedings have been accomplished in accordance with the following provisions.

14.2 INITIATION OF ZONE CHANGE. A zone change may be initiated in any one of the following manners:

(a) A zone change may be initiated by resolution by the city council.

(b) A zone change may be initiated by resolution by the planning commission. After the public hearing, the planning commission shall refer its recommendation to the city council.

(c) A zone change may be initiated by petition by property owners or by persons purchasing property under contract.

14.3 FINAL ACTION BY THE CITY COUNCIL. Any zone change or reclassification of property shall be by ordinance which shall be passed by the governing body. Any denial of a proposed zone change may be by motion. 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.

14.4 EFFECTIVE DATE OF ZONE CHANGE. If no public hearing is held by the city council, the zone change shall be effective 10 days after the mailing of the notice of decision; however, if a public hearing is held by the city council, the zone change shall be effective following the final action taken by the city council.

14.5 APPEALS. See Section 13.5.

SECTION 15

VARIANCES

- 15.1 Power to Grant Variances
- 15.2 Conditions for Granting a Variance
- 15.3 Limiting Variances
- 15.4 Variance Right Must be Exercised to be Effective
- 15.5 Effective Date of Variance
- 15.6 Appeals

15.1 POWER TO GRANT VARIANCES. Subject to the restriction and provisions contained in this ordinance, the planning commission shall have the power to vary or modify the strict application of any of the regulations or provisions of this ordinance in any case where such strict application would result in practical difficulties or unnecessary hardships with reference to requirements governing: lot area, lot width, percentage of lot coverage and number of dwelling units or structures permitted on a lot, height of structures, location, yards, signs, parking and loading space, and vision clearance.

The power provided herein to the planning commission to grant variances from the strict application of the provisions of this ordinance shall be used sparingly, within the limits granted the planning commission, within the spirit and intent of this ordinance, and applied reasonably to maintain and not abolish the distinctive classifications created by this ordinance.

15.2 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:

(a) That there are unnecessary, unreasonable hardships or practical difficulties which can be relieved only by modifying the literal requirements of the ordinance;

(b) That 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, nonconforming land, uses, or structures in the vicinity shall not in themselves constitute such circumstances or conditions;

(c) That 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;

(d) That such variance is necessary for the preservation and enjoyment of the substantial property rights of the petitioner;

(e) That 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;

(f) That granting of the application will be in general harmony with the intent and purpose of this ordinance and will not adversely affect any officially adopted comprehensive plan; and

(g) That 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.

15.3 LIMITING VARIANCES. The planning commission may impose such limitations, conditions and safeguards as it may deem appropriate so that the spirit of this ordinance will be

observed, public safety and welfare secured, and substantial justice be done. The planning commission may limit the time or duration of a variance. If the variance is granted, the applicant will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval by the planning commission. A violation of any such condition or limitation shall constitute a violation of this ordinance.

15.4 VARIANCE RIGHT MUST BE EXERCISED TO BE EFFECTIVE. Variances granted under this ordinance shall be effective only when the exercise of the right granted thereunder shall be commenced within 6 months from the effective date of that variance, unless a longer period be specified or thereafter allowed by the planning commission. In case such right has not been exercised, or extension obtained, the variance shall be void. A written request for an extension of time filed with the recorder at least 30 days prior to the expiration date shall extend the running of the 6-month period until the planning commission has acted on said request.

15.5 EFFECTIVE DATE OF VARIANCE. If no public hearing is held by the city council, the variance shall be effective 10 days after the mailing of the notice of decision; however, if a public hearing is held by the city council, the variance shall be effective following the final action taken by the city council.

15.6 APPEALS. See Section 13.5.

SECTION 16

CONDITIONAL USES

- 16.1 General Concept
- 16.2 Power to Hear and Decide Conditional Uses
- 16.3 Conditional Use and Concurrent Variances
- 16.4 Conditions
- 16.5 Effective Date of Conditional Use
- 16.6 Appeals



16.1 GENERAL CONCEPT. 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 conditional use, 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 ensure that the use will be in consonance with the purpose and intent of the zone.

16.2 POWER TO HEAR AND DECIDE CONDITIONAL USES. The planning commission shall hear and decide only those applications for conditional uses, their expansion or alteration, which are listed in this ordinance. The planning commission shall decide whether or not the conditional use may be placed in the zone and may impose the conditions listed below, subject to the restrictions and provisions of this ordinance.

16.3 CONDITIONAL USE AND CONCURRENT 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.

16.4 CONDITIONS. The planning commission may prescribe restrictions or limitations for the proposed conditional use. Any reduction or change of the requirements of the ordinance must be considered as varying the ordinance and must be requested and viewed as such. The planning commission shall impose conditions only after it has determined that such conditions are necessary for the public health, safety or general welfare, or to protect persons working or residing in the area, or the protection of property or improvements in the area. The planning commission may prescribe such conditions it deems necessary to fulfill the purpose and intent of this ordinance.

16.5 EFFECTIVE DATE OF CONDITIONAL USE. If no public hearing is held by the city 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 city council the conditional use shall be effective following the final action taken by the city council.

16.6 APPEALS. See Section 13.5

SECTION 17

SPECIFIC CONDITIONAL USES

- 17.1 Duplex on a corner lot
- 17.2 Conditional Home Occupations
- 17.3 Boat, Camper and Trailer Storage Area
- 17.4 Mobile Home Park

17.1 DUPLEX ON A CORNER LOT, provided:

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

17.2 CONDITIONAL HOME OCCUPATIONS, provided:

- (a) 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;
- (b) 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;
- (c) The business or activity shall be conducted wholly within the home or within a small (not greater than  $\frac{1}{2}$  the floor area of the house) accessory building, residential in appearance;
- (d) No noise, dust or any other offensive action or material be emitted from the premises;
- (e) No storage of materials, products, or supplies be conducted outside of the building;
- (f) There be sufficient room to load and unload materials, supplies, and products on the premises.

17.3 BOAT, CAMPER AND TRAILER STORAGE AREA OR LOT, provided:

- (a) 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;
- (b) 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;
- (c) That an ornamental sight-obscuring fence, or wall, having a height of at least 6', or a compact evergreen hedge not less than 3' in height when planted and capable of reaching at least 6' within 3 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;

(d) That the lot be paved in conformity with Section 11.7 with an oiled mat or gravelled and maintained in a manner so that dust shall be reasonably controlled;

(e) That lighting shall be so oriented to not shine or reflect upon abutting properties nor into the travelling lanes of any street in such a manner so as to constitute a nuisance;

(f) That any building used in conjunction with the storage lot shall conform to all yard setbacks as for the main buildings in an RS zone, and said building shall be architecturally designed and constructed of materials compatible with the residential development of the subdivision or neighborhood

17.4 MOBILE HOME PARKS. Mobile Home Parks may be permitted in an RS, RM, RC and CG zone as a conditional use, subject to the conditions and provisions as herein set forth. The Planning Commission or the Council may prescribe such additional conditions for mobile home parks as the particular circumstances may require for the protection of the health, safety and welfare of the residents in the vicinity of the development consistent with the intent and provisions of this ordinance.

A. APPLICATION PROCEDURE. Any person wishing to establish, enlarge or alter a mobile home park shall file written application therefor with the Planning Commission setting forth the description of the property, a layout or plot plan, a statement indicating how the requirements of Section B of this ordinance will be met, a list of all property owners and addresses located within 100 feet of the proposed park, and any other information requested by the Commission. A fee of \$25.00 shall be paid upon filing said application. The Commission shall consider the application and refer the matter to the Council with its approval, disapproval or comments attached. The Council shall thereupon call a public hearing on the application, giving at least ten days notice thereof by one publication in a newspaper and by mailing notice thereof to the property owners listed on the application, and shall thereafter approve, deny or amend the application or attach such conditions thereto as it may see fit.

B. GENERAL DEVELOPMENT STANDARDS. Unless otherwise approved, the following development standards shall apply to all mobile home parks:

1. DENSITY. The maximum density of a mobile home park shall not exceed six (6) units per gross acre.
2. MINIMUM AREA. The minimum area to be contained on a mobile space by a mobile home and its accessory structures shall be 3,500 square feet when a public sewage system is available. If no public sewage system is available, the minimum area shall be determined by the Health Department.
3. YARDS. Adjacent to any public street, there shall be a yard of at least 20 feet in depth. Adjacent to any property line other than along a street, there shall be a minimum yard of at least 10 feet.

4. DRIVEWAYS. All driveways shall be paved with an asphaltic material or concrete and shall be a minimum of 20 feet in width. In addition, if parking is to be permitted along the driveway, a minimum width of 30 feet is required. All driveways shall be adequately designed as to permit safe, easy access by emergency vehicles.
5. PARKING. One (1) space per mobile home space plus one (1) guest space per mobile home space.
6. ACCESSORY BUILDINGS. Accessory buildings shall not be placed closer than 5 feet to any property line. Accessory buildings which are placed on a mobile home space shall be sited in a manner so as not to hinder or restrict access to the side and rear yard areas adjacent to the mobile home.
7. WALKS. Provisions shall be made for a walk from each mobile home to each driveway. All walks must be hard-surfaced, well-drained and not less than 30 inches in width. All walks adjacent to driveways and thoroughfares shall be curblinewalks.
8. LIGHTING. Common driveways and walkways must be adequately lighted.
9. OPEN SPACE. A minimum of at least 5,000 square feet per 25 mobile home spaces or portion thereof shall be provided for a recreational play area group or community activities. The planning commission may require this area to be protected from streets, parking areas, or the like, by a fence or the equivalent, at least 30 inches in height. Unless otherwise approved, no required open space area shall contain less than 5,000 square feet.
10. FENCES. The planning commission may require that an ornamental fence, wall, or hedge be established and maintained between the mobile home park and adjacent properties.
11. SIGNS. All signs shall be approved by the planning commission.
12. PATIO. Each mobile home space shall have a slab or patio of concrete, asphalt or flagstone or similar substance not less than 20 feet in length and 10 feet in width adjacent to each mobile home parking site.
13. MINIMUM WIDTH. No mobile home space shall be less than 30 feet in width at its driveway frontage.
14. BOUNDARIES OF SPACE. The boundaries of each mobile home space shall be clearly marked by a fence, landscaping or by permanent markers.

15. WATER, SEWER AND SURFACE DRAINAGE. Adequate provisions shall be made for an ample supply of safe and potable water, and adequate provisions shall be made for sewage disposal and surface drainage and plans for such must have prior approval of the Health Department, Public Works Superintendent and the City Engineer before a mobile home park is approved by the planning commission. All mobile home spaces shall have individual water meters. All meters, sewer and water lines shall be inspected while being installed and the installation shall meet normal city standards.
16. MOBILE HOME SPACE COVERAGE. Not more than 45% of a mobile home space may be occupied by a mobile home and its accessory structures, whether or not it is attached to the mobile home.
17. STORAGE AREA. A storage space in a building have a gross floor area of at least 60 square feet shall be constructed and completed prior to occupancy of the mobile home for storing the outdoor equipment and accessories necessary to residential living.
18. APPEARANCE. The mobile home spaces shall be maintained in a neat and clean condition at all times. there shall be no refuse or stray materials, debris, trash or other unsightly things left outside of a building or mobile home.
19. SKIRTING. All mobile homes shall have skirting around the exterior of the mobile home or they may be situated upon a continuous foundation meeting the approval of the city building code.
20. UTILITIES. All utility services shall be underground. The applicant shall furnish the city with proper easements for reading the meters and for inspecting water and sewer lines. All meters and water and sewer lines shall be maintained by the park owner to city standards.

C. SITING REQUIREMENTS. The minimum distance between a mobile home and

1. any other mobile home shall be 15 feet.
2. any building or accessory structure on an adjacent space shall be 10 feet.
3. any property line (excluding mobile home space boundaries) shall be 10 feet.
4. any public street shall be 20 feet.
5. any common driveway or common walk (excluding those in a mobile home space) shall be 5 feet.

D. ADDITIONS TO MOBILE HOMES. Carports, cabanas, ramadas, awning and all other structures, whether defined herein or not, which are situated upon a mobile home space and are attached to the mobile home, shall conform to the requirements of the City Building Code. Such additions and structures shall be considered as a portion of the mobile home for determining the extent of lot coverage, setback lines, and all other requirements for mobile homes, as if such additions and structures were a part of such mobile home.

E. OPTIONAL SITING. In lieu of the minimum requirements set forth in Section C, the developer may show how the mobile home and any accessory structure will be located on any or all sites that do not conform to such requirements, except the required lot area shall not be diminished. The optional sitings may include locating the mobile homes and structures on mobile home space boundary lines, and mobile homes and accessory structures may be attached under this provision. When the planning commission has approved the siting plans, such plans shall be the basis on which the permits for the mobile homes and accessory structures will be issued. Optional sitings will be shown on the plan which is to be used as the basis for the public hearing.

F. PARKING OF MOBILE HOMES. Mobile home parks in an RS, RM, RC and CG zone may accommodate only mobile homes and not vacation trailers except for storage. A mobile home shall not remain overnight in a mobile home park unless it is parked in a mobile home space or in an area specifically designated for such use. Not more than one mobile home or travel trailer will be parked at one time in a mobile home space.

G. EXPANSION OR ALTERATION OF MOBILE HOME PARKS. Existing mobile home parks may be expanded or altered after approval is obtained from the planning commission. The application, filed by the owner or other party in interest, will be filed and processed in the same manner as an application for a new mobile home park. The planning commission, in granting permission for expansion of any existing park, may require that those portions of the existing park which do not meet the minimum standards be brought to these minimum standards. The planning commission may attach such conditions to the granting of permission to expand the mobile home park as will satisfy the planning commission, in its judgment, that the existing park will meet the established standards.

H. BUILDING CODE AND BUILDING PERMITS. All structures within a mobile home park shall comply with the provisions of the City Building Code. Building permits shall be obtained prior to construction of any portion of the mobile home park facilities.

I. VARYING REQUIREMENTS. The planning commission and Council may vary one or more of the requirements of Section B of this ordinance upon application being filed pursuant to Section A hereof. However, when such variance is requested at the same time as the application for the park is filed, such variance request may be processed concurrently with the application and will not require an additional filing fee, separate public hearing, or separate notice of public hearing. No waiver may be made for any provision required by ORS Chapter 446 or other state laws.



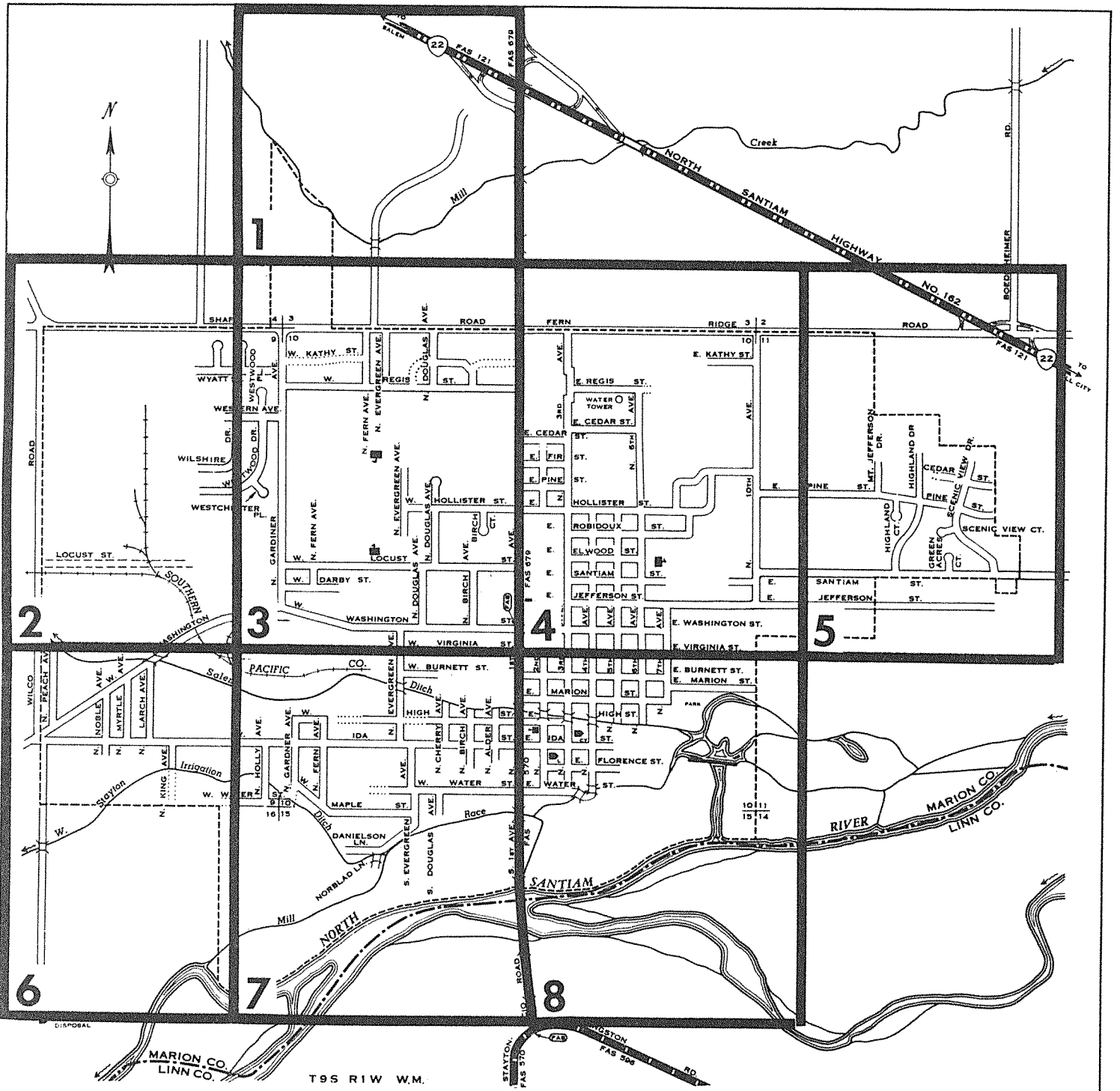
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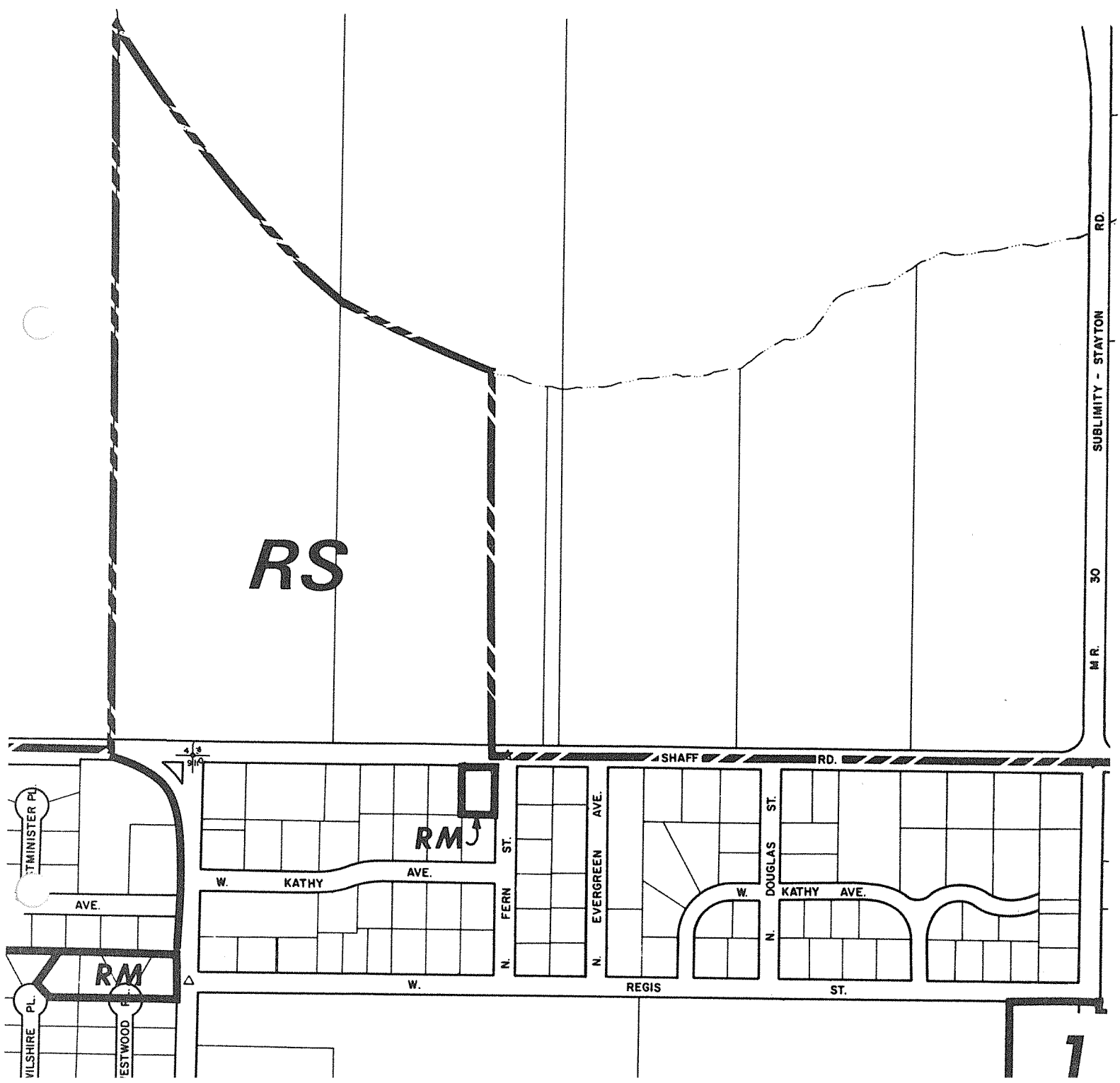






# STAYTON

## INDEX TO MAPS



**RS**

**RMJ**

**RM**

VILSHIRE PL.  
MINISTER PL.  
ESTWOOD PL.

AVE.

W. KATHY AVE.

N. FERN ST.

N. EVERGREEN AVE.

N. DOUGLAS ST.

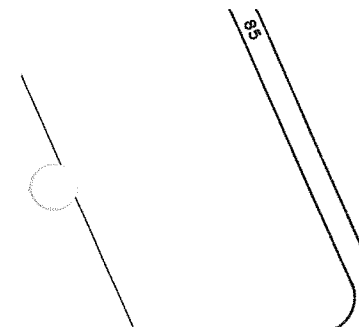
W. KATHY AVE.

REGIS

ST.

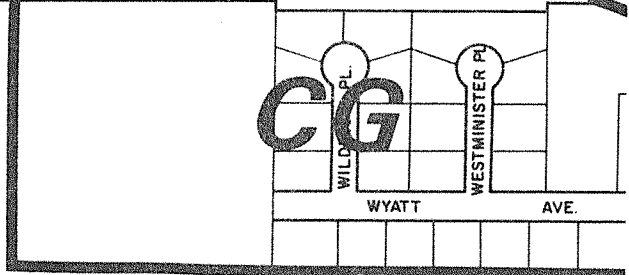
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M.R. 30  
SUBLIMITY - STAYTON RD.

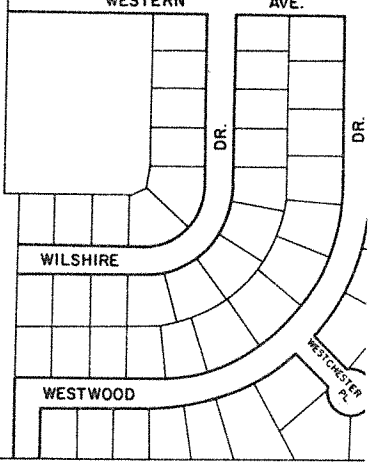
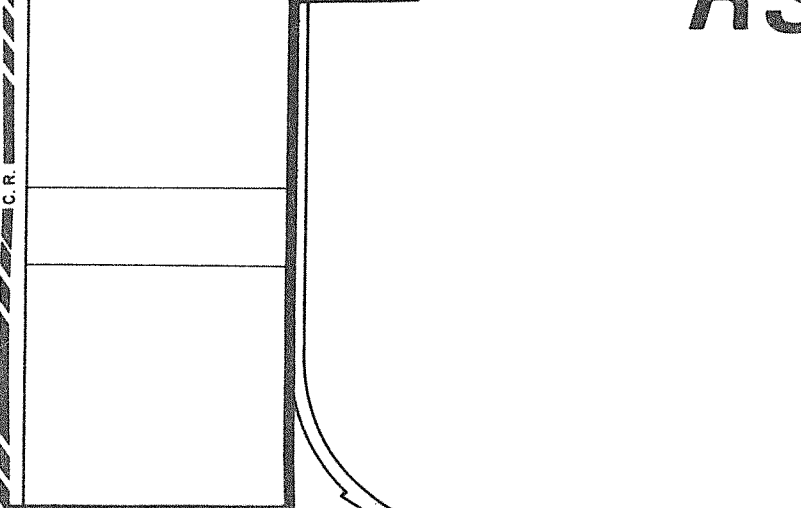
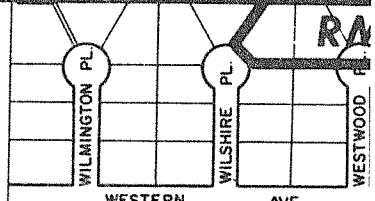


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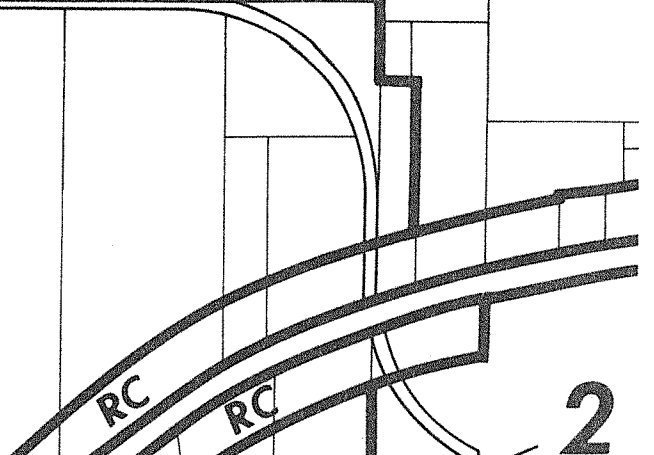
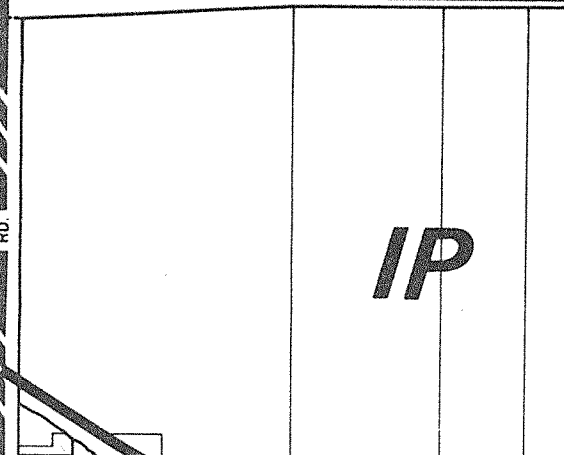
**CG**



**IP**



W. LOCUST ST.



C. R. NO. 969

1

2

RS

M.R. 30

SHAFF RD.

RM

W. KATHY AVE.

N. FERN ST.

N. EVERGREEN AVE.

N. DOUGLAS ST.

RM

W. REGIS ST.

REGIS ST.

W. KATHY AVE.

RS

IC

IP

E. ST. PINI

FIRST ST.

IC

W. HOLLISTER ST.

N. LANEDA ST.

N. DOUGLAS ST.

W. LOCUST ST.

RS

W. DARBY ST.

RC

IP

N. DOUGLAS ST.

N. BIRCH AVE.

W. WASHINGTON ST.

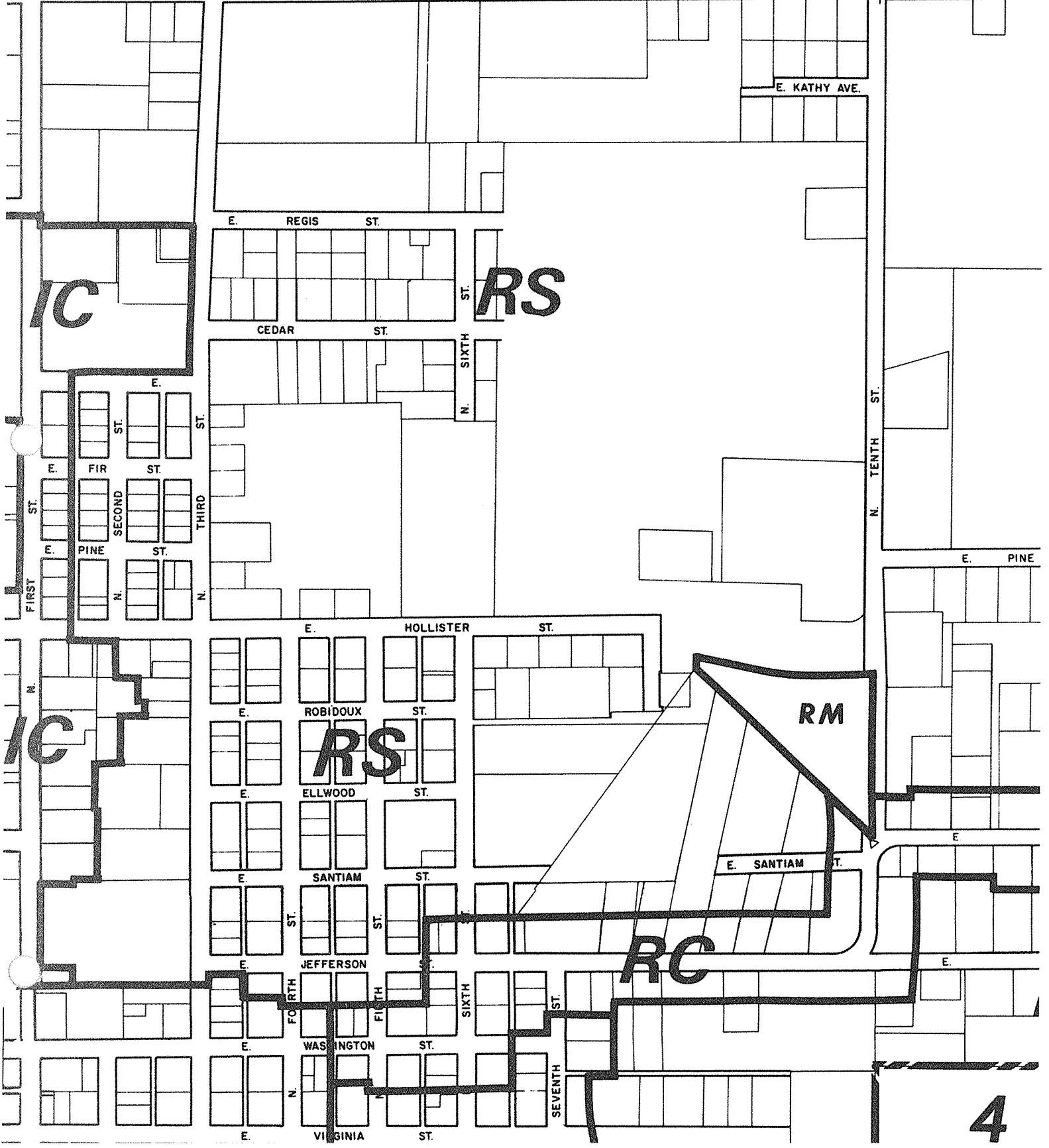
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IP

3

W. VIRGINIA ST.

FERN RIDGE RD. FERN



**IC**

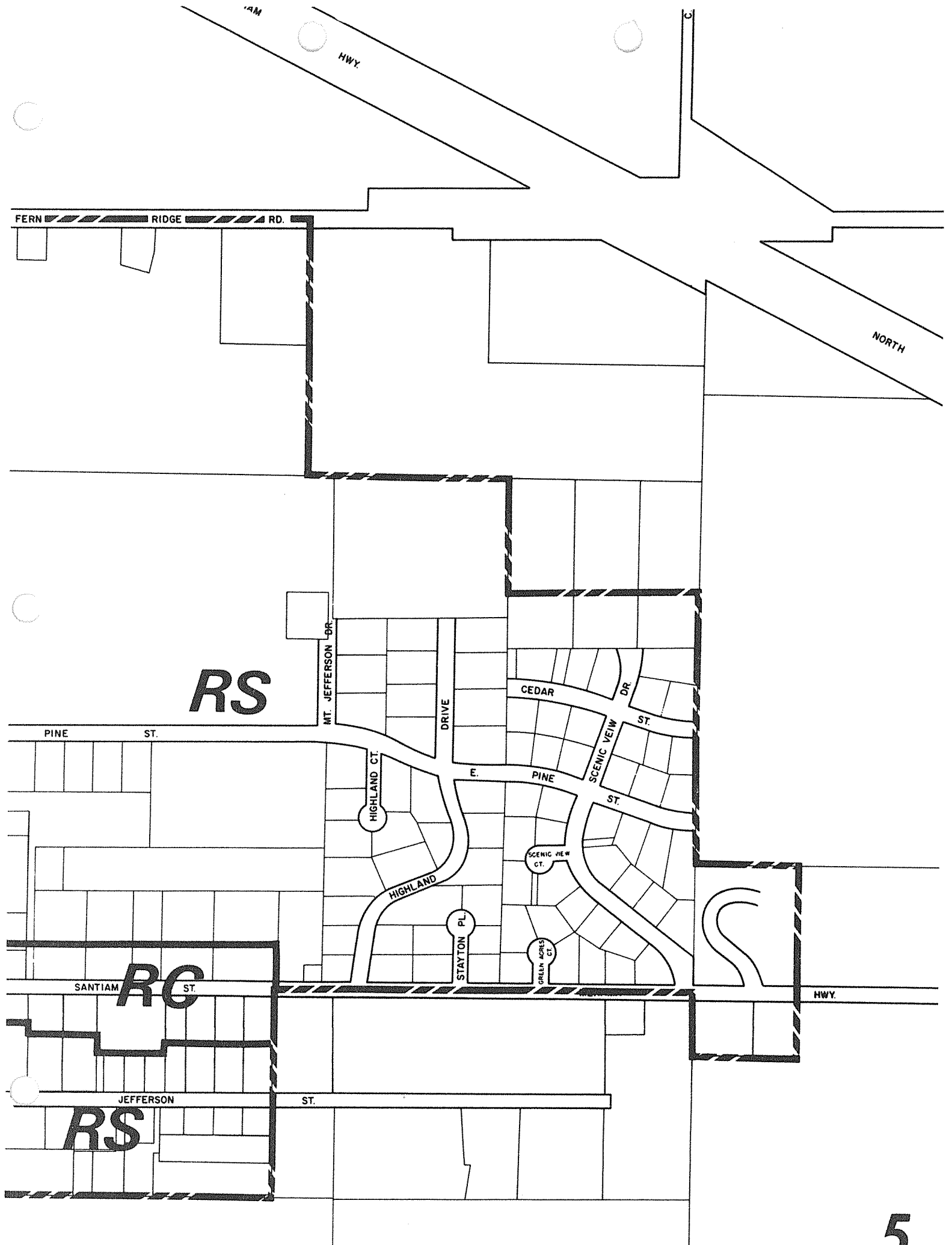
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**IC**

**RS**

**RM**

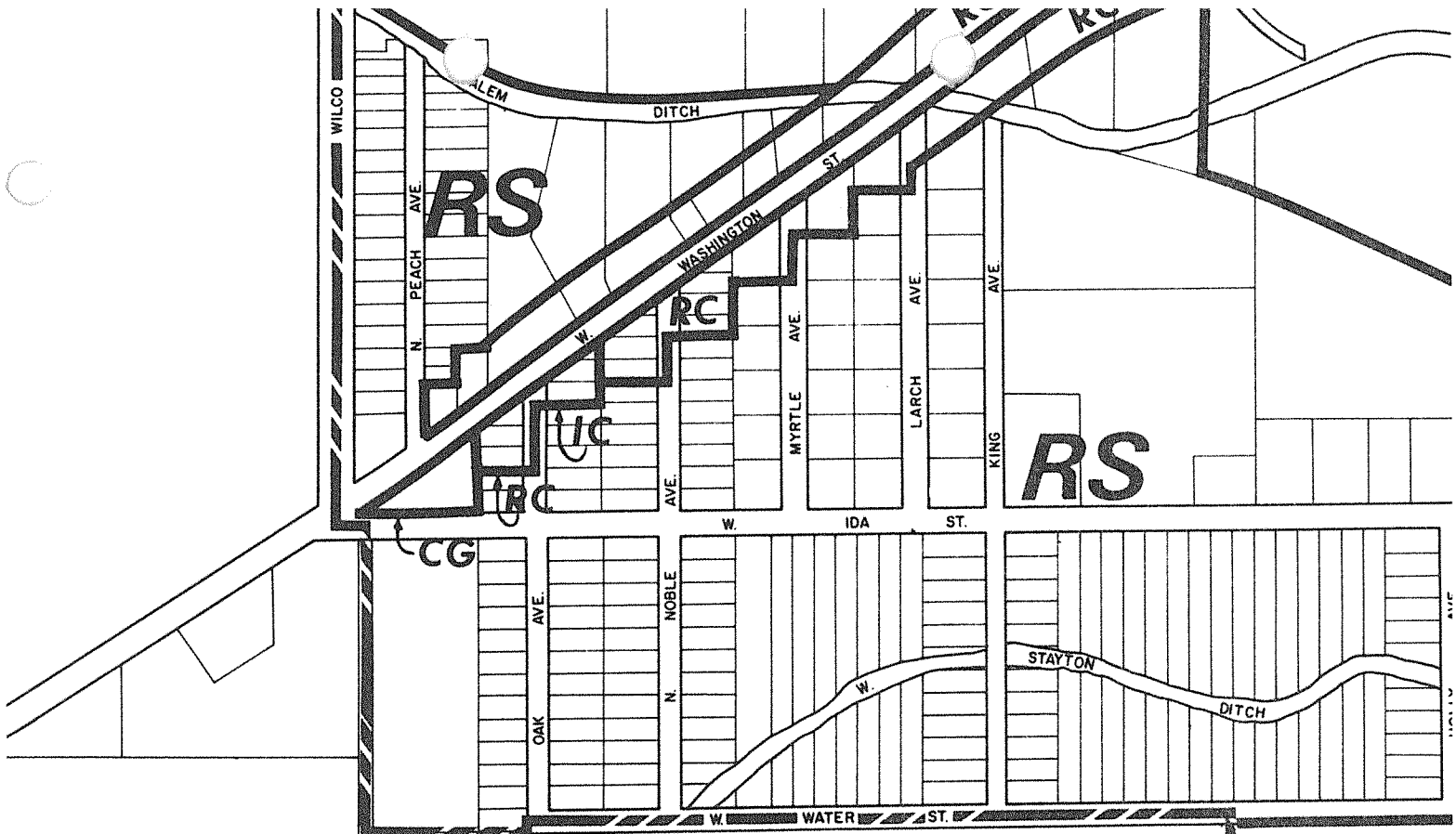
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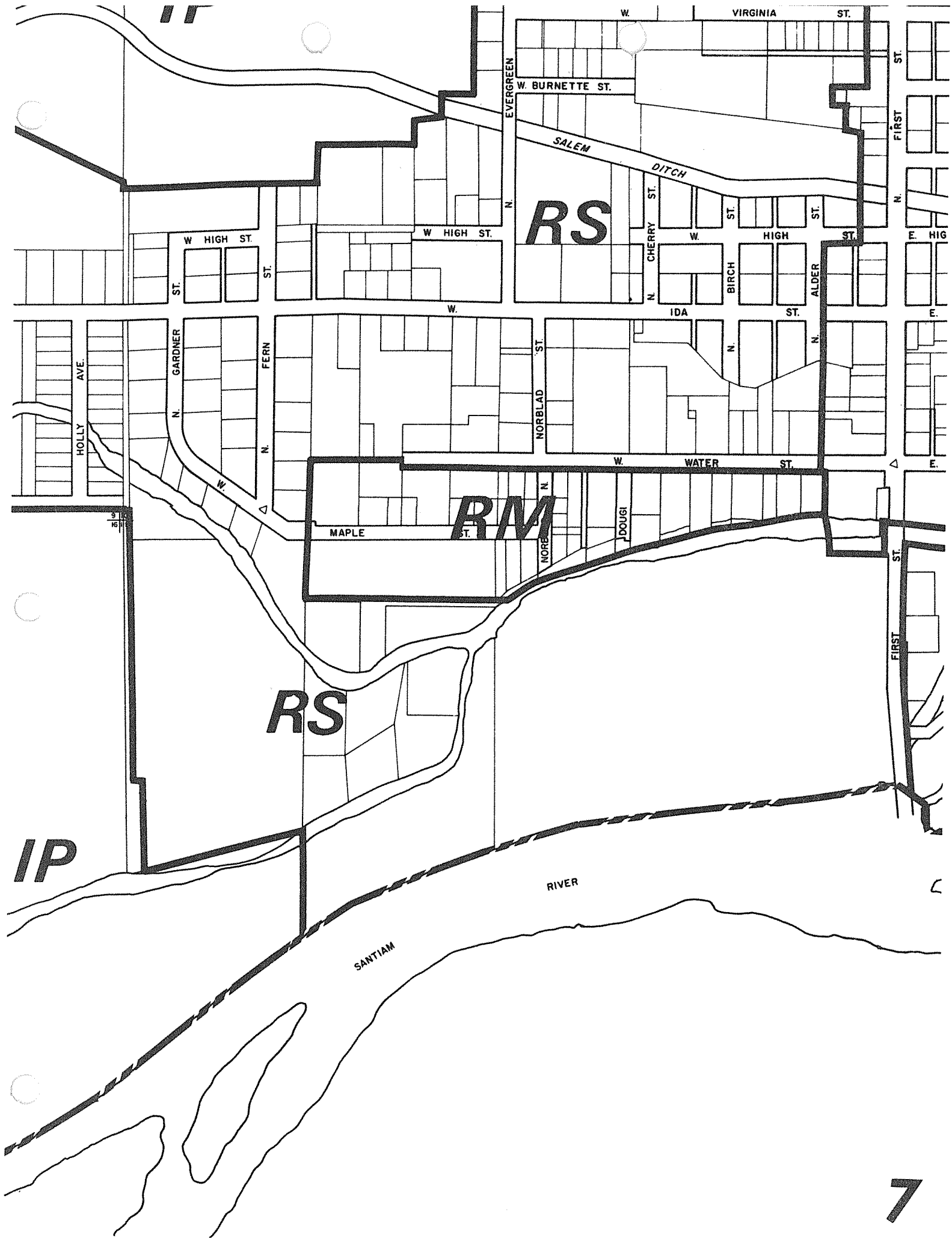
**RS**

**RC**

**RS**



**IP**



11

**RS**

**RM**

**RS**

**IP**



